

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Family Court, At-Large, Seat 1

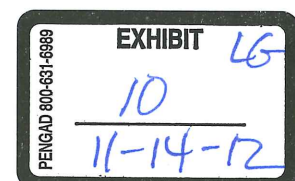
1. NAME: Ms. Kelly Pope
BUSINESS ADDRESS: P.O. Box 8359
Greenville, S.C. 29604
TELEPHONE NUMBER: (office): 864-421-0036
2. Date and Place of Birth: 1973; Greer, S.C.
3. Are you a citizen of South Carolina? Yes.
Have you been a resident of this state for at least the immediate past five years? Yes.
5. Family Status: Divorced from Eric Karow on May 18, 2011. I was the moving party in Spartanburg County Family Court, 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) Presbyterian College 1991-95, BS in Political Science and Sociology;
 - (b) Cumberland School of Law 1998-2001, 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.
 - (a) I was admitted to practice law in SC in 2001 and have remained in good standing since that time;
 - (b) In 2002-03 I was working for a law firm that had offices in SC and NC. I took the NC bar exam in 2002 and 2003, but did not pass.
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.

Presbyterian College:

 - (a) Volleyball Team, 1991-95, Captain;
 - (b) Model United Nations Debate Team, Vice-President 1994-95;
 - (c) Zeta Tau Alpha Sorority, 1992-95.

Cumberland School of Law:

 - (a) Dean's List, 2000;
 - (b) Advocate of the Year, 2000-01;
 - (c) ABA National Trial Team – Regional Finalist;
 - (d) Tournament of Champions Trial Team – National Semi-Finalist;
 - (e) Order of Barrister;



- (f) Albert C. Brewer Client Counseling Competition – Semi-Finalist;
- (g) Haley Trial Competition, Spring 2000, Semi-Finalist;
- (h) SC Student Bar Association - President.

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

<u>Conference/CLE Name</u>	<u>Date(s)</u>
a) SCTLA Auto Torts XXX	11-30-2007;
b) SCTLA Auto Torts XXX	12-01-2007;
c) AAJ Litigating Nursing Home Cases	06-05-2008;
d) AAJ Litigating Nursing Home Cases	06-06-2008;
e) AAJ Litigating Nursing Home Cases	06-07-2008;
f) SCAJ Annual Convention	08-07-2008;
g) SCAJ Annual Convention	08-07-2008;
h) What Civil Court Judges Want You to Know	09-19-2008;
i) SCAJ Annual Convention	08-06-2009;
j) SCAJ Annual Convention	08-07-2009;
k) South Carolina Adoption Law	10-29-2010;
l) Applying the Rules of Evidence	12-14-2011;
m) What Family Court Judges Want You to Know	02-16-2012.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.

- (a) I made a presentation at the CLE "Applying the Rules of Evidence: What Every Attorney Needs to Know" on December 14, 2011. The CLE was hosted by NBI;
- (b) I made a presentation at the CLE "Plaintiff's Personal Injury from Start to Finish" on January 28, 2010. The CLE was hosted by NBI;
- (c) In the fall of 2010, I wrote and presented a program to the SC Upstate Paralegal Association that dealt with the most effective use of evidence at trial;
- (d) I made a presentation at the CLE "Obtaining the Best Settlement for Personal Injury Clients" on January 22, 2008. The CLE was hosted by NBI.

12. List all published books and articles you have written and give citations and the dates of publication for each.

I have not written any books or articles. I have written material for presentations for continuing legal education seminars that I participated in as a presenter.

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 2001;
- (b) Admitted to practice before the US District Court for the State of SC in 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.
- (a) Cunningham & Associates, Tega Cay, SC – I worked for Kevin Cunningham as an associate from August 2001 to April 2002. My practice primarily focused on family law matters ranging from uncontested divorce to child custody cases. I also handled some small criminal matters as well as personal injury matters representing both plaintiffs and defendants. I handled all of the firms DSS court appointed matters ranging from Guardian Ad Litem work to defending parents on custody and TPR issues.
 - (b) Cobourn & Saleeby, Spartanburg, SC – I was an associate with Cobourn & Saleeby from approximately May 2002 to November 2003. The primary focus of the firm was and continues to be plaintiff personal injury work. While an attorney with the firm, I handled all South Carolina litigation except for worker's compensation and social security disability. Cases ranged from simple motor vehicle collisions to wrongful death and third-party worker's compensation claims. I handled most of the firm's DSS court appointed matters ranging from vulnerable adult issues to child custody and TPR cases.
 - (c) Christian and Davis, Greenville, SC – I was an associate with Christian and Davis from November 2003 to October 2005. The firm focuses on plaintiff personal injury matters. While an associate with the firm I handled simple to complex motor vehicle collisions, tractor trailer collisions, medical malpractice, wrongful death, breach of contract and bad faith cases.
 - (d) Babb and Brown, Greenville, SC – I was an associate with Babb and Brown from October 2005 to September 2007. The firm primarily focuses on real estate issues. However, I handled all of the litigation for the firm, which included family law, personal injury, construction law, insurance law and homeowner association law. I worked in a variety of courts. The family law work included contested and uncontested matters. The cases involved matters of equitable division, alimony, child support and child custody. The personal injury matters ranged from simple motor vehicle collisions to complex medical malpractice/wrongful death cases. The firm also represented several residential homebuilders and I handled all of the litigation concerning these homebuilders that was not covered by insurance. I also represented homeowners in cases against builders alleging defective construction. The firm represented several area homeowners associations. The by-laws and restrictive covenants of the communities would be reviewed and I would provide legal advice on situations presented by the board of the homeowners associations. In addition, I would litigate any matters wherein the

homeowners associations were named as plaintiffs or defendants in actions.

- (e) Mooneyham Berry & Pope, LLC, Greenville, SC – In October 2007 the law firm of Mooneyham Flowers Berry & Karow, LLC was formed. In August 2008, David Flowers left the practice and the law firm became Mooneyham Berry & Karow, LLC. Following my divorce in May 2011, I resumed my maiden name and the law firm became Mooneyham Berry & Pope, LLC. Our firm represents client throughout the state of South Carolina. My practice consists of civil, family law and criminal defense work. I continue to work in a variety of courts.

- 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.

Divorce and Equitable Division of Property

I have been practicing for 11 years with a portion of my practice being dedicated to family law matters for most of my years in practice. I have handled numerous contested and uncontested divorces. I have litigated divorces involving issues of adultery, habitual drunkenness, physical abuse, alimony and division of marital property. The marital estates have ranged from very small in economic value to estates with a very high value including numerous real estate properties, retirement and money market accounts. I have handled divorce cases in Spartanburg, Greenville, York and Pickens Counties.

Child Custody

I have handled child custody cases that involved simple issues to litigate to more complex cases involving allegations of abuse and neglect. Some of these litigated cases have involved court appointments to represent parents or grandparents in DSS actions.

Adoption

I have handled DSS adoptions for foster parents. One I recently handled dealt with a young child that was born in Honduras, which presented immigration issues. I am currently handling another adoption case for a foster parent in a DSS action where we have filed a counterclaim against DSS and a cross-claim against the birth parents for TPR and to move forward with adoption of the minor child by my client.

Abuse and Neglect

My experience with abuse and neglect cases actually started prior to my becoming an attorney. Prior to attending law school I worked for the Foothills Rape Crisis Center and Safe Harbor Domestic Abuse Shelter. My work for these agencies focused primarily on children who

were victims of abuse and neglect. During my legal career I have handled court appointed DSS cases involving issues of abuse and neglect. In my civil work I represent victims of all ages that have been victims of sexual abuse.

Juvenile Justice

This would be an area of family practice in which I have very limited experience. While working for the Foothills Rape Crisis Center and Safe Harbor Domestic Abuse Shelter some of the juveniles were dealing with criminal issues and those were addressed in their counseling. In addition, some of the juveniles that have been a part of the DSS cases I have been involved with have faced criminal prosecution, but I did not represent them on the criminal matters.

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. BV Distinguished.

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: bi-weekly

17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?

- (a) civil: 55%;
- (b) criminal: 10%;
- (c) domestic: 30%;
- (d) other: 5%.

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: 10%;
- (b) non-jury: 90%.

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

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) Hilliard v. Mitchell Contractors, Inc. f/k/a Mitchell Contractors Interiors, Inc. and Parkway Plaza, LLC, 2006-CP-23-6203

This was a case involving a young lady that was sexually assaulted at work. The case involved claims of negligent hire, negligent supervision, negligent retention and negligent security. After an extensive discovery phase, the case was settled prior to trial. This case was significant

because it brought to light deficiencies in the security and hiring procedures of the defendants. It also provided an avenue for my client, the plaintiff, to begin the healing process by knowing her courage to pursue the case resulted in possible changes to company policies of the defendants. The case also gave the plaintiff the financial means to continue therapy to deal with the emotional aftermath of the sexually assault.

(b) Adoptive Parents v. SCDSS, et al

This was a Spartanburg Family Court case where I represented foster parents in an action to terminate the parental rights of the birth parents and move for adoption. The child had been with the foster parents since 2009 when I filed the action for termination and adoption in 2011. This case was recently finalized with the adoption of the child by the foster parents. We were also able to finalize a second adoption for this foster family at the same hearing. The second adoption dealt with complicated immigration issues as the minor child had been born in Honduras. These cases are significant because it brought closure for the foster family in the form of adoptions and gave security to the minor children.

(c) Gilliard v. City of Greenville, et al, W.C.C. File No.: 0627382.

This was a worker's compensation case for a deceased City of Greenville police officer. The police officer became very sick while working for the City of Greenville. A worker's compensation claim was filed, but during the litigation of the case the plaintiff died due to complications from his illness. His wife decided to continue with case on behalf of her deceased husband. The issue in the case was whether Mr. Gilliard contracted an occupational disease during his time as a police officer with the City of Greenville and did that disease cause his death. At the initial hearing the plaintiff prevailed. However, that decision was overturned by the Worker's Compensation Commission. On behalf of the plaintiff, the WCC decision has been appealed. Even though the matter is pending, the case is significant not only because of the complexity of occupational disease cases, but Mrs. Gilliard's strength following the death of her husband has been inspiring.

(d) Doe v. Harper, 2008-CP-37-111

This was a repressed memory sexual assault case. I represented the plaintiff, who was a female in her late twenties. The complexity of the repressed memory issue made this case significant. It was also important because the outcome relieved insecurities the plaintiff had with herself and it also provided her with financial means to continue with therapy related to the sexual abuse. However, the plaintiff had an emotionally troubled past that affected her choices in life as she got older. This case reminded me that a successful outcome in a case does not always provide closure for clients. On many occasions I have

thought about this client and hope that she has found some form of inner peace.

- (e) Ten years ago I tried my first case. It was a car wreck case with disputed liability and damages. The case was tried in Cherokee County and I represented the plaintiff. The defendant was represented by a prominent and very experienced defense attorney from Spartanburg. I cannot remember the case caption, but what I do remember is that I lost the trial. This case is significant to me because I learned there are many things law school can prepare you for and many things it cannot.
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.
Gilliard v. City of Greenville, et al, W.C.C. File No.: 0627382.
Case is currently on appeal. The appeal is being handled by my partner, Joe Mooneyham, and myself.
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? 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. 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?
- (a) Foothills Rape Crisis Center, Anderson, SC – I worked for FRCC from August 1995 to August 1996 through the AmeriCorp program. My responsibilities included developing safety awareness programs for K-12 for Anderson, Abbeville and Oconee Counties. I would make presentations at schools, churches and civic organizations for grades K-6 based on a program helping children define between a good touch and a bad touch. For grades 8-12, the program was geared towards prevention of date abuse and date rape. In addition to developing, coordinating and presenting these programs, I would also provide counseling and support to children and teens that were victims of physical and sexual abuse;
- (b) Safe Harbor Domestic Violence Shelter, Greenville, SC – I worked for Safe Harbor from August 1996 until August 1998. My responsibilities continued to focus on presenting safety awareness program to grades K-6 and date abuse prevention programs for grades 8-12. I was also responsible for coordinating volunteer efforts. In coordination with my

awareness programs, I provided counseling and support to children and teens that were victims of physical and sexual abuse. This work included children that were staying at the shelter as well as children in the community. Following my work at Safe Harbor I attended law school. Prior to leaving for law school my goal was to implement a date abuse prevention program for the Greenville County School District. I wrote "The Megan Project," a date abuse prevention program that was approved by the Greenville County School District right before I left to attend law school in 1998. The program is still being presented by Safe Harbor.

28. Are you now an officer or director or involved in the management of any business enterprise?
- (a) Mooneyham Berry & Pope, LLC is my current law firm where I am a partner and managing member of the LLC. In October 2007, the law firm of Mooneyham Flowers Berry & Karow, LLC was formed. In August 2008, David Flowers left the practice and the law firm became Mooneyham Berry & Karow, LLC. Following my divorce in May 2011, I resumed my maiden name and the law firm became Mooneyham Berry & Pope, LLC;
 - (b) KPK Productions, LLC is a small business entity where I am the only member. The business is used for one of my extra-curricular interests, which are pageants. For several years I have directed pageants and assisted young ladies in their preparation to compete. The young girls focus their attention on academic performance, community service and talent preparation. I am no longer conducting business through this LLC, but the LLC does currently still exist.
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? None.
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?
- (a) I have had state and federal tax liens instituted against me, but they have been paid and released;

- (b) During law school I obtained some private student loans to supplement my federal student loans. In 2007 one of the private student loans was sent to a collection agency. I paid the outstanding balance owed on the loan in full and it was satisfied.
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?
- (a) In 2007 the law firm of Mooneyham Flowers Berry & Karow, LLC was formed. In August 2008 David Flowers left the firm. Following his departure, David Flowers sued me personally for monies he claimed the law firm owed him. In addition, he sued me personally for an outstanding loan that was made from him to Eric Karow. William Herlong represented me on both matters and is allowed to discuss the cases. The case numbers were 2009-CP-23-10253 and 2009-CP-23-10254. Both matters were dismissed.
- (b) Booker, #297590 v. SCDSS, et al, 2012-CP-35-20 is a case where I am one of many defendants. I was court appointed to represent an inmate in a DSS action regarding his parental rights. I met with him before the first hearing at the courthouse because he was incarcerated. Following the hearing, he asked me to go to the lobby, get a package from his mother and bring it to him. I had learned the package supposedly contained a cell phone. I refused and he became very upset. I immediately filed to be relieved as counsel, which was granted. New counsel was appointed within 10 days. The plaintiff has made a claim against me for legal malpractice. A motion to dismiss is pending. Paul Agnew in Abbeville is representing me on this matter and is allowed to discuss the case.
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.
- Carolina Casualty Insurance Company
\$1 million per claim/\$1 million aggregate/10K deductible
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." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. 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." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. 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.
I have no expenditures to date. However, I do anticipate purchasing envelopes, stationary and stamps.
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? 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? If so, please specify the amount, solicitor, donor, and date of the solicitation. No.
47. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No.
48. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
- (a) SC Bar Association;
 - (b) SC Association of Justice;
 - (c) SC Women Lawyers Association—Member and Greenville Representative 2005-07;
 - (d) American Trial Lawyers Association – Member and NLD Board of Governors 2007-08.
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) Inman First Baptist Church;
- (b) Spartanburg First Steps – Board Member;
- (c) Paws to the Rescue - volunteer;
- (d) Queen for a Day - volunteer;
- (e) Zeta Tau Alpha.

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.

In seventh grade I tried out for the basketball team where I attended school. I thought it would be fun. At the time I did not realize the hard work and dedication it would take to be a part of the team. Two weeks into practices I wanted to quit the team. I begged, pleaded and at times had the awful attitude that kids that age can have when they do not get their way. My parents would not let me quit the team. If I started something, it was my responsibility to finish it. I ended up loving not only basketball, but volleyball too and used that passion as a tool to help pay for college. My parents taught me that if you make a commitment, you keep it and work hard at it. They taught me to take responsibility for my actions. I remember at times my parents working two jobs because that was what had to be done. I have a strong work ethic and an attitude of determination as a result of lessons I learned from my parents.

My lesson in compassion began with volunteering. My passion as an advocate for victims began in college when I became a volunteer for SAFE Homes Domestic Abuse Shelter and Rape Crisis Center and The Children's Shelter in Spartanburg. I later expanded my volunteer work into other counties and other organizations. The experience I gained as a volunteer lead to my job with the Foothills Rape Crisis Center and later with the Safe Harbor Domestic Violence Shelter.

My work at these organizations was filled with humbling and life changing experiences. While at Safe Harbor, the organization did not have the funds to support a separate staff office space from the shelter. Therefore, our offices were in the shelter. At times that situation made it difficult to work because of the distractions, but it also allowed us to provide immediate support to the women and children staying at the shelter. I remember getting a call at home one night from the 24 hour shelter staff because one of the children I worked with was having a difficult time adjusting to being in the shelter. I drove back to the shelter and stayed with the child until he fell asleep. There were times when difficult and painful decisions had to be made in order to protect children. Unfortunately there were decisions made by mothers that put their children in dangerous situations and appropriate agencies had to be contacted.

The children I worked with taught me the value of life. I witnessed those children at one of the most painful points in their lives and most still found strength and courage to want to trust and love again. They were inspiring.

During my legal career I have continued my work as a child and victim advocate. I represent victims of sexual abuse in the civil arena in an attempt to recover for past and future therapy expenses. I assist foster parents in DSS actions as they pursue adoption of children, who are victims of abuse and neglect. My goal has always been and will always be to protect children.

51. References:

- (a) Jane Daniel
2818 White Horse Road
Greenville, SC
864-248-7035
- (b) James H. Price, III
644 East Washington Street
Greenville, SC 29601
864-271-3535
- (c) Dianne Blackwell
2650 Runion Road
Inman, SC 29349
864-809-2137
- (d) Angie Howell
200 East Broad Street, Suite 100
Greenville, SC 29601
864-527-2910
- (e) Carol Christopher
84 Forest Lake Drive
Simpsonville, SC 29681
864-864-275-1081

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: Kelly Pope

Date: August 7, 2012