

**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

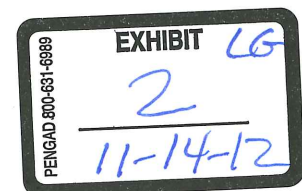
Court, Position, and Seat # for which you are applying:  
Family Court, Fifth Judicial Circuit, Seat 2

1. NAME: The Honorable Daniel Deeds Kienker  
BUSINESS ADDRESS: The Law Office of Daniel D. Kienker, LLC  
1527 Blanding Street  
Columbia, SC 29201  
TELEPHONE NUMBER: (office): 803-223-6932
2. Date and Place of Birth: 1949, Cincinnati, Ohio
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 December 22, 1984, to Jane-Bethea Turner Kienker. Never divorced. Three children.
6. Have you served in the military?  
October 6, 1971 to July 1, 1997, United States Air Force, Full Colonel, regular commission, XXX-XX-XXXX, retired, Honorable.
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) UNC-Asheville, September 1967-June 1971, BA, Political Science,
  - (b) Old Dominion University, Norfolk, VA, 1995-97, while stationed at Langley Air Force Base, VA, graduate work toward MA, International Studies, toward eventual Doctorate Degree. Degree not earned due decision to pursue a degree in law upon my military retirement;
  - (c) USC, School of Law, August 1997-May 2000, 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, 2000. I have not applied for admission to any other State Bar, and took the SC Bar examination only once in July, 2000.
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.

UNC Asheville:

  - (a) President of the Freshman Class - 1967-68;
  - (b) Chairman of Student by-laws Commission, 1968-69;
  - (c) Represented the University as a member of the Model United Nations held in Washington D.C. - 1970;



- (d) Drama Club.  
USC School of Law:
- (a) Second year (2L) representative to Law School Student Government;
- (b) Member of Moot Court, 1999-2000 and served as Moot Court treasurer;
- (c) Selected to Participate in Moot Court Regional Law School Competition held in Atlanta, GA, Spring 2000.
10. Describe your continuing legal or judicial education during the past five years.
- | <u>Conference/CLE Name</u>                     | <u>Date(s)</u> |
|--|----------------|
| (a) Attorney CLE                               | 09/28/2007;    |
| (b) Basic Principles and Dangerous Trends      | 11/30/2007;    |
| (c) Attorney CLE                               | 12/05/2007;    |
| (d) Family Court CLE                           | 10/02/2008;    |
| (e) Ethics CLE                                 | 12/10/2008;    |
| (f) Hot Tips for Family Law Practitioners      | 09/18/2009;    |
| (g) Initial certification course for VA Law    | 11/05/2009;    |
| (h) Family Law Course                          | 12/04/2009;    |
| (i) Family Law from A-Z                        | 02/17/2011;    |
| (j) Federal Sentencing Guidelines              | 09/19/2011;    |
| (k) Representing Veterans                      | 09/29/2011;    |
| (l) 2011 Family Law Intensive                  | 10/06/2011;    |
| (m) Effective Marketing Strategies             | 11/09/2011;    |
| (n) Everything you needed to know about Ethics | 01/13/2012.    |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- (a) I have volunteered on several occasions to speak during "career day" at local middle schools about the practice of law in our society.;
- (b) I have volunteered on several occasions to serve as a Judge during Middle and High School Moot Court competitions.
12. List all published books and articles you have written and give citations and the dates of publication for each. None.
13. List all courts in which you have been admitted to practice and list the dates of your admission. 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 2000;
- (b) Admitted to practice before the Federal Court for the District of SC, in 2003;
- (c) Admitted to practice before the U.S. Court of Appeals for Veteran Claims, in 2009.
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.

- (a) July 2000-January 2001, Law Clerk to Judge James C. Williams, Jr.;
- (b) January 2001-May 2003, Assistant Solicitor, 5<sup>th</sup> Circuit Solicitor's Office;
- (c) May 2003-January 2004, Associate Attorney, Lourie Law Firm, Family law and Personal Injury Law;
- (d) January 2004-April 2004, Assistant Solicitor, Fifth Circuit Solicitor's Office;
- (e) April 2004-July 2004, Associate Attorney, Jacobson, Conway, Pincus, and Long, Family Law and Bankruptcy law;
- (f) September 2004-May 2006, Assistant Solicitor, 16<sup>th</sup> Circuit Solicitor's Office;
- (g) May 2006-February 2011-Associate Attorney, Williams, Hendrix, Steigner, and Brink, P.A., Family Law;
- (h) March 2011-Present, the Law Office of Daniel D. Kienker, LLC, Family Law, Criminal Defense, and Veterans Benefit Law.

If you are a judge and are not seeking a different type of judgeship, the following questions are inapplicable:

14. (a) If you are a candidate for Family Court, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background has prepared you to preside over such matters as a Family Court Judge.

I have practiced in all of the above mentioned areas to include a successful out-of-state Adoption.

My former case files for these cases are stored with the law firm of Williams, Hendrix, Steigner, and Brink, P.A. in Lexington, SC as I did not take them with me when I opened my own practice in March of 2011. Consequently, it is difficult to remember specific facts or specific cases.

During my tenure with Williams, Hendrix, Steigner, and Brink, I prosecuted and prevailed in several cases involving "Rules to Show Cause" as to why an opposing party should not be held in contempt for failing to abide by a Court Order.

Most of my cases involved not only Divorce, but included all of the attendant issues that are part of a divorce such as Child Custody, Child support, Alimony, Attorney fees, and Property Division. Most cases settle before being brought to trial, and I have a great deal of experience working with opposing counsel and parties settling cases to everyone's satisfaction. Those cases that did not settle were mediated by Court Order with all but one that I recall having to go to trial.

I have frequently been appointed by the Court to represent Defendant parent(s) in SC Department of Social Services cases. I have much experience working with Guardians, Counselors, and DSS representatives crafting

Treatment Plans that have seen the successful reunification of parents with their children.

An Assistant Solicitor for the 16<sup>th</sup> Circuit's Office in Union County, SC, I was not only responsible for managing and prosecuting cases involving adult offenders, but Juvenile offenders as well. Once a month I appeared before the Family Court Judge with Juveniles, their parent(s) and attorney with recommendations to the Court for best ways to re-direct negative juvenile behavior.

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.

Not rated in any legal rating organization.

Retired judges/justices and judges/justices applying for reelection to their current position may omit Questions 16-21. If a candidate is seeking a judgeship different than his or her current position, Questions 16-21 should be answered based on experience prior to serving on the bench.

16. What was the frequency of your court appearances during the last five years?
- (a) federal: None
  - (b) state: As a Family Law practitioner I have been before several Family Courts in South Carolina, often several times a week. My appearances before the Court include Motions for Temporary Relief, Final Relief, Rule to Show Cause, a trial on the Merits, Adoptions both in state and out-of state, as well as serving as appointed counsel in Department of Social Service cases.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?
- (a) civil: I have handled two civil cases during the past five years
  - (b) criminal: Five percent
  - (c) domestic: Ninety percent
  - (d) other: five percent (representing Veterans before the VA in obtaining Service Connected Disability Benefits.
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: none (please note that prior becoming a family law practitioner I served as an Assistant Solicitor and conducted numerous trials before a jury.\*
  - (b) non-jury: In my family law practice all cases are of course, before a Judge only, and all but one of those cases I handled settled.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? \*as an Assistant Solicitor most, but not all of the cases I

prosecuted and that went to trial were with co-counsel. I believe that in about half of those trials, I served as chief counsel and half as co-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.

Most of those cases I either prosecuted in General Sessions or represented in Family Court were routine and did not involve breaking new "legal ground" nor were they cases of "first impression." There was one case however, that was personally significant to me as well as gratifying. The case involved an incestuous rape by an uncle of his niece. I was the lead prosecutor in this case and was successful in convincing the jury to find the Defendant guilty. Because the Defendant had a prior "most serious" conviction, he was sentence to Life without Parole. The case involved a tremendous amount of DNA evidence from victim, Defendant, and fetus, and consequently "Chain of Custody" was a significant issue at trial. It was my first case involving DNA and Chain of custody and during State's case in chief; I failed to tie up one of several pieces of the chain of custody. The Trial Judge allowed me the opportunity to re-address this issue at trial, the case went to the jury, and the Defendant was found guilty. On Appeal, the conviction was upheld, but I was chastised in the Opinion for failing to properly do a more thorough job in addressing the chain of custody. As unpleasant as it was to be chastised (not by name) in an Appellant Court Opinion, I knew that this was my first significant case as an Assistant Solicitor where I was lead prosecutor, and my first ever case involving DNA and chain of custody. I was out there in the "arena" fighting the good fight for this victim and I made an honest mistake. This case gave me the opportunity to become an "expert" in chain of custody matters at trial, and I have never made a chain of custody mistake since. This case is listed as South Carolina Court of Appeals Case, The State, Respondent v. Aaron Mathis, Appellant, Opinion no. 3806, Heard May 12, 2004.

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.

None

21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported. None

22. Have you ever held judicial office? No.

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

Not Applicable.

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.

Not Applicable.

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?

Career Military Officer, United States Air Force, 1971-97 with worldwide assignments to Germany, the Republic of Korea, Saudi Arabia, Honduras, and Warsaw Poland. Military assignments include command of three combat rated support squadrons, and Deputy Group Commander of an Operations Group.

28. Are you now an officer or director or involved in the management of any business enterprise?

I currently own "The Law Office of Daniel D. Kienker, LLC" in Columbia SC. I am also the only employee. I focus on the practice of Family Law, Criminal Defense Law, some Veterans Benefits Law, and I am attempting to expand my practice to personal injury law.

29. A complete, current financial net worth statement was provided to the Commission.

30. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest. None.

31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law?

No.

32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.

33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? 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?

Yes, I am covered by malpractice insurance since opening my law practice in March of 2011 through the present time. My coverage is \$1,000,000 with no deductible. I have never been covered by a tail policy.

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." Not Applicable.
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." Not applicable.
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. None, not applicable.
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, not applicable.
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.  
The SC 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) Past Deacon, Spring Valley Presbyterian Church;

- (b) Past Vice President of the Long Creek Homeowner's Association;
  - (c) Member of Columbia Community Concert band.
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 believe that my prior military career has served me well in law school, as a practicing attorney, and will serve me well if elected to serve as a Family Court Judge.

Underpinning the military culture in our country are the virtues of integrity above all else, acceptance of personal responsibility, and mission accomplishment. As to integrity, my parents taught me the importance of being truthful and honest as a child, and these virtues were reinforced through the Honor Code of the military school I attended as well as twenty-six years of military service as a professional officer. A person has nothing if he or she has no honor.

As to accepting personal responsibility, a military officer does not make excuses for failure, or mistakes, and does not attempt to shift blame on others either up or down the chain of command. As a Commander, any mistakes I made or shortcomings in accomplishing my assigned mission were address to higher headquarters as mine alone. Accomplishments were credited to the troops. There is no room for whiners and excuses. You learn and move on. That is how I will comport myself as a Judge.

As to "mission accomplishment" you complete whatever assigned mission or task given, period. No matter how long it takes, how arduous the process, you stay focused and on task until the task at hand is done. This philosophy served me well in law school. I was by no means the smartest person in my law school class, but there was probably no one that worked harder than me. Finishing law school and passing the Bar the first time around was my "mission," and it got done. As an attorney I handle my cases the same way, and will do the same as a Family Court Judge.

51. References:

- (a) Reverend James Strader  
St. James Episcopal Church  
3207 Montana Ave.  
Cincinnati, OH 4521  
513-661-1154;
- (b) Dr. Judith Ann Whiting, Esquire  
Law Office of Judith Ann Whiting, LLC  
P.O. Box 5815  
Columbia, SC 29201  
803-256-7513;
- (c) Susan Quinn, Esquire  
90 Cowdray Court  
Columbia, SC 29223



- 803-736-5188;
- (d) Bryson Borgstedt  
100 Wilts Court  
Columbia, SC 29212;
  - (e) Bank of America, Branch Office  
46-01 Hardscrabble Road  
Columbia, SC, 29106.

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: Daniel Deeds Kienker

Date: August 8, 2012

August 20, 2012

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

**Re: Letter of Amendment to Questions 16-21 of Personal Data Questionnaire**

Dear Ms. Shuler:

Please find below my amended response to the Personal Data Questionnaire, questions 16-21:

16. What was the frequency of your court appearances during the last five years?
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None

21. List up to five criminal appeals you have personally handled. Give the case name, the court, the date of the decision and the citation if the case was reported.

None

Please let me know if you need any additional information.

With kind regards,

Daniel D. Kienker