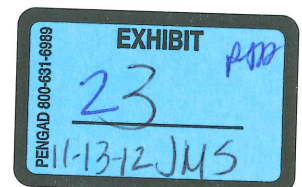


**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

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

1. NAME: Mr. John Reaves McLeod  
BUSINESS ADDRESS: 111 E. Washington Street  
Walterboro, SC 29488  
TELEPHONE NUMBER: (office): 843-549-2516
2. Date and Place of Birth: 1973; Charleston, SC
3. Are you a citizen of SC? yes  
Have you been a resident of this state for at least the immediate past five years? Yes
5. Family Status: Married on May 5, 2012, to Danielle Whitacre McLeod; never divorced; one child.
6. Have you served in the military? No
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
  - (a) Wofford College- 1991-95; BA- Government & History;
  - (b) Georgetown University- 1997-98; Paralegal Certificate;
  - (c) USC School of Law- 1999-2002; JD;
  - (d) Georgetown University School of Law- Summer School-1999;
  - (e) The National Judicial College; Reno, NV- June 2009- Certificate;
  - (f) Special Courts Jurisdiction; Advanced.
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, 2002
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.
  - (a) Wofford College-  
Who's Who in American Colleges and Universities; 1994-95  
SC Student Legislature, Delegate; 1994-95  
Interfraternity Council; 1993-95, President; 1994-95
  - (b) USC School of Law-  
Phi Delta Phi  
Student Government; Facilities Committee, Chairman; 2000-01



10. Describe your continuing legal or judicial education during the past five years.
- | <u>Conference/CLE Name</u>                            | <u>Date(s)</u> |
|---|----------------|
| (a) Harassment & Stalking; Intimate Partner Terrorism | 06/08/2012;    |
| (b) SC Bar Convention- Law Firm Management            | 01/21/2012;    |
| (c) SC Bar Convention- Criminal Law Section-II        | 01/21/2012;    |
| (d) SC Bar Convention- Dispute Resolution Section     | 01/19/2012;    |
| (e) Summary Court Judges Fall Program                 | 11/04/2011;    |
| (f) Domestic Violence and the Criminal                | 04/19/2011;    |
| (g) Magistrates Mandatory School                      | 11/05/2010;    |
| (h) 2010 SC Association for Justice Annual Convention | 08/05-07/10;   |
| (i) SC Bar Convention; Criminal Law Update            | 01/22/10;      |
| (j) SC Bar Convention; ADR                            | 01/21/10;      |
| (k) SC Bar Convention; Torts and Insurance Sections   | 01/23/10;      |
| (l) Sporting Clays; Ethics with Judges                | 04/29/10;      |
| (m) 2009 SC Association for Justice Annual Convention | 08/06-09/09;   |
| (n) Magistrates Mandatory School                      | 10/30/09;      |
| (o) Sporting Clays; Ethics with Judges                | 10/22/09;      |
| (p) Special Courts Jurisdiction; Advanced             | 06/08-18/2009; |
| (q) Hot Topic;s in Tax & Estate Planning              | 01/24/09;      |
| (r) 7 <sup>th</sup> Annual Civil Law Update           | 01/23/09;      |
| (s) Magistrates Mandatory School                      | 11/07/08;      |
| (t) 2008 SCTLA Annual Convention                      | 08/07-10/08.   |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? No
12. List all published books and articles you have written and give citations and the dates of publication for each. N/A
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
- (a) Admitted to practice before the State Courts of SC on November 18, 2002;
- (b) Admitted to practice before the SC Federal District Court on August 12, 2004.
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.
- August 2002 – August 2003; Law Clerk for SC Circuit Court Judge Jackson V. Gregory. Duties- research and scheduling for the Judge.
- August 2003 – Present; Attorney, McLeod, Fraser, and Cone. Duties- general practice, civil, criminal, insurance defense, tort, wills, trust, estates.

August 2003 – August 2007; Prosecutor of the City of Walterboro. Duties- prosecuted all criminal trials for the City of Walterboro, prepared and interviewed officers, prepared and interviewed victims and witnesses.

August 2007 – Present; Magistrate for Colleton County. Duties- preside over jury and bench trials, preside over hearings for motions, evictions, claim and deliveries, traffic court, preliminary hearings, bond court, issue arrest and search warrants. Until the office was consolidated, presided over the Green Pond, SC office to which I was assigned. Recommended to Gov. by Senator Clementa Pinckney and Colleton County Senate Delegation, Appointed by Gov. Mark Sanford, Confirmed by the SC Senate.

- 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.

After completing the bar exam, I was hired to serve as a Law Clerk for Jackson V. Gregory, Circuit Court Judge for the 14<sup>th</sup> Judicial Circuit. During my year of service with Judge Gregory, I conducted research for all stages of litigation that was coming before Judge Gregory. Such research was done for summary judgment motions, motions to change venues, motions to dismiss, and all other types of pre-trial motions. Also research was conducted on trial rulings, jury charges, and post-trial motions such as Judgments Notwithstanding the Verdict, Motions for New Trials, and Motions to Alter and Amend. In addition, research and composition was performed on rulings and orders that were to be issued by Judge Gregory. I was present at all the motion and non-jury terms of court as well as the General Sessions and Common Pleas terms of Court through out the entire year, which obviously subjected me to many entire trials, many more than a practicing attorney would participate in over several years.

After completing my law clerkship with Judge Gregory, I was hired by McLeod, Fraser, and Cone, primarily as a trial attorney, and subsequently hired by the City of Walterboro to serve as its City Prosecutor. During this time as City Prosecutor, I was responsible for preparing and prosecuting all jury trials involving city charges. I also was called upon to present evidence for the City at preliminary hearings. When I was appointed as City

Prosecutor, the backlog of jury trials in City Court was tremendous. Municipal Court Judge Ray Woodard and I worked at the direction of City Council to reduce the backlog of cases. Although most attorneys did not like the remedy, the day for jury trials was moved to Saturdays, thus limiting the conflicts, which defendants and their attorneys had with schedules and judicial matters in other courts, which took priority over Municipal Court. With cooperation between the Municipal Judge and myself, the backlog of cases was drastically reduced. During my three-year tenure as City Prosecutor, I was, not only handling matters for the City, but also actively engaged in private general practice with McLeod, Fraser, and Cone.

In August 2007, Governor Sanford appointed me as a Colleton County Magistrate. Senators Clementa Pinckney, John Matthews, and Larry Grooms, all of the Colleton County Senate Delegation, recommended my appointment to Governor Sanford. As a Magistrate, I have handled every stage of a criminal proceeding. I have issued arrest warrants and search warrants, issued bonds, held arraignments, and presided over preliminary hearings to decide whether to dismiss the criminal complaint or bind the matter over to the grand jury. Further, I have held bench trials as well as jury trials, with both pro se defendants and defendants represented by counsel. I have heard and ruled on procedural matters, evidentiary matters, and all other issues that are associated with criminal procedure and the protection of the rights of defendant as well as the rights of victims. At the end of each trial where guilt has been established, I, as the Judge, have the duty to decide on the penalty to impose, be it fine or jail time under the appropriate state statutes. I have tried, and always try to render justice to all persons involved. As a Magistrate, from my appointment through June 30, 2012, my service yields the following criminal docket statistics: General Criminal Docket-matters disposed of:

Bench Trials- 723

Jury Trials- 11

DUI Docket-matters disposed of:

Bench Trials-88

Jury Trials- 4

Traffic Docket-matters disposed of:

Bench Trials-6,234

Jury Trials- 10

With respect to the cases assigned to me and disposed of on the Civil Docket (since my appointment date through June 30, 2012), the statistics show:

Civil Docket-

Cases/Matters Resolved- 1,967

via default, settlement, finding for plaintiff, finding for defendant, or dismissal.

Those cases would include both bench trials and jury trials. In addition to the general civil docket cases assigned to me, I am assigned to hear eviction matters. I have disposed of more than 1,589 eviction matters in the time frame from my appointment through June 30, 2012.

Currently, I am assigned to two full days each week of presiding at Magistrate's Court. The other three days of the week are dedicated to performing my duties in my current law practice. Because of my duties as a Magistrate Judge, I do not practice in General Sessions because of the obvious conflict of interest.

Using statistics from July 1, 2008, to June 30, 2009, there were a total of 955,535 cases disposed of by Magistrates like myself in the State of SC. Of that number 133,171 cases were on the criminal docket; 617,505 cases were on the Traffic Docket; 12,486 cases were on the DUI Docket; and 192,373 cases were on the Civil Docket.

For the same time period in the State's General Sessions, cases disposed of numbered 123,315. Out of that number 51% of the cases were ended Nol Pros, 40% were guilty pleas, 1% were trials where guilt was found, and less than 1% were trials where guilt was not found. The total conviction rate was 41% and the total non-conviction rate was 51%. For the same year, the State's Common Pleas Courts had a total of 15,031 jury cases pending; 44,061 non-jury cases pending; and 11,803 Master-in-Equity cases pending. This is a total of 70,895 cases. The SC Court Administration provided the above information via Internet.

My civil litigation experiences, in my private law practice, consist of mostly insurance defense matters. I handle private insurance companies but also handle insurance defense claims for state entities such as the Colleton County School District, Hampton County, the Town of Allendale and Allendale County to name a few. I have had experience in plaintiff tort actions as well.

Two civil matters (that need a special mention) that I have been involved with post verdict were Brewsdorf v. SC DOT and Colleton County and Padgett v. Colleton County. I represented Colleton County in both matters. In the latter, I represented Colleton County solely and in the former, my father, Peden B. McLeod and I represented Colleton County. In both case my client was granted a directed verdict. In the Brewersdorf case, a directed verdict was granted based on the Public Duty Doctrine and that there was no negligence on the part of the county. The Brewersdorf case was appealed to the Court of Appeals. I handled the appeal solely. The Court of Appeals up held the lower court's ruling pertaining to both defendants. The Appellant then asked for a writ of certiorari to the SC Supreme Court on the Court of Appeals' ruling in regards to the SC DOT only and did not ask for a writ of certiorari on the basis on the Court's ruling for my client.

In the Padgett case, the lower court granted a directed verdict to my client on the open and obvious condition of the area in which the plaintiff fell.

The plaintiff appealed the directed verdict and such ruling was overturned. A writ of certiorari was denied and the case was settled prior to a retrial.

Other civil trials held have been as follows:

Fairchild v. SC DOT, Palmer, and Palmer Construction

I represented Defendant Palmer and Palmer Construction. Verdict for Plaintiff, Plaintiff appealed. SCSC reversed and remanded back for re-trial. Currently pending.

Bowers v. Taylor and All Coast Intermodal Services Inc.

I represented Defendants.

Jackson v. Town of Fairfax

I represented Defendant.

Williams v. Patrick

I represented Defendant.

Grant v. Guitierrez

I represented Defendant.

Maxwell v. SC DOT

I represented Defendant

City of Walterboro v. Bennett, et al

I represented Plaintiff

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.? No rating. My law firm rating is "A".
16. What was the frequency of your court appearances during the last five years?
  - (a) federal: 5%;
  - (b) state: 95% (both for my private or prosecutor positions, not magistrate position).
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
  - (a) civil: 65%;
  - (b) criminal: 10%;
  - (c) domestic: 25% (all for my private or prosecutor positions, not magistrate position).
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: 90%;
  - (b) non-jury: 10% (both for my private or prosecutor positions, not magistrate position).

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

19. List five of the most significant litigated matters you have personally handled in either trial or appellate court or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.
  - (a) Jorg Bewersdorf v. SC DOT and Colleton County and Evette Bewersdorf v. SC DOT and Colleton County, 2007-UP-063; Court upheld the

directed verdict granted to my client, Colleton County. The directed verdict was based on the Public Duty doctrine and the fact that there was no actionable negligence on the part of the County. The Court of Appeals upheld the directed verdict granted to my client.

- (b) Padgett v. Colleton County Opinion #4542,2009 WL1313240(S.C.App.) Court reversed lower court's directed verdict for the County. A writ of certiorari was denied and the case settle prior to a retrial.
  - (c) Carla Jackson v. Town of Fairfax, 2007-CP-03-114. Jury awarded plaintiff \$250,000.00 in a case in which the plaintiff only had \$2,500.00 in medical damages. The court did not agree with my argument the amount of the verdict was excessive and after researching the law, found that an appeal would have been fruitless.
  - (d) City of Walterboro v. Leon Bennett d/b/a B & B Recreation Center. Case no. 01-CP-15-85. Case involved the City's attempts to have the Recreation Center shut down as a public nuisance due to the numerous criminal matters that originated from and around the Center, including but not limited to drugs and violence. The Center was blight on the community in which it was situated and most if not all the criminal matters were committed by those visiting the Center and not from the people that lived in the neighborhood. It was testified to that the police station responds to over fifty calls weekly to the Center. After two to three days in trial, the matter was settled out of court with the City taking control of the property on which the Center was located as well as some surrounding property. It is significant because, even today, the community have virtually been rid of the criminal element that was brought in by the Center. The police now receive a essentially no calls from the community.
  - (e) Felicia Maxwell v. SC Department of Transportation, 2001-CP-15-287. In a wreck case, the jury found for the Plaintiff but found the Plaintiff more negligent than the SC DOT. The Plaintiff had over \$150,000.00 in medical expenses. A jury issue was appealed by the Plaintiff, but such appeal did not succeed. The SC DOT was my firm's client.
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) (Bewersdorf v. SC DOT and Colleton County, 2007-UP-063; Court of Appeals;
  - (b) Padgett v. Colleton County, Opinion #4542; Court of Appeals.
21. List up to five criminal appeals that you have personally handled.  
Not applicable due to magistrate duties
22. Have you ever held judicial office?  
Magistrate for Colleton County; August 2007-present  
Jurisdiction-  
Civil- Up to \$7,500.00

Criminal- Misdemeanors and other offenses with jail time no more than 30 days or fine of \$500.00

Countywide jurisdiction

Appointed by Governor, Recommended by Senate County Legislative Delegation.

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.

Orders generated by Magistrate Court are generally form orders. Upon appealed issues, a magistrate's Return is prepared and sent to the Circuit Court for a hearing

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. Specify your dates of employment, employer, major job responsibilities, and supervisor.

Attorney; McLeod, Fraser, and Cone- supervisor- George W. Cone; August 2003-present.

Adjunct Professor; USC- Salkehatchie- supervisor- Dean Ann Carmichael; professor of government, 2007-08

26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates. Yes.

Unsuccessful candidate of SC House of Representatives, District 121. June 2005, Special Election;

Candidate for Circuit Court At-Large Seat # 9, 2010; Found qualified, but not submitted to the General Assembly as one of the three candidates.

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? If so, give details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer.

Yes.

Adjunct Professor; University of SC- Salkehatchie- supervisor- Dean Ann Carmichael; 2007-08. Professor of Government at the local branch of the USC.

Staff Assistant; US Senate Committee on Armed Services. 1996-99; Administrative duties, including staffing committee hearings, on site inspections of installations, prepare and mark up Annual Defense Authorization Bill. Senator Strom Thurmond was the Chairman of the Committee.

Staff Assistant; United States Senator Paul D. Coverdall (Ga.), deceased. 1995-96; Administrative duties, including assistant to Senator's legal counsel, constituent communications.

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



Yes. I am on the Board of Directors at the Bank of Walterboro. We set the policy for the Bank and its branches. Also approve or disapprove certain types of loans. I also serve on the Audit Committee of the Bank. The term is 3 years and I was reappointed in April 2010 for another 3-year term

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. None
31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? No
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No
33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? 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? No
36. Have you ever been investigated by the Department of Social Services? Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? No
37. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy? If so, please explain when you were covered by a tail policy. Also, if applicable, indicate your coverage and deductible for your current malpractice policy.

Yes, covered by malpractice insurance. I have carried it since joining McLeod, Fraser, and Cone, Aug. 13, 2003. I have never been covered by a tail policy. Coverage is \$1,000,000.00 and deductible is \$10,000.00.

38. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? 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." None

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.”  
None
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.  
Expenses for mailing of introduction letters to members of the General Assembly. The amount spent has been \$73.80.
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. None
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? If so, give details. 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; House of Delegates, Delegate for 14<sup>th</sup> Circuit, 2009- present;  
(b) Colleton County Bar;  
(c) American Bar.
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) Lions Club of Walterboro;  
(b) Dogwood Hills Country Club, past member of Board of Directors;  
(c) Colleton County Historical Society, past member of Board of Directors;  
(d) Colleton County Arts Council;  
(e) Coastal Conservation Association, ACE Basin Chapter;  
(f) Ducks Unlimited;  
(g) Sandlapper Society;  
(h) Walterboro Elks Lodge.

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.

Judicial experience as a Magistrate Judge has provided an excellent foundation for the position of Circuit Court Judge.

51. References:

- (a) Gwen Bunton, President  
Bank of Walterboro  
Post Office Box 1707  
Walterboro, SC 29488  
843-549-2256
- (b) Marvin C. Jones, Esquire  
Jasper County Attorney  
Post Office Box 420  
Ridgeland, SC 29936  
843-726-5406
- (c) Kirby Shealy, III, Esquire  
Ellis, Lawhorne & Sims, P.A,  
1501 Main Street, 5th Floor  
Columbia, SC 29201
- (d) Otis Rhodes, Chief of Police  
City of Walterboro  
242 Hampton Street  
Walterboro, SC 29488  
843-549-1811
- (e) Sheriff George A. Malone  
Sheriff, Colleton County  
112 S. Miller Street  
Walterboro, SC 29288  
834-549-2211

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: John Reaves McLeod

Date: August 7, 2012



**MCLEOD FRASER & CONE LLC**  
ATTORNEYS AT LAW

W. J. MCLEOD, JR.  
(1906-1994)

DONALD H. FRASER  
PEDEN B. MCLEOD  
GEORGE W. CONE  
J. REAVES MCLEOD

THOMAS I. HOWARD  
R. CLENTEN CAMPBELL

October 19, 2012

Jane O. Shuler, Esquire  
Chief Counsel  
Judicial Merit Selection Commission  
Post Office Box 142  
Columbia, SC 29292

Re: Circuit Court At-Large Judicial Seat #16  
Amending Answer to Personal Data Questionnaire, Question #18

Dear Ms. Shuler:

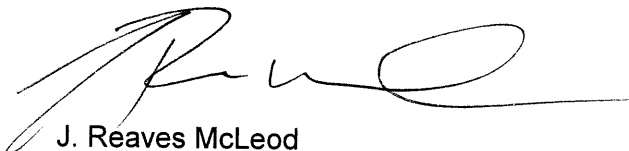
This letter is to serve as an amendment to question #18 where some concerns were raised in my recent interview. I hereby amend my answer to question #18 as follows:

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: 90% of my practice is civil litigation which appears on the jury trial docket in the Court of Common Pleas. Of that amount, roughly 10% of those cases had a jury empanelled, with the most recent case being completed on October 10, 2012. Not included in the above, are the 25 jury trials that I presided over in Magistrate Court regarding the general criminal docket, the DUI docket, and the traffic docket from my appointment to June 30, 2012. Also not included are the numerous jury trials presided over in Magistrate Court regarding civil matters.
- (b) Non-jury: None of my non-jury civil litigation matters which appeared on the non-jury docket in the Court of Common Pleas were subsequently tried by a jury.

If you have any questions or concerns in regards to the above, please feel free to contact me.

Very truly yours  
MCLEOD, FRASER & CONE



J. Reaves McLeod

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

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

Full Name: John Reaves McLeod  
Business Address: 111 E. Washington Street  
Post Office Box 230  
Walterboro, SC 29488  
Business Telephone: 843-549-2516

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

I want to be able to serve the people of South Carolina utilizing my education, life experience and willingness in a manner that I believe that would allow me to contribute to the State and the citizens of South Carolina in the legal system and in the dispensing of justice. I have a desire to serve the public. The legal field is one of the noblest fields a person can enter. Serving as a Circuit Court Judge allows a person to continue to interact with the public and thus place a face on the legal system. As such, a Circuit Court Judge helps instill and maintain confidence in a judicial system that is constantly under attack from all sides of today's world. I believe I can run an efficient and fair courtroom that continues to maintain the public's confidence in the legal system and helps rebuild the confidence that part of the public has lost. Without such confidence and trust in the legal system, the public would be left no way to resolve disputes in a civilized non-violent environment.

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? No

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 acceptable when the law provides for such acceptance.

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

The appearance of impartiality is the most important issue in legal matters. That being the case, the halls of justice cannot constantly be shut down because of past relationships with former associates or former law partners. The same can be said for lawyer-legislators. If a judge were to withdraw from a case because a lawyer-legislator was

presenting or defending a case, the lawyer-legislator would never be able to have matters heard in court. That is not fair to the lawyer-legislator, their client, or justice. I cannot see anytime where the recusal, based on the lawyer's status as a legislator, could be of benefit to the ends of justice and I would not, for that reason, solely, withdraw from a case.

As to former associates, or law partners, the question is a little less clear. Again, impartiality is the key. Within a few years of being placed on the bench, there maybe the appearance of impartiality to the opposing counsel and to their client or clients. If the case was in the judge's firm prior to the sitting judge becoming a judge, it would most certainly call for the judge to withdraw from the case. If the case was not in the firm's files, then one could see that the judge would not have to withdraw and could hear the case.

If the sitting judge has been on the bench for an appropriate amount of time, I believe that elapsed time period to be sufficient to allow former associates or law partners to practice in front of a sitting judge. Otherwise, it becomes unfair to the former associates or law partners, essentially not allowing them to practice their trade because they were at one point associated with a sitting judge

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

I would give a great deal of deference to the party requesting a recusal. It is imperative that all parties and attorneys know that the process is fair. If there is evidence submitted that shows I could not be fair and impartial, I such a motion would be granted.

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 advise all the parties involved of the breath and scope of the financial or social involvement of my spouse or close relative and recuse myself

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

I would accept none except as provided by the Judicial Canons.

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

The rules of professional responsibility make it an obligation to report such misconduct if the conduct harms the legal profession or the reputation of the legal profession. It is not the duty of a circuit court judge to decide what misconduct to report and what misconduct not to report. Any misconduct should be reported to the proper commission or court.

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

The Board of Directors of the Bank of Walterboro.

South Carolina Bar, House of Delegates for the 14<sup>th</sup> Circuit.

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

I would envision retaining ownership in all assets that I own. If I were to request and receive a Judicial Advisory Opinion indicating such position was not allowed, I would follow the Opinion.

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

On more complex issues, I believe it is important to have all parties submit proposed orders detailing what they believe the law requires. Using those proposed orders and the hearing on the record, I would then be able to address the issue in a well-prepared and versed manner. One proposed order may cover the issue entirely and thus that one may suffice. Otherwise, I would consolidate the parties' arguments, or if neither is sufficient, then draft an order myself. Once the Order is prepared it will be filed. On matters that are relatively straight forward or orders that are consented to, and do not need to be taken under advisement, I would have the prevailing party prepare the order. Upon preparing the order, the prevailing party would then forward a copy to the opposing counsel to review. If there are no objections to the proposed order, then the proposed order would be forwarded to me to sign and return for filing.

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

I would use the technology available to me and the other resources available to ensure that my staff and I meet all deadlines.

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

I do not feel that it is a Judge's duty to set or promote public policy. It is the Judge's duty to rule on matters before him in accordance with the law.

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?

Activities such as CLEs and legal conferences that help increase education would be consistently pursued.

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? No

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: Justice requires that a judge have no

preconceived concepts on how to sentence defendants. Previous offenders, if found guilty, will receive sentences appropriate to their conduct and the applicable law

b. Juveniles (that have been waived to the circuit court): Justice requires that a judge have no preconceived concepts on how to sentence defendants. Juveniles, if found guilty, will receive sentences appropriate to their conduct and the applicable law.

c. White collar criminals: Justice requires that a judge have no preconceived concepts on how to sentence defendants. White Collar Criminals, if found guilty, will receive sentences appropriate to their conduct and the applicable law.

d. Defendants with a socially and/or economically disadvantaged background: Justice requires that a judge have no preconceived concepts on how to sentence defendants. Defendants with a socially and/or economically disadvantaged background, if found guilty, will receive sentences appropriate to their conduct and the applicable law.

e. Elderly defendants or those with some infirmity: Justice requires that a judge have no preconceived concepts on how to sentence defendants. Elderly defendants or those with some infirmity, if found guilty, will receive sentences appropriate to their conduct and the applicable law.

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

Shareholder and Director of Bank of Walterboro. If any business of the Bank of Walterboro's were to come in front of me, I would recuse myself and would have a standing recusal in all Bank of Walterboro matters.

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

I would disclose the *de minimis* interest, and depending on the facts, determine if I would hear the case.

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 must have a cool level-headed demeanor, and must be patient and calm. A judge also must be able to control the courtroom and keep order.

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?

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? No
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? \$73.80
  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.

John Reaves McLeod

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

Notary Public for S.C.

My Commission Expires: 02/04/13 \_\_\_\_\_