

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Family Court, At Large, Seat 4

1. NAME: The Honorable Cely Anne Baker Brigman
BUSINESS ADDRESS: Jebaily Law Firm
291 W. Evans Street
P. O. Box 1871
Florence, SC 29503
TELEPHONE NUMBER: (office): 843-667-0400
2. Date and Place of Birth: 1961; Columbia, 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: Divorced November 27, 2002, in the Family Court for the Fourth Judicial Circuit. I was the moving party. The divorce was granted on the grounds of one year continuous separation. Married on May 17, 2003, to Gregory W. Brigman; two children
6. Have you served in the military? I have never served in the military.
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
 - (a) Columbia College, Columbia, SC, 1979-83, BA in Public Affairs;
 - (b) USC School of Law, 1983-85, 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, 1986
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.

While attending Columbia College, I was nominated for Who's Who in American Colleges and Universities. I was also a member of the Judicial Council and was active in student government. I served as a representative from Columbia College in the SC Student Legislature.
10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Successful Financial Settlements For Your Divorce Client	May 11, 2007;
(b) Magistrate Training	May 14, 2007;



- | | | |
|-----|--|---------------------|
| (c) | Children's Issues in Family Court | May 23, 2007; |
| (d) | Chief Magistrate Technology | July 19, 2007; |
| (e) | Family Law: Helping Your Client
Through Difficult Cases | December 3, 2007; |
| (f) | 2007 Family Court Bench/Bar | December 7, 2007; |
| (g) | Bits, Bytes & Clips | January 25, 2008; |
| (h) | Your Family Law Practice in the 21 st Century | March 31, 2008; |
| (i) | Chief Magistrate Training | July 9, 2008; |
| (j) | Judicial Selection in SC | September 17, 2008; |
| (k) | Emerging Issues in Adoption – Voluntary
Relinquishments: Practices, Procedure &
The SC Supreme Court's
New Legal Standard | September 26, 2008; |
| (l) | Family Law From A to Z | October 15, 2008; |
| (m) | Mandatory School for Magistrates | November 7, 2008; |
| (n) | Ethics Update | December 19, 2008; |
| (o) | Sidebar – SC Criminal Law | April 26, 2009; |
| (p) | Magistrate's and Municipal Courts | May 31, 2009; |
| (q) | Chief Magistrate Training | June 23, 2009; |
| (r) | Mandatory School for Magistrates | October 30, 2009; |
| (s) | Staff/Judges Annual Training | February 2, 2010; |
| (t) | Mandatory School for Magistrates | November 5, 2010; |
| (u) | Annual Legislative Seminar | March 9, 2011; |
| (v) | The Trial of a Criminal Domestic Violence Case | July 1, 2011; |
| (w) | Family Law Section Seminar | January 21, 2012; |
| (x) | Children's Law Committee Seminar | January 22, 2012; |
| (y) | Annual Magistrate's Staff Seminar | February 8, 2012; |
| (z) | Avoiding 20 Ethics Traps | July 13, 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.
- I made a presentation at a SC Women Lawyers Seminar on Criminal Domestic Violence in Magistrate Court in October 2006;
 - I presented a case law up date at a National Business Institute Seminar Entitled Stay on Top of Family Law Developments in December 2007;
 - I lectured on the topic of Marriage Dissolution, Process and Procedure at a National Business Institute Seminar in October 2009.
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.
- Admitted to practice before the SC Bar on May 21, 1986;
 - Admitted to practice before the United States District Court on

February 3, 1987;

c) Admitted to practice before the United States Supreme Court on April 18, 1994.

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.

From August 1986-May 1990, I practiced as an associate with Greene, Lockemy and Bailey in Dillon, SC. My responsibilities involved family court litigation, civil litigation primarily representing plaintiffs in personal injury actions, and limited criminal defense. I also performed residential real estate closings.

From May 1990-May 2004, I practiced as an associate with D. Kenneth Baker, P.A. in Darlington, SC. My responsibilities involved family court litigation, civil litigation primarily representing plaintiffs in personal injury actions, and residential real estate closings. I also handled cases in probate court.

In March 2004, I was appointed to fill a position as a part-time Magistrate for Darlington County. I still hold this position and have been serving as Chief Magistrate for Darlington County since 2004.

From May 2004-November 2009, I practiced as an associate with McDougall and Self, L.L.P. in Florence, SC. My practice was limited to family court litigation.

From November 2009-present, I have practiced with the Jebaily Law Firm, P.A. in Florence, SC. My practice is limited to family court litigation and some matters in Probate Court.

From June 2010-June 2011, I was a part-time attorney for the Clarendon County Guardian ad Litem program. I represented lay guardians in matters involving the Department of Social Services.

- 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.

My professional practice as an attorney has been devoted primarily to family court litigation for the past ten years. I have tried divorce, equitable division of property, child custody, adoption, abuse and neglect and juvenile cases during that time. I have not only tried cases but have participated in mediations and settlement negotiations on behalf of clients involved in family court actions. I have also served as a part-time Magistrate for the last eight years. Both my private practice and my service as a magistrate have prepared me to preside over cases in family court.

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.
16. What was the frequency of your court appearances during the past five years?
 (a) federal: 0%;
 (b) state: 100%.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years?
 (a) civil: 0%;
 (b) criminal: 0%;
 (c) domestic: 99%;
 (d) other: 1%.
18. What percentage of your practice in trial court during the past five years involved matters that went to a jury, including those that settled prior to trial?
 (a) jury: 0%;
 (b) non-jury: 100%.
- 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) Trey Gerald Smith v. Jennifer Erin Williamson, 07-DR-16-0071
 This was a custody/visitation action brought pursuant to the Uniform Child Custody Jurisdiction Act (UCCJA) and the Parental Kidnapping Prevention Act (PKPA). I represented the Defendant mother in this action. My client and the minor child lived in Mississippi. In a previous action between these parties it was established that Mississippi was the home state of the minor child. After the Family Court of Mississippi had issued an order regarding custody, the father filed a second action in SC seeking to modify the Mississippi order. After a full hearing on the merits, the Family Court in SC dismissed the father's complaint. I was able to demonstrate that pursuant to the PKPA the family court in South Carolina lacked jurisdiction and the father would have to pursue his claim in Mississippi, my client's home state.
- (b) Joseph Warren Sims v. Sarah Sims, 08-DR-21-1579 This was a divorce and custody action in which I represented the Defendant father. The parties were able to resolve the custody and visitation issues at mediation. The issue at trial was the divorce. The Plaintiff mother had filed seeking a divorce on the grounds of physical cruelty, which my client contested. I was able to demonstrate through the physical evidence and testimony at trial that the wife's allegations and proof did not rise to the level required under current case law in SC. After a full

hearing on the merits, the trial court dismissed wife's complaint for divorce.

- (c) James Dustin Carnell v. Jessica Marie Carnell, Tonja Renee Carnell and minor children Brittany Ann Carnell and Tiffany Nichole Carnell, 09-DR-16-1107

This was an action for termination of parental rights and adoption. I represented the biological father and potential adoptive step-mother. We were seeking to terminate the parental rights of the biological mother and allow the step-mother to adopt the minor children. The biological mother contested both the termination of parental rights and the adoption. I was able to establish that the biological mother had failed to visit or support the minor children and that pursuant to the statute, her parental rights to the children should be terminated. Upon terminating the parental rights of the biological mother, the Court allowed the step-mother to adopt the children, over the objections of the biological mother.

- (d) Gerald v. Gerald, 09-DR-21-1372, 09-DR-21-1372 This was a Rule to Show Cause action filed during the pendency of a divorce. I represented the Plaintiff wife who alleged the Defendant had repeatedly violated a prior restraining order issued by the court. There were numerous instances of unwanted and intrusive contact which the Defendant denied. Through testimony and the introduction of various exhibits I was able to demonstrate to the court that the Defendant had in fact violated the restraining order on numerous occasions, despite his adamant denials. The court found the Defendant to be in contempt of the prior order.

- (e) Langston v. Langston, 2011-DR-21-758 This was an action for termination of alimony in which I represented the Plaintiff ex-husband. At the time of the parties' divorce, my client was ordered to pay permanent alimony. Several months after the divorce, the ex-wife began living with her paramour. The ex-wife denied that she and the paramour had cohabitated for the requisite 90 days as required by statute. Through extensive discovery, we were able to establish a time line demonstrating the 90 consecutive days. The case actually settled minutes before trial in my client's favor.

20. List up to five civil appeals you have personally handled. None
21. List up to five criminal appeals that you have personally handled. None
22. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.

March 2004-present – appointed to serve as part-time Magistrate for Darlington County. In 2004, I was appointed to serve as Chief Magistrate and still hold that position. I preside over Criminal Domestic Violence Court, civil

matters in which the amount in controversy does not exceed \$7,500.00, and criminal matters that fall within the Magistrate's Court jurisdiction. I also preside over all jury trials held in the Hartsville area of Darlington County and conduct bond hearing.

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.

The cases I preside over in Magistrate's Court do not require written orders.

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

I have never held public office other than my service as a Magistrate.

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.

From May 1990-May 2004, I practiced as an associate with D. Kenneth Baker, P.A., in Darlington, SC. My responsibilities involved family court litigation, civil litigation primarily representing plaintiffs in personal injury actions, and residential real estate closings. I also handled cases in the probate court.

In March 2004, I was appointed to fill a position as a part-time Magistrate for Darlington County. I still hold this position and have been serving as Chief Magistrate for Darlington County since 2004.

From May 2004 until November 2009, I practiced as an associate with McDougall and Self, L.L.P. in Florence, SC. My practice was limited to family court litigation.

From November 2009-present, I have practiced with the Jebaily Law Firm, P.A. in Florence, SC. I handle all family court matters and some matters in probate court.

From June 2010-June 2011 I was a part-time attorney for the Clarendon County Guardian ad Litem program. I represented lay guardians in matters involving the Department of Social Services.

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

In 2011, I was a candidate for a family court judgeship for the Fourth Judicial Circuit.

I came out of screening but withdrew before the election. The seat was filled by Hon. Salley H. McIntyre.

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.

Other than part-time positions while in high school, college or law school, I have held no positions other than practicing law and serving as a Magistrate.

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.

I am not aware of any financial arrangements or businesses which I currently have or have had which could constitute or result in a possible conflict of interest.

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? If so, give details, including but not limited to dates, and resolution.

(a) In the Matter of the Estate of Harley A. Newsome, Deceased, v. Gena Phillips Ervin as Personal Representative of the Estate of Harley A. Newsome, Christine N. Tolson, individually and as Conservator for Sallie Louise Newsome, deceased, Cely Baker Reynolds as Guardian ad Litem for Sallie Louise Newsome, deceased, John H. Newsome, Sr. and John H. Newsome, Jr., Respondents, v. Kenneth L. Amerson, Personal Representative of the Estate of Louise A. Newsome. 98-ES-16-355

This case arose out of a petition filed in Probate Court to authorize the sale of a parcel of real estate. The Conservator for Sallie A. Newsome petitioned the Probate Court to allow the sale of the real estate so that the funds generated could be used to provide for Mrs. Newsome's care. I was the Court appointed Guardian *ad litem* for Mrs. Newsome who was in a nursing home.

The Petition for Sale was supported by an appraisal from a licensed real estate appraiser. The property was to be sold for the appraised value. The Probate Judge approved the sale which was finalized shortly thereafter.

Three months later, Sallie Newsome died. The Personal Representative of her estate filed a motion pursuant to Rule 60(b),

SCRCF, to set aside the sale alleging the appraisal introduced at the hearing was inaccurate and that the property was worth more than indicated.

The Probate Court denied the motion. The Personal Representative appealed to the Circuit Court which upheld the ruling of the Probate Court. Upon appeal to the SC Court of Appeals (No. 2003-UP-475), the decisions of both lower courts were affirmed.

- (b) Kenneth L. Amerson, Personal Representative of the Estate of Sallie Louise Newsome v. Gena Phillips Ervin, Personal Representative of the Estate of Harley A. Newsome, Christine N. Tolson, individually and as Conservator for Sallie Louise A. Newsome, deceased, Cely Baker Reynolds, as Guardian ad Litem for Sallie Louise A. Newsome, Deceased, John H Newsome, Sr. and John H. Newsom, 02-CP-16-365

In 1998, the Probate Court approved the sale of certain real estate owned by Sallie Louise A. Newsome who was in a nursing home. The sale was approved. The order of the Probate court was appealed and upheld by the Circuit Court and Court of Appeals.

Sallie Louise A. Newsome died several months after the sale of the property. In 2002, the Personal Representative of her estate filed an action in circuit court in an attempt to set aside the sale of the property.

A motion for summary judgment was filed on my behalf in Circuit Court. The order granting summary judgment in my favor was appealed and certiorari was denied by the SC Supreme Court.

35. Have you ever, in SC or any other jurisdiction, as a lawyer, judge, or other professional, been sanctioned for lawyer, judicial, or other professional misconduct or been found to have committed such misconduct? 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? Also, if applicable, indicate your coverage and deductible for your current malpractice policy.

I have been covered by malpractice insurance continuously since I began the practice of law. My current coverage is with Westchester Fire Insurance Company. I have coverage of \$4,000,000.00 with a \$10,000.00 deductible.

38. 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. 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. 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 Association
 - Current Member, Family Law Council
 - Past Member, House of Delegates
 - Past Member, Board of Governors;
 - (b) Darlington County Bar Association;
 - (c) Florence County Bar Association;
 - (d) SC Association for Justice
 - Past Chairman, Family Law Section
 - SC Women’s Law Association
 - Summary Court Judges Association.
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) Award of Excellence, SC Coalition Against Domestic Violence, 2008;
- (b) American Heart Association.

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.

For the last several years, my practice has been devoted primarily to the practice of family law. I have tried to increase my professional skills by attending educational family law seminars and by speaking at these seminars. My service as a Magistrate has taught me the importance of exercising patience, understanding and restraint with both litigants and lawyers. I believe I have the ability and temperament needed to serve on the Family Court bench.

51. References:

- (a) Mr. Tom Henson
Dedicated Community Bank
202 Cashua St.
Darlington, SC
(843) 393-1956
- (b) Hon. J. Todd Hardee
315 Pearl Street
Darlington, SC 29532
(843) 393-3851
- (c) Mr. Clifford Lane
209 Wyandot Street
Darlington, SC 29532
(843) 395-3162
- (d) Ms. Gena P. Ervin, Esq
504 S. Coit Street
Florence, SC 29503
(843) 667-6613
- (e) Ms. Rangely Bailey Chewning
P. O. Box 1871
Florence, SC 29503

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: Cely Anne Baker Brigman

Date: August 4, 2012