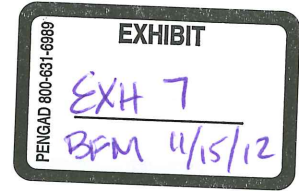


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**



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

1. NAME: Mr. Bernard Frank Mack
BUSINESS ADDRESS: 110 North Main Street
Summerville, SC 29483
TELEPHONE NUMBER: (office): 843-285-7100
2. Date and Place of Birth: 1952; Niagara Falls, NY
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 June 25, 1977, to Angela D. Mack. 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) Syracuse University, 1970-74, BA;
 - (b) Georgetown University, 1975-77, completed course work for MA. Did not complete thesis work for degree but left to attend to law school;
 - (c) Tulane University School of Law, 1977-80, 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, 1980
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) Tulane University Moot Court Team, 1980;
 - (b) Tulane Law School Criminal Law Clinic, 1980.
10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Charleston County Family Court, Family Law CLE	11/17/06;
(b) Charleston County Bar Assoc., What Works for You	12/15/06;
(c) SC Bar, SC Civil Process Update	02/16/07;
(d) Charleston County Family Court, Family Law CLE	11/16/07;
(e) SC Bar, It's All A Game - Evidence	02/08/08;
(f) Masters-In-Equity Bar, Liaison Comm., Masters Seminar	02/22/08;
(g) SC Bar, Accounting (Trust), SC Side	

- | | | |
|-----|---|-----------|
| | Bar on Licensing | 02/26/08; |
| (h) | SC Bar (Ethics), Ethical Considerations for Criminal Law | 02/26/08; |
| (i) | Charleston County Bar Assoc., Child Custody and Guardian ad Litem Training Update | 01/30/09; |
| (j) | Charleston County Bar Assoc., What Works For Me | 02/13/09; |
| (k) | Federal Court Law Review, Ethics in the E-Discovery Age | 02/27/09; |
| (l) | SC Bar, Guardian ad Litem Update | 01/29/10; |
| (m) | Charleston County Bar Assoc., What Works For Me | 02/18/10; |
| (n) | SC Bar, Everything You Ever Wanted To Know | 02/19/10; |
| (o) | SC Bar, Guardian ad Litem Training Update | 01/28/11; |
| (p) | Charleston County Bar Assoc., What Works For Me | 02/04/11; |
| (q) | SC Bar, Teleseminar: Ethical Issues in Client Representation Agreements | 02/11/11; |
| (r) | Charleston County Bar Assoc., Managing A Law Practice | 02/25/11. |
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.
Charleston Southern University, Adjunct Professor, Business Law, 2004-05.
12. List all published books and articles you have written and give citations and the dates of publication for each. None.
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
- (a) Admitted to practice before the State Courts of SC in 1980;
- (b) Also admitted to practice before the Federal District Court in 1984 and the Fourth Circuit Court of Appeals in 1993.
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) 1980 – Ninth Circuit Public Defender’s Office for Charleston County, Assistant Public Defender;
- (b) 1981-84 Ninth Circuit Solicitor’s Office for Charleston County, Assistant Solicitor, Family Court Division; and Assistant Solicitor, Court of General Sessions;
- (c) 1984 – Present Ameika, DeVane and Mack, Attorneys at Law, General Practice, 75% devoted to Family Court matters.
- 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.

From 1984 to present I have practiced in all areas of Family Court litigation. I represented DSS as an Assistant Solicitor in the early 1980's in abuse and neglect cases. I have represented hundreds of parties in divorce proceedings, custody litigation, and juvenile justice matters.

I have negotiated, mediated and litigated numerous divorce matters that included alimony issues, equitable division of property, and child custody. I have served as counsel for adoptive parents and as Guardian *ad Litem* in numerous adoption proceedings, including out of state adoptions under the Interstate Compact.

I have represented numerous juvenile clients in both pleas and trials in the Family Court since 1980.

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 have not participated in any rating process.
16. What was the frequency of your court appearances during the last five years?
 - (a) federal: One federal trial;
 - (b) state: Appearance in Family Court on average of 1-5 times per week.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?
 - (a) civil: 10%;
 - (b) criminal: 10%;
 - (c) domestic: 75%;
 - (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? 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) SC vs. Deavero D. Green, 2009. Charleston County Court of General Sessions. Three indictments for Lewd Act on Minor. Two separate trials in which the first trial resulted in a not guilty verdict. The second trial resulted in a conviction for the Defendant;
 - (b) United States vs. Gregory Overton, 2000. United States District Court for SC. A multi-week trial, involving ten co-defendants on charges of Conspiracy to Distribute Crack Cocaine. Involved participation with

- numerous co-counsel in coordination of defense and complicated plea negotiations with the U.S. attorney;
- (c) True vs. True, 00-DR-10-5189, Charleston County Family Court. A multiple day trial, following a year of discovery and depositions in a divorce action involving complicated issues of equitable division of marital property. Identification of marital property complicated by the use of trusts by client in ownership of real property assets;
 - (d) DSS vs. Rigney, Baldwin and Loveless, 08-DR-08-1258; Loveless vs. Rigney, 08-DR-08-1195, Berkeley County Family Court. Companion cases involving DSS abuse and neglect action against mother and boyfriend. I represented the biological father in DSS proceeding and brought separate private action seeking custody of child. DSS action proceeded to trial following multiple depositions and discovery proceedings. Separate private custody action resulted in settlement following mediation of the case;
 - (e) DSS vs. Stewart, 01-DR-08-1448, Charleston County Family Court. Abuse and neglect action brought by DSS. Involved jurisdiction issues with regard to alleged acts occurring in another jurisdiction. Trial held on issues of abuse that resulted in an Alford admission. Numerous follow up hearings on the treatment plan for the father and his compliance with the requirements of the Final Order.
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) Durden vs. Durden, 06-DR-18-1348, Dorchester County Family Court Appeal to S.C. Court of Appeals. Date of Decision Ruling without precedential value;
 - (b) Ward vs. Ward, 98-DR-26-2911, Horry County Family Court Appeal to S.C. Court of Appeals, May 2000;
 - (c) Jenkins vs. Jenkins, 98-DR-10-686, Charleston County Family Court Appeal to S.C. Court of Appeals, September 2000. Ruling without precedential value;
 - (d) Spreeuw vs. Barker, 01-DR-10-1046, Charleston County Family Court Appeal to S.C. Court of Appeals. Attorney for the Guardian *ad Litem*.
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).
- United States vs. Gregory Overton, 2000. Appeal from the United States District Court of SC to the United States Court of Appeals for the Fourth Circuit, Richmond, Virginia. Oral arguments held in Baltimore, Maryland. Appeal of the Conviction for Distribution of Crack Cocaine. Case not reported.

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. N/A.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.
 - (a) Candidate for Ninth Circuit Family Court Seat: Fall 2000;
 - (b) Candidate for Ninth Circuit Family Court Seat: Fall 2001;
 - (c) Candidate for Ninth Circuit Family Court Seat: Fall 2010.
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.

Joint owner with attorneys David L. DeVane and Walter S. Ameika of 110 N. Main, LLC, which is the owner of the building where we practice law. Also have two tenants at 110 N. Main Street, Summerville, SC, i.e. attorney Robert Robbins and attorney Margie Pizzaro. Conflict of interest would be resolved by recusal from all matters with any association with the named attorneys.

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.

2009, 110 N. Main Street, LLC was sued for a slip and fall occurring on our law office premises. This case was settled by our insurance carrier.

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.
 - (a) Yes. ALPS Insurance, Masoulla, MT, insurance carried since 1983;
 - (b) No, I haven't had a tail policy;
 - (c) \$1,000,000.00 coverage and \$5,000.00 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." 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? 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;
 - (b) Charleston County Bar 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) St. Stephens Episcopal Church, Vestry Member;
 - (b) Gibbes Museum of Art, Charleston, SC, Harleston Fellow.
50. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek.
- I have had thirty years experience as a practicing attorney in Family Court.
- My thirty year marriage and raising three wonderful children have contributed to my sense of the appropriate role of a Family Court Judge.
51. References:
- (a) David L. DeVane
110 North Main Street
Summerville, SC 29483
(843) 285-7100
 - (b) Rev. David Williams, DD
67 Anson Street
Charleston, SC 29401
(843) 722-0038
 - (c) Dr. Avrum Silver Ph.D.
2151 B Ashley Phosphate Road
N. Charleston, SC 29406
(843) 572-8900
 - (d) Dennis Baars, CPA
471 Wallace Drive
Charleston, SC 29412
(843) 795-6632
 - (e) Hugh Lane, President
Bank of SC
256 Meeting Street
Charleston, SC 29401
(843) 724-1500

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: Bernard Frank Mack

Date: August 7, 2012