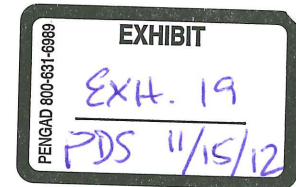


**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**



Court, Position, and Seat # for which you are applying:  
Family Court Judge At Large Seat 6

1. NAME: Mr. Paul D. Schwartz  
BUSINESS ADDRESS: 708 St Andrews Blvd  
P.O. Box 31943  
Charleston, SC 29417-1943  
TELEPHONE NUMBER: (office): 843-559-1817
2. Date and Place of Birth: 1956; Charleston, 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: Married on September 8, 1996, to Nancy Lynn Bryson Schwartz. Never divorced; no children.
6. Have you served in the military? n/a
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) College of Charleston, 1974-78, BA Political Science. Graduated;  
(b) USC School of Law, 1979-82, JD. Graduated
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, 1982
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.  
I worked full time and attended college full time. My activities were social at college, ATO at College of Charleston. In law school I also worked my way through law school from first year forward, averaging many weeks as many as 30 hours of work per week and a full time school load. I paid my own way through college and law school, with very little assistance. Needless to say, there was not much time for extra activities in Law School.
10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Children's Issues in Family Court	03/17/06;
(b) Auto Torts XXIX	12/01/06;
(c) Children's Issues in Family Court	03/23/07;
(d) SCTLA 2007 Annual Convention	08/02/07;

- (e) Auto Torts XXX 11/30/07;
- (f) 2008 SCTLA Annual Convention 08/07/08;
- (g) Children's Issues in Family Court 11/19/08;
- (h) Auto Torts XXXI 12/05/08;
- (i) SCTLA 2009 Annual Convention 08/06/09;
- (j) Til Debt Do Us Part 11/04/09;
- (k) Auto Torts XXXII 12/04/09;
- (l) 2011 SCAJ Annual Convention 08/04/11;
- (m) Auto Torts XXXIV 12/02/11;
- (n) Best Interest of the Child 2012 01/26/12;
- (o) 2012 SCAJ Annual Convention 12/03/12.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?

I spoke at a Guardian Ad Litem luncheon regarding the collection of fees in Family Court by Guardian Ad Litem. It was just under an hour and I provided forms and suggestions to attorney gals.

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

SC Jurisprudence: Volume 28. Fraud (1998). I contributed to this article, but did not author it. I am credited in the volume for my contribution. I did not write this.

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 1982;

(b) Also admitted to practice before the Federal District Court in 1986.

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.

Out of law school I worked as an Associate for Dan M. David. That relationship became David, Lacour and Schwartz, which then became David and Schwartz. This was from 1982 until about 1992, when I became a sole practitioner at the office of David and Schwartz, where I was also an employee. The practice was always a general practice of law, wherein we handled family law and civil law suits of all kinds, as well as business matters, incorporations and wills, etc. From 1982 until 1992, the practice was about 50/50 between family law and civil law matters. My practice has remained a general practice of law, but since the late 1990s, I have done more and more family law and less civil cases. I began handling Guardian Ad Litem cases as a favor to a presiding judge, and I have been handling cases as the Guardian Ad Litem ever since, now for nearly 20 years. Approximately 50% of my practice has become as a Guardian Ad Litem for children. I have developed a passion

for easing the pain that children experience in divorce and in drawn out custody cases.

During my time as an attorney I have practiced in the Family Court, Circuit Court, appeared in the Federal Court, and the Probate Court. I have handled social security appeals for disability, and Appeals in the SC Court of Appeals and the SC Supreme Court. I briefed and argued appeals in the SC Supreme Court and the SC Court of Appeals.

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 vast experience in all areas of Family Court, including divorce and equitable distribution of property, child custody, adoption, abuse and neglect, and juvenile justice. For nearly 30 years now I have practiced and handled cases in these areas. At any given time, I may have 5 to 10 divorce cases ongoing. These cases involve preparing agreements and having them approved by the court, and addressing the various legal areas of equitable distribution of property and debt, support, child custody and visitation. As a Guardian Ad Litem, I am focused exclusively on custody and visitation. I may have as many as 15 cases ongoing presently as Guardian Ad Litem. I handle and have handled many abuse and neglect cases over the years, and currently have about five pending. In the past year, I have handled or am handling two (2) adoptions as attorney for the adopting parent. My experience in these practice areas is vast. The least of the areas I have practiced in is juvenile justice, but I have handled approximately 4-8 such cases in my career and I am comfortable that I would be well equipped to handle a case in any of the above areas.

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.

16. What was the frequency of your court appearances during the last five years?
- (a) federal: In frequent, only a handful at most;
- (b) state: Multiple appearances every week.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?
- (a) civil: 40% to 50%;
- (b) criminal: less than 5%;

- (c) domestic: 50% or more;
  - (d) other: less than 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: 20% to 30% (all settled);
  - (b) non-jury: 70%-80%.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? It varied. In many of the cases set for a jury trial I was a co counsel. In the majority of non jury matters I was 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) Gartside v Gartside, 383 SC 35; 383 Se2d 35 (Ct App 2009). It is a reported case where I sought obtained and then kept an alimony reduction. This case addressed an issue where a person seeking a reduction need not seek work outside where he resides as argued by the former spouse. I tried the case in the Family Court as well. Good law on alimony.
  - (b) Unison v Schmidt, 339 SC 362, 529 SE2d 280 (2000). I sought cert in the Supreme Court to argue an uninsured motorist case. We had a severely injured child and we succeeded in making law as to a passenger being a permissive driver where the driver was not permissive as regards coverage for her injuries. . This was what I termed before the Supreme Court, the carjacking case, I briefed and argued and was successful in over-turning the SC Court of Appeals. I was co-counsel in this case at trial, but I handled the appeal to the Supreme Court alone.
  - (c) Swanson v Stratos, 350 SC 116; 564 SE2d 117 (Ct App 2002). I tried a case before the Master and successfully appealed the case to the Ct of Appeals where our position was where there is a contract there can be no recovery in implied contract. I was able to reverse the Master and make law here.
  - (d) Knudsen v Knudsen, 2002-DR-08-2340 June 4, 2004, I successfully defended a Motion for Superseedeas to the Court of Appeals. I represented an elderly female whose former husband was to have sold the marital home but he failed and refused to do so, and I successfully ordered its sale and got my client paid the money she was due and needed.
  - (e) Todd v Todd, 2000-DR-10-4037. I handled a hotly contested divorce with an elderly abused wife. During the pendency of the case, the husband attempted to murder my client, but she survived. I successfully prevented depletion of the marital estate by the Husband, and prevented his obtaining \$100,000 of the marital estate to fund his criminal defense.

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.
- (a) Gartside v Gartside, 383 SC 35; 383 SE2d 35 (Ct App 2009), decided April 29, 2009, in SC Court of Appeals;
  - (b) Unison v Schmidt, 339 SC 362, 529 SE2d 280 (SC 2000), decided March 13, 2000. Argued in the SC Supreme Court;
  - (c) Swanson v Stratos, 350 SC 116; 564 SE2d 117 (Ct App 2002), decided May 13, 2002, in the SC Court of Appeals.
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. n/a
22. Have you ever held judicial office? None
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. n/a
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. n/a
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? No.
27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? None.
28. Are you now an officer or director or involved in the management of any business enterprise?
- I own a business known as Half Rubber, LLC, with a partner we market and sell ½ rubber balls and bats. I am a 50% owner.
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. n/a
31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law?
- None.
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute?
- None to my knowledge.
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?
- I never defaulted on a student loan and never filed Bankruptcy.

SC filed a tax lien in error against me for employment taxes in February 2012, for \$352.82 which was expunged. There have been no others. The tax had been paid.

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? None.
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? None.
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?

I am covered by malpractice insurance and have always carried the same, individually since 2007. I never had a tail policy.

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. \$0
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. \$0
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?

None requested and none aware of.

46. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? None.
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? None.
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 Association of Justice, no offices held;
  - (b) Charleston County Bar Association, Family Court Liaison 2008;
  - (c) SC 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) Brith Sholom Beth Israel Congregation, on Board 2008-12, 3<sup>rd</sup> Vice President 2012-13;
  - (b) Rotary Club of Charleston Breakfast, President 2001-02; Board of Directors, 1999-2003;
  - (c) Charleston Habitat for Humanity, Board of Directors, 2005-10;
  - (d) James Island Charter High School; Board of Directors, 2008-10;
  - (e) College of Charleston Volunteer attorney for Student Assistance Program, 2008-11.
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 always worked and worked my way through high school, college and law school. I have always worked and earned my own way and I believe in people carrying their own weight. I have little compassion for those who do not support and at least attempt to support their children. I expect people to work and I expect parents to support their children. I was a victim of child abuse as a child and I am vigilant about preventing child abuse.
51. References:
- (a) Dr Michael A. Kollar  
1137 Southgate Drive  
Charleston, SC 29407  
(843) 769-5310.
  - (b) Alan D Toporek  
P.O. Box 399  
Charleston, SC 29401  
(843) 723-7491
  - (c) Michael A. Johnson  
1567 Headquarters Plantation Drive  
Johns Island, SDC 29455

- (843) 559-4441
- (d) Stanley Baker  
59 Chadwick Drive  
Charleston, SC 29407  
(843) 343-9100
- (e) Willard R. Stout  
Harbor National Bank  
P.O. Box 31239  
Charleston, SC 29417-1239  
(843) 769-6752

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: Paul Schwartz

Date: August 8, 2012



**PAUL D. SCHWARTZ**

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*Attorney and Counselor at Law*

October 10, 2012

Jane O. Shuler, Chief Counsel  
Judicial Merit Selection Commission  
P. O. Box 142  
Columbia, SC 29202-0142

Re: Paul D. Schwartz, Candidate for at large seat <sup>6</sup> of the Family Court.

Dear Ms. Shuler:

When I met with Ms. Dean yesterday it was apparent I needed to correct and update my information.

On paragraph 24 of my sworn statement:

24. What percentage of your legal experience (including experience as a special appointed judge or referee) concerns the following areas? If you do not have experience in one of these areas, can you suggest how you would compensate for that particular area of practice?

1. Divorce and equitable distribution: 50%
2. Child custody: 50%
3. Adoption: 50%
4. Abuse and neglect: 50%
5. Juvenile cases: 50%

When I answered the above, I considered them together as comprising 50% of my entire law practice. In correcting that error, of the 50% of my practice that is Family Law, I would divide that 50% as follows:

708 St. Andrews Boulevard • Post Office 31943 • Charleston, South Carolina 29417  
Telephone: (843) 559-1817 • Facsimile: (843) 559-0324 • [paul@paulschwartzlaw.com](mailto:paul@paulschwartzlaw.com)

**PAUL D. SCHWARTZ**

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*Attorney and Counselor at Law*

1. Divorce and equitable distribution: 20%
2. Child custody: 20% (including as a Guardian Ad Litem)
3. Adoption: 4%
4. Abuse and neglect: 5%
5. Juvenile cases: 1%

On paragraph 49 of my sworn statement, please also note that I was re-elected to serve on the Board of the James Island Charter High School on September 27, 2012, as an At Large community member. Please amend my file to reflect the same.

With kindest persona regards, I remain

Sincerely yours,



Paul D. Schwartz

PDS/ps