

**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:  
Family Court, At-Large, Seat 2

1. NAME: Mr. Tony M. Jones  
BUSINESS ADDRESS: Post Office Box 994  
Rock Hill, SC 29731  
Physical address:  
305 Oakland Avenue  
Rock Hill, SC 29730.  
TELEPHONE NUMBER: (office): 803-328-8044
2. Date and Place of Birth: 1958; York County, 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: Single, never divorced, no children.
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) Appalachian State University 1976-80 BA Communication Arts;  
(b) Cumberland School of Law 1980-83, 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-1983. Passed bar exam first time taken. Have never applied to practice law to the bar of any other state.
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.  
In college I participated on the ASU forensic team as a debater and public speaker for the four (4) years I attended. In law school I participated in the client counseling competition in 1982 and 1983-won first place both years.
10. Describe your continuing legal or judicial education during the past five years.
- | <u>Conference/CLE Name</u>             | <u>Date(s)</u> |
|--|----------------|
| (a) Hot Tips from the Coolest Domestic | 9/21/2007;     |
| (b) What's New in the World of         | 10/30/2007;    |
| (c) Family Court Bench/Bar             | 12/07/2007;    |
| (d) Hot Tips from the Coolest Domestic | 9/19/2008;     |
| (e) 2008 SC Family Court Bench/Bar     | 12/05/2008;    |



- (f) Federal & State Securities Enforcement 12/09/2008;
- (g) 2009 Hot Tips from the Coolest 9/18/2009;
- (h) Introduction to Court Annexed 11/20/2009;
- (i) 2009 SC Family 12/04/2009;
- (j) Guardian ad Litem update 1/29/2010;
- (k) Ethics 3/12/2010;
- (l) 2010 Hot Tips from the Coolest 10/01/2010;
- (m) 20/20: An Optimal View of 2010 2/11/2011.

10. 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. No.

(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 1983;

(b) Also admitted to practice before the Federal District Court 1984.

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.

Upon graduation from law school in 1983, I was employed with Luther C. Elrod, III, a sole practitioner. Mr. Elrod practiced primarily in the area of Worker's Compensation and civil litigation. I was hired to expand the scope of the practice. Within several years, I was made a partner and the name of the law firm changed to Elrod and Jones. In 1989, Jack G. Leader joined the firm and the name of the firm was changed to Elrod, Jones and Leader. In 1990 or 1991, David Benson joined the firm and the firm was shortly thereafter became known as Elrod, Jones, Leader and Benson. In 2001, Harold Staley, Jr., was hired as an associate.

In 2006, I left the firm and became a solo practitioner.

Upon passing the bar my practice focused on family law, social security, civil litigation and to a lesser extent criminal law. Within a few years the domestic practice began to grow and slowly other areas were eliminated. By 1988, I was practicing family law and social security disability law almost exclusively. The family law practice made up 80-85% of my practice at that time. In the early 1990's Jack Leader began handling all of the social security for our firm, and I began handling family court law exclusively.

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 an extensive amount of experience in the areas of divorce, equitable division of property, alimony, child abuse, abuse and neglect, and to a lesser extent adoption and juvenile cases. For the past five (5) years, I have averaged almost 200 Court appearances per year in family court. In my career I have handled well over 2,000 domestic cases. I have been involved in extremely contested cases involving fault grounds of divorce.

Quite a number of my cases concern equitable division of property. I have extensive experience in handling cases where I have to deal with the character of property whether it be marital or non-marital, and whether or not transmutation had taken place. I have been involved in cases where I had to go through a great deal of discovery to uncover hidden assets and utilize the services of expert witnesses to delve into tax returns and financial records to locate assets that were not identified by the adverse party.

I have tried a number of cases involving alimony. As alimony is within the sound discretion of the trial court, it can be a complicated matter. I tried the case of Croom vs. Croom # 305 S.C. 158 (Ct. App. 1991) where we sought to terminate alimony based upon post divorce misconduct. While the relief we sought was denied by the Court of Appeals, the case itself was a factor in the legislature passing Section 20-3-150, SC Code of Laws, 1976 as amended.

I have been involved in quite a number of child custody cases. A number of domestic cases will start out with child custody as an issue, but frequently settled once a Guardian ad Litem becomes involved, and, in particular, psychological evaluations are performed. However, there are times when cases do not settle and I have a considerable amount of experience in hotly contested child custody cases.

I tried the case of Lee vs. Lee in 1991 against Jim McLaren and Brooks Goldsmith, and the trial ran for 5 days. The case involved psychologists, psychological evaluations, etc. The case did not involve any major issue of equitable division, but rather, only child custody.

I have handled a great number of abuse and neglect cases whether I was retained or appointed. I have also assisted other lawyers who are not experienced in the area of family court who have been appointed to complicated abuse and neglect cases. It seems I always have several of these cases going on and given the fact that I am on the appointment list, a steady stream of them come into my office. Although, now that I have hired an associate attorney, he handles most of the appointed abuse and neglect cases since coming with my firm in 2010.

My experience in adoption and juvenile cases is not quite as extensive as the other areas of family law. While I have handled a number of intra family

adoptions over the years, my experience with newborn adoptions is more limited. That is a specialized area that only a few attorneys in my county practice on a regular basis. However, I am familiar with the statutory procedures and would be able to handle such matters as they came before me, given my familiarity with the system and the law of family court in general.

The same is true in juvenile justice matters. While I have handled a number of cases over the years, I do not do so on a routine basis. Here again, I am familiar with the body of law insofar as juvenile justice is concerned and am aware of the procedures handling these matters. My background in the overall system of family court and familiarity with the body of law and procedures as a whole will enable me to handle these matters without any issue.

15. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, etc.? If you are currently a member of the judiciary, list your last available rating, if any.

I am not currently rated by any legal rating organization. The last time I was listed it was Martindale-Hubbell in the 1990's. At that time my rating was "BV." When I was with the law firm of Elrod, Jones, Leader and Benson, we made a collective decision to discontinue our listing and focus more on an internet web page. We felt that the web page gave us more exposure, given the advancement in technology.

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: 0%;
  - (b) state: I have averaged approximately two hundred Court appearances per year over the last five years in the Family Court.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?
- (a) civil: 0%;
  - (b) criminal: 0%;
  - (c) domestic: 100%.
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: 0%;
  - (b) non-jury: 100% (Family Court) .
- Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters?

I almost always serve as sole or chief counsel in 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) Croom v. Croom # 305 S.C. 158 (Ct. App. 1991).

In this case, an ex-wife lived with a paramour and supported him, at least in part, with her alimony payments. Evidence was submitted at the Trial Court which indicated they decided not to marry so she could continue to receive her alimony. Had the wife lived with her paramour prior to the divorce, alimony would have been barred due to her misconduct. The case was significant because, under SC law at that time, there was no provision to terminate alimony where an ex-spouse lived with a partner and elected not to remarry because it would terminate her alimony payment. The Court of Appeals decided the case on other grounds, as the parties had entered into an agreement which provided that alimony could be modified by only by a written agreement of the parties. However, the Court indicated that, if such an agreement had not been in place the decision may have been different. This case gave rise to the passage of the alimony statute which provided cohabitation for a period of ninety (90) days shall result in termination of ones alimony. This is found in Section 20-3-150, SC Code of Laws, 1976 as amended.

(b) Panas v. Panas # 03-DR-46-165

In this case, I represented the wife. The Husband was involved in a number of business enterprises, most of which involved "sweepstakes" contests. It was basically a scam and the various business enterprises were, and currently are, under federal investigation. The case involved issues relating to the divorce. The wife sought a divorce on the grounds of adultery, physical cruelty and habitual intoxication. Ultimately, she was awarded a divorce on all of those grounds. The issue of alimony was difficult because the husband did not comply with the discovery and the issue of his income was decided on the basis of the lifestyle that the parties had enjoyed during the marriage, as there was little evidence to complete document his income. His financial declaration claimed income that barely met his support obligations under the Temporary Order yet he continued to enjoy a lavish lifestyle of his own. The parties had two children. The wife was awarded \$4,000.00 per month in child support and \$7,500.00 per month in alimony. For purposes of equitable division, the husband did not fully disclose his assets. The wife was ultimately awarded \$2,062,872.00 for her equitable division of property. The Court had to speculate to some degree as to the value of the marital estate due to husband's failure to disclose assets. His failure to disclose assets was determined by an investigation of his financial records which listed ownership in various enterprises for which the records were not produced. It was an

extremely complicated case which touched on the issues of alimony, equitable division of property, grounds for divorce, etc. After the divorce, the husband filed an appeal. He then fled the country to avoid criminal prosecution. During the pendency of the appeal a Motion was filed seeking to dismiss his appeal based upon the Fugitive Disentitlement Doctrine. The Motion resulted in the appeal being dismissed and an unpublished opinion being issued setting for the reasons why he was not entitled to relief as he was a fugitive from justice. He remains at large out of the country.

- (c) Lee v. Lee # 91-DR-29-113. This case was tried in 1991. This was a case involving child custody. The case was tried before the Honorable Berry Mobley for an entire week. I represented the wife, along with my co-counsel, Debbie Mollycheck. The father was represented by Jim McLaren, along with his co-counsel Brooks P. Goldsmith. The case involved issues of the misconduct and mental stability of the mother, as well as the father's inability to provide an appropriate environment for the children. The case involved psychologists, psychiatrists, and the like. The standard for determining custody is what is in the best interests of the child. That determination must be determined from almost every aspect of the children's lives, the environment and their stability. This case touch on almost every aspect of what can constitute the best interests of the child insofar as the determination of custody is concerned. The case was not appealed.
- (d) Yousefian v. Yousefian #99-DR-12-481. This case was tried on May 8, 2001 (Chester County and June 8, 2001 Fairfield County). This case involved grounds for divorce, alimony, equitable division of property, and attorney's fees. The wife sought a divorce from the husband on the grounds of physical cruelty. The husband was a doctor. He had recently sold his practice to a local hospital and was earning less money than when he previously operated his own clinic. At issue (for purposes of determining alimony) was his income versus his income potential. This case was significant because the amount of alimony the wife received depended on the husband's income and the question was whether or not he had voluntarily reduced his income by selling his medical practice and did that justify a reduction in the alimony. Also, since he had sold his practice, the value of the practice was not considered for purposes of equitable division. However, the proceeds that he received became an issue as to whether or not that was going to constitute equitable division of property or a substitute for his income, which had diminished. It became a tangled mess and the case was tried over a period of four days. It was extremely complicated insofar as a determination of the husband's income, the alimony entitlement, the equitable division of property and the grounds for the divorce itself.

- (e) Jackson vs. Jackson #98-DR-46-581. The case was tried on March 7, 2000.

This was a long term marriage which included grounds for divorce, and an equitable division of property/transmutation of property. The wife sought a divorce from the husband on the grounds of adultery. After **much** effort it was ultimately discovered that the wife was guilty of adultery, which served as a bar to her receiving alimony. She was an alimony candidate due to the length of the marriage, the husband's fault, and the disparity in income. However, the central issue was the transmutation of property. The husband worked in a family business known as Jackson's Cafeteria. Over the years of the marriage, the husband's father gave him significant amounts of stock and ownership in the business enterprises. Transmutation was the central issue in the case, as to whether or not the gifts had been transmuted into marital property. Some of the property had been transmuted and some had not. After that had been determined, the division of property was impacted, as the contributions to the acquisitions of the properties was skewed to the extent that the husband had received gifts of property that were ultimately determined to be marital. On the eve of trial, the matter was settled with the husband receiving 60% of the estate and the wife 40% of the estate and some of the properties that were received from the husband's father were considered non-marital. It was a complicated property matter.

20. List up to five civil appeals you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported. If you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter).
- (a) Croom v. Croom, 305 S.C. 158 (Ct. App. 1991);
  - (b) Terese Lynn Milczewski-Willis v. James Michael Willis #08-DR-46-182-Supersedeas;
  - (c) Darrin Mahan v. Shari Mahan #07-DR-46-811-Supersedeas;
  - (d) Suzanne Jones v. Robert Jones #97-UP-424 (Ct. App. 1997);
  - (e) Catherine Panas v. Richard Panas #2010-up-534 (Ct. App. 2010).
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. If you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter). None.
22. Have you ever held judicial office? None.
24. Have you ever held public office other than judicial office? N/A.
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?

I was an unsuccessful candidate for Family Court Judge in 2009-2010 for the seat left open by the retirement of Judge Henry T. Woods. David Guyton won the election.

27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? No.

28. Are you now an officer or director or involved in the management of any business enterprise? No.

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

30. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest. 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?

Yes. I was charged with DWI on Thanksgiving Day 1995. Disposition: Found not guilty.

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.

Yes. My malpractice insurance carrier is The General Agency. I have no tail policy coverage. My coverage is \$1,000,000.00 and the deductible is \$5,000.00.

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? If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist's principal involved. 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. None.
43. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship.

I contributed \$500.00 to the reelection campaign of Tommy Pope in spring 2012. While it was known that I was going to run for a Family Court Seat if one became available, the budget authorizing the new seats had not yet been passed.

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 Car Association, 1983-present;
  - (b) York County Bar President, 1988.
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. None.
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.

My parents were divorced when I was ten years of age. It occurred at a time when divorce was not a common occurrence in SC. I know what it is like to be a child in a divorce situation and what type of impact a bitter, embroiled domestic case can have on a young child. I am keenly aware of what divorce can do to a child.

I served on the Board of Directors for The Children's Attention Home in York County for six to eight years. The Children's Attention Home is a facility where children who are taken into emergency protective custody are placed until such time as a disposition can be made for their placement by the Courts. Frequently, they go from the Attention Home into foster care or to another family member's home. I was Chairman of the Board for a considerable period of my tenure. I was in the home a number of days per week, as I was involved in the day to day activities of the facility. I saw the children come and go on a daily basis. Being in the courtroom and dealing with the outcome of the case is one thing, but seeing the children eye to eye is another. I know the pain that a child feels when they come into such a facility. I have seen the fear in their eyes; it will break your heart.

I have served as a foster parent. I had two young children in my home – at separate times. I dealt with them, as well as their families, as we worked together to try to provide those children with an opportunity for a better life. There were good times and there were bad. I grew to love them and still keep up with them – one more than the other. One is now married with two children, is a tax payer and a productive member of our society. I take some measure of pride in his accomplishments.

I believe my life experiences, as well as my extensive experience in handling matters in the Family Court makes me well suited to hear cases that would come before me.

51. References:
- (a) Laurie P. Leader  
Assistant Vice President/SC Bank & Trust  
Private Banking Department  
SC Bank and Trust  
1127 Ebenezer Road  
Rock Hill, SC 29732  
803-329-1222

- (b) J. Britt Blackwell, O.D.  
Blackwell Eye Associates, P.A.  
1268 Ebenezer Road  
Rock Hill, SC 29732  
803-327-2001
- (c) Shelton P. Sanford, III  
Senior Pastor  
Westminister Presbyterian Church  
1320 India Hook Road  
Rock Hill, SC 29732  
803-366-3107
- (d) John Worden  
Owner of Champion Services, Incorporated  
424 Mt. Phillips Street  
Rock Hill, SC 29730  
803-329-7898
- (e) Richard Reese  
Century Furniture  
750 8<sup>th</sup> Street Drive NW  
Hickory, North Carolina 28601  
803-326-8365

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: Tony M. Jones

Date: July 30, 2012

# JONES & MARTIN

Attorneys at Law

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Tony M. Jones\*  
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August 27, 2012

Senator Robert W. Hayes, Jr.  
Chairman, Senate Ethics Committee  
205 Gressette Building  
Columbia, South Carolina 29201

Representative J. Roland Smith  
Chairman, House Ethics Committee  
519B Blatt Building  
Columbia, South Carolina 29201

Re: Amended expenses

Dear Gentlemen:

This letter is to serve as notice of my intent to amend number 42 of the Personal Data Questionnaire. When I submitted my application my answer to this questions was "none".


Since that time I have incurred the following expenses:

- 1) Staples in the amount of \$107.95 for the printing of my biographical information sheet.
- 2) Postage in the amount of \$72.45 for mailing my biographical information sheet.

With kindest regards,

Yours very truly,

**JONES & MARTIN**

by:   
\_\_\_\_\_  
Tony M. Jones

TMJ/mce

cc: Jane Shuler ✓