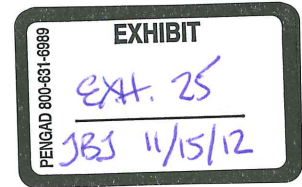


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**



Court, Position, and Seat # for which you are applying:
Master-in-Equity, Orangeburg County

1. NAME: Mr. James B. Jackson, Jr.
BUSINESS ADDRESS: 631 Bass Drive
PO Drawer 349
Santee, SC 29142
TELEPHONE NUMBER: (office): 803-854-4484
2. Date and Place of Birth: 1955; Orangeburg, 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 July 23, 1977, to Cynthia Martin Jackson; never divorced, two 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) Emory & Henry College, Emory, VA, 1973-77, BA in Political Science and Business and Economics;
 - (b) USC 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.

In college from 1973-77, I served on the student government council for two years and was involved in the Sigma Alpha Kappa Fraternity where I held most of the leadership positions.

I also played on the golf team at Emory & Henry College.

In law school, I was chairman of the elections commission for two years, where I ran the student elections during 1979 and 1980.
10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Ethics Update & Practical Ethical Considerations	01-11-12;
(b) Abuse and Neglect Cases	11-18-11;
(c) Masters-in-Equity 2011	10-14-11;

- | | | | |
|--|-----|---|-----------|
| | (d) | Guardian ad Litem Programs Workshop | 06-02-11; |
| | (e) | Spring Seminar 2011 | 05-05-11; |
| | (f) | 2010 Ethics Seminar | 12-01-10; |
| | (g) | Moving Forward in 2010 | 05-12-10; |
| | (h) | Representing the Volunteer | 05-07-10; |
| | (i) | Masters in Opening Statements and Closing Arguments | 02-12-10; |
| | (j) | Trying to Understand the New | 12-03-09; |
| | (k) | Assisting the Volunteer Guardian | 04-03-09; |
| | (l) | Representing Volunteer GALs in Family Court | 03-14-08; |
| | (m) | 2007 Commercial Real Estate | 12-14-07; |
| | (n) | Mortgage Fraud: Hidden Costs & | 12-06-07; |
| | (o) | Training for Attorneys appointed in Fam. Ct. | 08-17-07; |
| | (p) | 2007 Legal Education | 03-20-07. |
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 spoke at a National Business Institute Seminar on March 31, 2008, on the topic of Ethical Considerations in the practice of Family Law, and again on February 3, 2009, on Ethical Considerations in Child Custody, and again on October 15, 2009, on Family Law from A to Z: Ethics.
12. List all published books and articles you have written and give citations and the dates of publication for each.
- I wrote an article for the seminar mentioned above, which was published in the written materials for the seminar on Ethical Considerations in the practice of Family Law.
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 the SC Bar in November 1980;
- (b) Admitted to the Federal District Court Bar for the State of SC in 1981;
- (c) Admitted to the Fourth Circuit Court of Appeals Bar in 1981.
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.
- I first began working with Thomas O. Lawton, Jr. in Allendale, SC in September of 1980 after taking the bar examination, but prior to receiving my bar examination results. I continued to work for Mr. Lawton from October of 1980 through January of 1983. This was a general practice of law in a small town where I did criminal work, civil work, and work in the family courts. I also had the opportunity to appear in the Magistrate's Court and before the Master-in-Equity on numerous occasions during this time. In February of 1983, I opened my own office in Orangeburg, SC where I practiced by myself through December of 1987. This was also a general practice of law in which I

did work in the family courts, civil courts and criminal courts. I also appeared numerous times before the Master-in-Equity for Orangeburg County. From April of 1984 through December of 1988, I was employed as a part-time Public Defender for Orangeburg County and continued in the private practice of law. On January 1, 1988 I became employed with the Office of the Solicitor for the First Judicial Circuit, where I worked full-time through December of 1989. During this time period, I tried numerous criminal cases ranging from driving under the influence cases to murder cases. On January 1, 1990 I entered into partnership with F. Hall Yarborough and Ronald E. Hutto in the firm of Yarborough, Hutto & Jackson where I practiced until September 30, 2007. During this time I continued to work in a general practice of law, which included all of the litigation that was done by this firm. I litigated cases in Civil Court, Probate Court, Magistrate's Court, General Sessions Court, and before the Master-in-Equity. On October 1, 2007, I entered into practice with Ronald L. Nester, Sr. in the firm of Nester & Jackson where I continue to practice law today. I continue to be involved in a wide variety of cases as a general practitioner. I continue to practice law in Civil Court, General Sessions Court, Family Court, Probate Court and before the Master-in-Equity.

- 14.(c) If you are a candidate for Master-In-Equity, please provide a brief written description of your experience in the Master's court, including any cases handled over the past five years and include a brief description of the issues involved. Please include the frequency of your appearances before a Master-In-Equity.

I appear before the Master-in-Equity on numerous occasions regarding a variety of cases. Since I re-entered private practice in 1990, I would estimate that I have appeared before the Master-in-Equity at least 20-25 times per year. Primarily, I appear before the Master-in-Equity representing banks in various mortgage foreclosure actions. Over the last five years, I have represented Farmers & Merchants Bank and First National Bank of SC in numerous foreclosure matters. The vast majority of the foreclosure cases are uncontested, so they are fairly routine matters. In addition, I have appeared before the Master-in-Equity over the last five years in cases involving default matters, property line disputes, and several partition actions. Additionally, I often appear before the Master-in-Equity serving as a Guardian ad Litem for other lawyers in similar cases.

The most interesting cases I have been involved in over the last five years are as follows:

1. Thelease Kelley v. Lee Dwayne Snyder and Harry L. Snyder
Case No.: 2008-CP-38-900

In this case, I represented the Defendants who were sued by the Plaintiff alleging that they were using a road over his property improperly. I filed a Counterclaim in which we sought to establish a prescriptive easement over the road in question. This matter was

heard by the Master-in-Equity for Orangeburg County, who ultimately decided that we had established the elements of a prescriptive easement. The Plaintiff appealed this Order, and the case was decided by the Court of Appeals of SC, published under Opinion #4929, 396 S.C.564,722 S.E.2d 813 (S.C.App. 2012). This case sets forth an interesting discussion of the law of prescriptive easements in SC and particularly focuses on establishing a prescriptive easement as a claim of right and by adverse use of another's property for a period in excess of twenty years. The Court of Appeals affirmed that we had established our prescriptive easement as to both elements. The Court determined that we had established adverse use of the property for a period over twenty years as a result of tacking to the previous owner's use of the roadway in question. In addition, the Court of Appeals affirmed that we had established a claim of right to the roadway in question as a result of the deed from the previous owners, which purportedly conveyed to my clients an easement to use this roadway. The case is currently pending before the SC Supreme Court on the Plaintiff's Petition for a Writ of Certiorari.

2. Robert Goodwin, et al v. Edward Moore and Shelton Sistrunk, Delinquent Tax Collector

Case No.: 2009-CP-38-0705

In this case, I represented the Plaintiffs, who brought suit against the Defendants asking the Court to overturn a tax deed in which the Plaintiff's property was conveyed by the Orangeburg County Delinquent Tax Collector to the Defendant as a result of his purchasing it at a tax sale. This case was interesting because the Plaintiff, Robert Goodwin, who died during the pendency of the lawsuit, did testify before his death that he had been contacted by persons who advised him that there was money available to him which they would help him collect. He signed the necessary documents without realizing that this money was from the tax sale. He testified that he asked them about this, and they indicated that they did not know where the money was coming from. As a result, I was able to track down the person who obtained these written documents from the Plaintiff, who provided an Affidavit that he did mislead the Plaintiff as a result of instructions from his employer. As a result, this company did indeed return the money they received to Orangeburg County based on an agreement they signed with Orangeburg that their actions in dealing with the Plaintiff were legitimate and above board. Ultimately, we were able to resolve this case when the County agreed to refund to the Defendant the money he paid at the tax sale and the taxes he has paid on the

property during the pendency of the litigation, and the Plaintiffs then agreed to pay the taxes due to the County.

3. Randy and Donna Chaney v. Carl Freeman

Case No. 2011-CP-38-446

This case involved the Plaintiff, who I represented, who had paid monthly payments under a Contract of Sale to an out of state Defendant for 15 years pursuant to the Contract. The Defendant refused to convey the property to the Plaintiffs, which necessitated the litigation. The Defendant claimed in a letter that there were some payments he had not received. However, the Plaintiffs had receipts showing that all payments over the 15-year period had been paid. The Defendant did answer the lawsuit but failed to appear at the hearing. As a result of our evidence, the Court determined that the Plaintiffs had paid all of the monies due under the Contract and were entitled to a deed from the Defendant. The Court order also included a provision allowing the Clerk of Court to sign a deed on behalf of Defendant since he had refused to do so. As a result, the Clerk did sign the deed conveying the property to the Plaintiffs.

4. William Whitmire v. Steven and Sarah Wiley

Case No. 2012-CP-38-73

This case involved a Plaintiff, who held a Contract of Sale with the Defendants, who I represented in the litigation asking the Court to void the Contract based on the Defendants' failure to make payments. The Defendants did not answer the Complaint, but did appear at the final hearing in an effort to convince the Court that they had made payments to the Plaintiff. As a result of the testimony at the hearing, it was established that the Defendants had made payments except for the three months prior to the filing of this litigation. Obviously, the Defendants had made no payment during the pendency of the litigation. In addition, the Defendants indicated that they had moved from the property since the litigation began because it no longer met their needs and did not wish to return to the property. As a result, the Court determined that there was no equity in the property and that the Contract should be declared null and void based on the Defendants' failure to make timely payments and the fact that they had abandoned the property. As a result, the Plaintiff was successful in this litigation.

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.

My rating in Martindale-Hubbell is "B".

16. What was the frequency of your court appearances during the last five years?
- (a) federal: none
- (b) state: I appear frequently in Civil Court, General Sessions Court and before the Master-in-Equity. While I do not keep statistics, I would estimate that over the last 10 years I have appeared in Common Pleas Court at least 4-5 times per year and in General Sessions Court probably 8-10 times per year. I would further estimate that I appear before the Master-in-Equity at least 20-25 times per year, which I have done for more than 20 years.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?
- (a) civil: 40%;
- (b) criminal: 10%;
- (c) domestic: 25%;
- (d) other: 25%.
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: Approximately 50% of my trial practice involves cases on the jury docket. However, all of these cases in the last five years have settled short of an actual jury verdict;
- (b) non-jury: 50%.
- Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters?
- I have always appeared as sole counsel in all cases that I have been involved, with the exception of death penalty cases where the Court appoints two lawyers.
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) The State vs. James Neal Tucker – original trial – 1993 – 320 S.C. 206, 464 S.E.2d 105 (1995); this was a death penalty case where the sentence of death was reversed by the Supreme Court.
- (b) The State vs. James Tucker – re-sentencing trial – 1996 – 334 S.C. 1, 512 S.E.2d 99 (1999); this was the re-sentencing trial of Mr. Tucker.
- (c) William Martin Joyner vs. SC Department of Transportation, Bamberg County – 2006- this case involved a single car accident where the car slid off the road due to excessive water thereon. The case was tried to a hung jury first and was later tried to a verdict for the Plaintiff.
- (d) Taylor vs. SC Department of Transportation, Orangeburg County – 1995- this case involved a small cave-in due to a cracked pipe under the ground and resulted in a verdict for the Department of Transportation.

- (e) The State vs. Marvin Duggins, Orangeburg County – 1984 – this was a death penalty case in which the Defendant was convicted of murder and armed robbery and received a sentence of life in prison.
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) ULMER v. ULMER, 368 S.C. 486 (2006, 632 S.E. 2d 858
- (b) HOWARD v. SC DEPARTMENT OF HIGHWAYS, 343 S.C. 149 (Ct. App. 2000), 538 S.E.2d 291
- (c) O'CAIN v. O'CAIN, 322 S.C. 551 (Ct.App. 1996), 473 S.E.2d 460
- (d) VARN v. SCDHPT, 311 S.C. 349 (Ct.App. 1993), 428 S.E.2d 895
- (e) KELLEY v. SNYDER, 396 S.C. 564, 722 S.E.2d 813 (S.C.App. 2012)
21. List up to five criminal appeals that you have personally handled.
I have not handled any criminal appeals.
22. Have you ever held judicial office? No.
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? 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.
I ran for Resident Judge for the First Judicial Circuit in January of 2008. I withdrew from consideration and the seat was won by the Honorable Edgar W. Dickson.
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. None.
31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? 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.

I was sued by a disgruntled public defender client in 1986. This client filed his own pleadings and represented himself, and this case was dismissed on a motion for summary judgment made by my attorney. The plaintiff's complaint was that his sentence was greater than that of his co-defendant's in his case, which he concluded was my fault.

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. Also, if applicable, indicate your coverage and deductible for your current malpractice policy.

I have carried malpractice insurance since 1980, and my malpractice insurance coverage is currently with The Hartford. The limits of liability are \$500,000/\$1,000,000 and the deductible is \$5,000.00.

I have never been covered by 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."

I have no knowledge of any such charges or allegations being made against me.

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 any such charges or allegations being made against me.

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.

I have no such expenditures.

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;
 - (b) Orangeburg County Bar Association, President 1987.
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.
- Orangeburg Kiwanis Club, President 1996
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.
- From the time I was a small child, I remember wanting to grow up to become a judge. I have felt all my life that I would make a good judge, and I would like to have that opportunity. I have tried cases in Common Pleas Court as a Plaintiff's attorney and as a defense attorney, and I have been a prosecutor and a public defender in General Sessions Court. I have also appeared numerous times in the Orangeburg County Equity Court mostly, but also in Bamberg, Berkeley, Dorchester and Calhoun counties. As a result, I believe I am well qualified and well experienced to become the Master-in-Equity for Orangeburg County.
51. References:
- (a) Michael Wolfe, Banker
 - (b) Richard Crawford

- (c) David Kay
- (d) Tom Collins, Minister
- (e) Samuel Reid, Attorney

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: James B. Jackson, Jr.

Date: August 1, 2012

NESTER & JACKSON, P.A.
Law Offices

James B. Jackson, Jr.
Attorney at Law

P. O. Drawer 349
631 Bass Drive
Santee, SC 29142

(803) 854-4484
Fax (803) 854-4485
jay@nesterjackson.com

October 17, 2012

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

RE: Candidacy for Master-in-Equity for Orangeburg County

Dear Ms. Shuler:

This is to advise that I wish to make several amendments to my application for the Master-in-Equity position in Orangeburg County. As a result, I would appreciate your amending my application as follows:

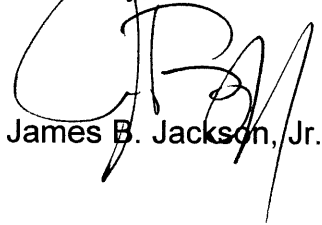
1. On the Personal Data Questionnaire, I failed to list my name of my wife in #5(a). My wife's name is Cynthia Martin Jackson.
2. On the Sworn Statement, apparently my answer to #4 was somehow cut off at the bottom. I have enclosed a copy of the first page of that document, which includes my full answer to Question #4.
3. On the Personal Data Questionnaire, I would like to amend Questions #22 and #23. I wanted to set forth that I have served es as a Special Referee in cases that would normally have gone before a Master-in-Equity. I probably served as a Special Referee 12-15 times over the last five years. All of these opinions were routine ones regarding foreclosure-type cases. Therefore, I believe it would not serve any useful purpose to include any of these opinions, as none of them were appealed.

I would appreciate your including these amendments in my application for the

Master-in-Equity position in Orangeburg County. Your assistance in this matter is greatly appreciated.

With kind regards, I am

Sincerely,

A handwritten signature in black ink, appearing to read 'JB Jackson, Jr.', written in a cursive style.

James B. Jackson, Jr.

JB Jr/jh
Enc.

JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

**Master-in-Equity
(New Candidate)**

Full Name: James B. Jackson, Jr.

Business Address: 631 Bass Drive, PO Drawer 349, Santee, SC 29142

Business Telephone: (803) 854-4484

1. Do you plan to serve your full term if appointed?

Yes.

2. If appointed, do you have any plans to return to private practice one day?

The Master-in-Equity for Orangeburg County is a part time position, so I intend to continue practicing law on a part time basis.

3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?

Yes.

4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

I believe that *ex parte* communications are inappropriate and should be avoided at all cost by any judge. I believe that there are very few circumstances under which *ex parte* communications could be tolerated, and those would only be situations where informal greetings are exchanged between the judge and only one of the parties. Even when this occurs, I believe it would be the duty of the judge to point this out on the record to the other party who is not present so that party can be apprised of the situation and make their own determination as to whether or not they should take any action as a result of the *ex parte* communication. Obviously, any *ex parte* communications by one party to the judge in regards to the case at hand cannot be tolerated.