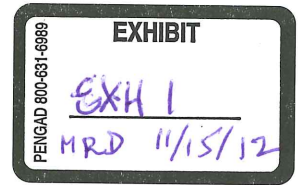


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE



Court, Position, and Seat # for which you are applying:
Family Court, At-Large, Seat 5

1. NAME: Ms. Martha M. Rivers Davisson
d/b/a Martha M. Rivers
BUSINESS ADDRESS: 12923 Main St
Williston, SC 29853
TELEPHONE NUMBER: (office): 803-266-2290
2. Date and Place of Birth: 1972; Augusta, GA
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 August 5, 1995 to Douglas Raymond Davisson. Never divorced, three 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) Furman University - August 1989-May 1993, BA in History/English;
 - (b) USC School of Law - August 1993-May 1996, 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, 1996.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.
 - (a) Furman University Marching and Concert Bands (1989-93);
 - (b) Mu Phi Epsilon Music Fraternity (1994);
 - (c) Furman University Foreign Study in England (Fall 1992);
 - (d) USC Student Pro Bono Program participant as an intern with SC Legal Services Association summer 1995 and Richland County Volunteer Guardian ad Litem (1995);
 - (e) Mock Trial Competition (April 1996, 1st Place).
10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) 2012 SCWLA Ethics	01/05/2012;
(b) 2011 SCAJ Annual Convention	08/04/2011;
(c) 2011 Hot Tips from the Coolest Domestic	09/16/2011;

- | | | |
|-----|--|-------------|
| (d) | RPWB Litigation Seminar | 04/30/2011; |
| (e) | SCWLA Mastering the Game | 10/22/2010; |
| (f) | Ch. Sch. Of Law Law & Society | 02/18/2010; |
| (g) | SCWLA Conference | 10/01/2009; |
| (h) | SCWLA Ethics | 01/15/2009; |
| (i) | Ch. Sch. Of Law Riley Inst.
State Constitutional Reform | 01/16/2009; |
| (j) | 2008 SC Bar Criminal Law Update | 01/25/2008; |
| (k) | SCWLA Ethics | 02/07/2008; |
| (l) | SCTLA Annual Convention | 08/03/2006; |
| (m) | SC Bar Residential Real Estate Update | 05/12/2006. |
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. No.
12. List all published books and articles you have written and give citations and the dates of publication for each.
- The Leaner and Meaner Youthful Offender Act," SC Lawyer, Volume 9, Number 3, November/December 1997.
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) SC Bar (1996);
- (b) US District Court, District of SC (2000).
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.
- After graduation from the USC School of Law in 1996, I clerked for one year for the Honorable Thomas L. Hughston, Jr. of the Eighth Judicial Circuit. I then became an associate attorney at Bedingfield & Williams in Barnwell, SC. From 1997 to 2000, I assisted the partners, Daniel W. Williams and Walter Bedingfield, in the general practice of law. I developed my own caseload that quickly became predominantly domestic cases. I also learned the procedures for real estate closings, and litigated criminal cases with Mr. Bedingfield. I developed a modest civil litigation caseload as well. From my initial days as a litigating
- Attorney, I handled divorces involving equitable division, alimony, child support and custody issues.
- In 1999, my husband entered the Masters in International Business program at the Darla Moore School of Business at USC. In 2000, I left Bedingfield & Williams to live with Doug in Zurich, Switzerland. We returned in December 2000. I then began my practice as a sole practitioner in January 2001 in Williston, SC. My practice developed much like my associate work. Today, my practice is a majority of real estate work and domestic litigation in

Aiken and Barnwell counties. I handle some criminal cases, by appointment and through my private practice. I also maintain a small plaintiff's practice, litigating cases in the Second Judicial Circuit. Being in a small town, I often prepare simple wills and other estate planning documents.

As a domestic practitioner, I routinely handle divorces involving the division of assets, including retirement assets, custody litigation, and issues of child support. I regularly serve as a *Guardian ad litem* on behalf of children involved in litigation. Recently, I have been involved as an advocating attorney and as a *Guardian ad Litem* in litigation involving grandparent rights and potential psychological (but not biological) parents of minor children. Because attorneys are no longer subject to appointment as a *Guardian ad litem* in DSS cases, I also volunteer in Barnwell and Bamberg counties in this capacity.

- 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 substantial experience in the areas of divorce, equitable distribution of property, child custody and visitation matters. Most divorces do not present complicated legal issues but require the attorney to educate her client as to the law and the process of separating their lives. Early in my career, I handled a change in custody action brought by a parent where the custodial parent intended to move out-of-state. The parties had been to court multiple times since their divorce, resulting in a family court order requiring all communication to be in writing. In an early meeting, my client placed before me two large notebooks of typed and handwritten letters and notes. Much of the written communication involved relatively trivial issues. I often use this fact scenario to caution clients. I explain to them that it is my goal that each parent I represent not become that case. As a Family Court judge, I want to craft a solution to the problem presented before me rather than creating future problems.

In matters of equitable distribution, I have handled a full range of issues. I have advocated for clients whose main asset was a home with negative equity. I have also been involved in distribution disagreements where the parties argued over every item of personal property. It is my common practice to verify property valuations, provide proof of valuations in cases as feasible, and to require my clients to produce documentation to me regarding the values of property. This helps my client make an informed decision during an emotional process. It helps me to explain the division of assets to my client and in negotiating with the opposing attorney. Another key element in representing clients in divorce actions is to identify all assets. Also, health insurance coverage is now a critical asset. I recently represented a litigant

with an uncomplicated divorce based upon one year continuous separation except that the spouse suffered from unusual medical conditions. The opposing party had been denied disability, had not had consistent employment during the marriage or since, and required several prescriptions for documented medical problems. What was otherwise a non-spousal support case became one simply because someone had to pay for health insurance coverage.

I regularly handle matters of child custody and visitation as an advocating attorney and as a *Guardian ad litem*. I am currently representing a non-biological party in bringing a request for custody based upon the psychological parent statute against the desires of other relatives. This case demonstrates how important it is to put the interests of the child as the top priority.

As a *Guardian ad litem*, I routinely conduct home visits and interview relatives and friends regarding custody and visitation issues. I believe this work has given me invaluable experience that I can bring to the judiciary. As a *Guardian*, I am not advocating for either parent. I am reviewing the evidence presented by both parents.

I have some experience in the field of adoption. When approaching an adoption, I try to proceed with extreme caution. I do not want any procedural questions to prevent the adoptive family from having a wonderful family life. For example, I represented a young couple adopting their biological nephew. The biological mother relinquished her rights voluntarily and asserted that she had no knowledge of the identity of the father. Extensive questioning by me and the adoptive parents failed to change her response. Although it appeared we may be able to get by with a publication notice in SC, I also published notice in the city and state where conception may have occurred. I want to make it as difficult as possible to raise any issue that would question the procedure of an adoption case. As a judge, I would scrutinize these cases with extreme care.

At one time in my career, I received indigent appointments from the General Sessions docket as well as from the abuse and neglect caseload. I found these cases troubling as issues of poverty, mental health, and/or addiction run through almost every facet of each case. As an advocate, I often had to track down my client to meet with him or her before the court hearing. Many clients in this system lack basic life skills. They either fail to recognize the gravity of the case or feel overwhelmed by it and choose to ignore it. The core work in an abuse and neglect case is often negotiating with the Department of Social Services to craft a treatment plan that your client may be able to complete. A few years ago, I represented a mother of limited intellectual abilities. Her children were placed in protective custody due to their exposure to violence from her relationship with an abusive boyfriend. There were no allegations of physical harm to the children by the mother. The mother needed services for her protection. I worked with the Department of Social Services, including attending staffings with the Department of Mental

Health, to reunify the family and continue services to the family to ensure the safety of the children and my client.

Today, I receive appointments from the General Sessions docket and volunteer as a *Guardian ad litem* in abuse and neglect cases. My role as a volunteer *Guardian* differs from my role in private cases. This volunteer work has provided additional insight into the work of the Department of Social Services and the procedures the department follows in presenting its case.

Finally, I also have experience in the realm of juvenile justice. My experience in General Sessions court has given me a general knowledge of criminal law. Juvenile justice differs in the status offenses applicable to minors and the pre-trial procedure. In 2010, I represented a juvenile charged with armed robbery. I saw no logical reason a young man like him should be in the juvenile justice system as much as he had been. He was intelligent, had a caring family, and had the opportunity to excel in school. For the armed robbery charge, we reached a reasonable plea deal given the severity of the crime and the evidence presented. In this case, I saw how the juvenile justice system tries to rehabilitate juveniles to avoid adult criminal activity.

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.

Martindale-Hubble BV Distinguished Rating

16. What was the frequency of your court appearances during the last five years?
- (a) federal: None;
- (b) state: At least once a month in Family Court although I sometimes attend Family Court three times in a week; once every two months in Magistrate's court; once a quarter in General Sessions court.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?
- (a) civil: 5%;
- (b) criminal: 10%;
- (c) domestic: 45%;
- (d) other: 40% (other is real estate, wills, advance directives, business documents).
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: 15%;
- (b) non-jury: 85%.
- Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? I most often serve as 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) State v. David M. McClure, Jr., Opinion No. 25193 (2000). While I was an associate at Bedingfield & Williams, Walter Bedingfield was appointed lead defense counsel for the first death penalty trial in Barnwell County. As his associate, I assisted in all pre-trial matters, met with expert witnesses, met with the client, conducted research, and assisted in trial preparations. The case involved the murder of Mr. McClure's father and his father's girlfriend when he was a teenager. Mr. McClure admitted to stabbing them both and then fleeing. The sheer nature of a death penalty trial makes it significant in anyone's life. As a litigator, this case was significant for me in learning the preparation required for such a case and the voluminous legal issues presented. Mr. McClure was convicted by the jury and sentenced to death in the penalty phase. The penalty verdict was later overturned for improper comment upon the defendant's right to remain silent. He recently entered a plea from which he will serve life without parole;
- (b) Deloach, et al. v. Norfolk Southern (2005). In January 2005, a collision of Norfolk Southern trains in Graniteville, SC, caused the release of toxic gas in an area known as the Valley. I represented a resident of the area for his own injuries, as an heir to his father who passed away from the exposure, and on behalf of his infant daughter who was in the house with them. I served as co-counsel with the Hulseley Litigation Group and with Lawrence Brown who represented other family members of the Deloach family. I was involved in the preparation of litigation documents, negotiations with the defendants and managed the state court proceedings. This case is significant because it involves mass tort litigation and because of the facts presented. A case of this type requires a significant commitment from the representing attorneys in both time and preparation. All of my cases involving the Graniteville train wreck were settled without trial;
- (c) Baltzegar v. Baltzegar (2004). This case involved the separation and divorce of a thirty-six year old marriage. Although the property division was important, the significance of the case was that Ms. Baltzegar had medical conditions that were potentially very serious in the future. The uncertainty of her medical needs made health insurance imperative for her. Mr. Baltzegar had recently had some medical issues as well, making retirement seem more appealing. Neither party was close to social security age at the time of the litigation and all non-employer based health insurance was not financially possible due to the wife's medical condition. Both parties wanted a divorce. This case demonstrated that the most important asset may not be a physical asset held by either party. Furthermore, the court is often limited in how it can assist. A settlement was reached with an attempt to address the health insurance issue;

(d) Pennicuff v. Pennicuff (2005). I served as the Guardian ad Litem for two minor children who were in the physical custody of their mother. The mother moved from Georgia to Ohio without making provisions for father's visitation. The father brought an action for change in custody or to address his visitation. During the investigation, questions arose regarding the stability of the children in mother's custody. With the assistance of an attorney in Ohio, we were able to present a full and accurate report of the status of these children to the SC court which led to a change in custody. Unfortunately, the limited court schedule for trials of any significant length meant that the case was not heard for many months after the completion of the investigation. This case demonstrated the need for a Guardian advocate for the minor children to move the case forward for the benefit and protection of the children. The attorneys are representing their individual clients and may have other issues to consider;

(e) Thomas v. Thomas (2004) I represented the plaintiff/wife in this action for divorce. The parties were married in 1971. Defendant/husband had been employed and managed the family farm. There were allegations of spousal abuse by the defendant who now appeared to have several physical disabilities. With the help of local law enforcement, we were able to prove that defendant's physical condition did not prevent the stalking and harassment that plaintiff continued to allege. This was essential in reaching a favorable settlement that involved support and a marital property settlement. I believe my client's physical well being was seriously threatened. The defendant/husband was presenting himself to the court and his attorney as physically unable to do the things he was accused of. Thankfully, my client remained physically safe during the time it took to prove husband's deceit to the court.

- 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? 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. Not Applicable.
- 26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?

I ran for the SC House of Representatives District 91 seat in the special election held in April 1999. I lost to the Honorable Lonnie Hosey, who still serves in that seat.

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?

I am the manager and owner of Martha M. Rivers, Attorney at Law, which is my law practice. I operate as a sole proprietor and have been the only attorney for this office since 2001. I manage all client files, delegate and review administrative work prepared by my support staff, review trust account fund bank statements and reports, and oversee the financial accounts of my office.

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.

I practiced as an associate with Bedingfield & Williams until 2000. Mr. Dan Williams, who was a partner, practices law in Barnwell County and the surrounding area. Mr. James D. Mosteller was another associate attorney with the firm at the same time I was. I do not know of any active cases from my time at Bedingfield & Williams. If elected to this seat, I would recuse myself from any action involving cases in that firm during my time of employment (August 1997 to August 2000). I currently have no financial or business relationship with either gentleman. I never had a financial relationship with Mr. Mosteller.

My husband has worked for several large corporations. He currently works for a private company in Columbia, SC. I would not preside over any action involving his immediate co-workers or persons for which he has supervisory responsibilities. I also would not preside over any action involving his superiors.

I currently am a private attorney for referrals from SC Legal Services which serves indigent clients in certain civil cases. In this arrangement, the legal services office refers cases to me and pays for my services as an independent contractor according to its pay scale. I do not foresee a particular conflict of interest presented by this referral contract.

As a sole practitioner, I have personally handled all cases in my office. I would not preside over any actions involving former clients.

31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? No.

32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.
33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? No.
34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law? No.
36. Have you ever been investigated by the Department of Social Services? Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? No.
37. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy? If so, please explain when you were covered by a tail policy.

While at Bedingfield & Williams, I was covered by the firm's malpractice insurance. I do not know the particular coverage limits of that policy. Since 2001, I have maintained annual coverage for Martha M. Rivers Attorney at Law. For 2012, I have a \$500,000 per claim and \$1,000,000 aggregate claim limit. There is a \$5,000 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."

I have no knowledge of such incidents or allegations.

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."

I have no knowledge of such incidents or allegations.

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.

At this time, I have nothing to report. I anticipate that I will expend postage for a notice of candidacy letter and incur travel expenses for travel associated with the judicial selection process.

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? 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 Women Lawyers 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) Williston Ivy Garden Club;
 - (b) Williston United Methodist Church;
 - (c) Williston Country Club (not a current member).
 - (d) Barnwell United Methodist Church;
 - (e) Aiken Civic Ballet Company Board.
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.

Regardless of your background, family court is a place where many litigants lack foresight into his/her situation and succumb to the emotional nature of the litigation. I hope to present a calm and friendly demeanor to each litigant who comes into court.

For over ten years, I have maintained a general practice law firm in rural SC. Although this is not a unique practice in our state, it certainly is an interesting perspective on life in SC and provided me with insights on how the family court and other courts affect their lives in myriad ways. I have advised families with their child or grandchild facing charges through juvenile justice. I have represented children before the local school board, and participated in DSS hearings as an advocate for a parent accused of abuse or neglect and as a volunteer *guardian ad litem*. As a private practitioner, I regularly act as a *guardian ad litem* in cases in Barnwell County. Many of my clients live in

poverty conditions and have provided me insight into the struggles of raising families on such limited incomes. Most litigants fear the judicial system and have many misconceptions as to the workings of the court. My family court experience will aid me in serving the litigants who come before me, and I will strive to be both respectful and fair in all of my actions.

While maintaining my law practice, I am raising three lovely girls with my husband of seventeen years. My children have given me immeasurable insight into my family court practice. I have also managed the struggles of maintaining a law practice while meeting the demands of parenting. An at-large judgeship would require travel away from home, but my husband, parents and extended family would continue to provide support for me and my children.

As a judge, I would strive to respect the law and provide pragmatic solutions to the family disputes presented to me. My law practice has given me insight into the problem faced by families in SC. I would use this knowledge to work with the SC Bar, other members of the court system, and other stakeholders to make the judicial process more efficient and effective, especially for cases involving children.

51. References:

- (a) Frank Mizell, Branch President
First Citizens Bank & Trust Company, Inc.
P.O. Box 70
Williston, SC 29853
(803) 266-7494
- (c) E. Pete Kulmala
Harvey & Kulmala
P.O. Box 705
Barnwell, SC 29812
(803) 259-5531
- (c) William J. Cook, Associate General Counsel
National Trust for Historic Preservation
1785 Massachusetts Ave, NW
Washington, D.C. 20036
(202) 588-6283
- (d) Michael C. Tanner
Michael C. Tanner, LLC
P.O. Box 1061
Bamberg, SC 29003
(803) 245-9153
- (e) Rev. Cindy Fuller
Williston United Methodist Church
6030 Springfield Rd
Williston, SC 29853
(803) 266-3115

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: Martha M. Rivers Davisson

Date: August 6, 2012

Paula Benson

From: Martha Rivers [MarthaR@MRiversLaw.com]
Sent: Tuesday, November 13, 2012 11:29 AM
To: Paula Benson
Subject: Family Court Seat #5

As we discussed, I spent \$37.99 at Staples for printing for a letter of introduction and \$45.00 for a roll of stamps. These are my only expenses associated with my candidacy thus far.

I will go to the Barnwell Clerk to provide my appointment or other documentation explaining my roll in the Sonic Drive-In civil suit.

Thanks,

Martha Rivers

Martha M. Rivers
Attorney at Law
12923 Main St
Williston, SC 29853
(803) 266-2290
(803) 266-2588 (fax)

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