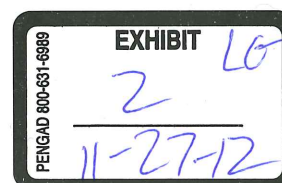


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Circuit Court, Seventh Judicial Circuit, Seat 1

1. NAME: The Honorable Joseph Derham Cole
BUSINESS ADDRESS: Spartanburg County Courthouse
180 Magnolia Street
Spartanburg, SC 29306
TELEPHONE NUMBER: (office): 864-596-2685
2. Date and Place of Birth: 1952; Spartanburg, 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 August 10, 1974, to Candace Linn Carlson Cole; never divorced; three children
6. Have you served in the military?
I have not served in the military.
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
 - (a) The Citadel – 1970-71 – transferred to USC;
 - (b) USC at Spartanburg – 1971-72;
 - (c) USC at Columbia – 1972-74 BA Government and Public Administration;
 - (d) USC 1974-76 - 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 - 1977
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. None
10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) SC Bar Annual Convention	January 2007;
(b) SC Association of Circuit Judges Annual Meeting	May 2007;
(c) SC Association for Justice Annual Convention	August 2007;
(d) SC Defense Trial Attorneys Ass'n Annual Meeting	November 2007;
(e) SC Bar Annual Convention	January 2008;
(f) SC Association of Circuit Judges Annual Meeting	May 2008;
(g) SC Association for Justice Annual Convention	August 2008;
(h) SC Defense Trial Attorneys Ass'n Annual Meeting	November 2008;



- (i) SC Bar Annual Convention January 2009;
 - (j) SC Association of Circuit Judges Annual Meeting May 2009;
 - (k) SC Association for Justice Annual Convention August 2009;
 - (l) SC Defense Trial Attorneys Ass'n Annual Meeting November 2009;
 - (m) SC Bar Annual Convention January 2010;
 - (n) SC Association of Circuit Judges Annual Meeting May 2010;
 - (o) SC Association for Justice Annual Convention August 2010;
 - (p) SC Defense Trial Attorneys Ass'n Annual Meeting November 2010;
 - (q) SC Bar Annual Convention January 2011;
 - (r) SC Association of Circuit Judges Annual Meeting May 2011;
 - (s) SC Association for Justice Annual Convention August 2011;
 - (t) SC Public Defender Association Annual Conference September 2011.
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- (a) Annual Public Defender Conference – Criminal docketing system and Sentencing Considerations Panel Discussion;
 - (b) Annual SC Bar Convention – Criminal Law Update and View From the Bench;
 - (c) Annual SC Defense Trial Attorneys Association meeting Panel Discussion on Punitive Damages;
 - (d) Annual Solicitor's Conference – Criminal Law Update and Panel Discussion of Significant Cases.
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 1977;
 - (b) Admitted to practice before the Federal District Court – SC 1985.
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) Assistant Circuit Solicitor – Seventh Judicial Circuit – 1977-85
 - (b) Cole and Taylor–General Practice Law Firm – Civil and Criminal litigation 1985-92
 - (c) Resident Judge, Seventh Judicial Circuit – 1992-2012
- 14.(b) If you are a candidate for Circuit Court, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years and include a brief description of the types of matters handled, issues involved, and

procedural history. Please include information such as the primary areas in civil court in which you practice, whether you represent plaintiffs or defendants, or both. You may go back further than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background has prepared you to preside over such matters as a Circuit Court Judge, or how you would compensate for your lack of experience in this area.

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-Hubbell – BV
22. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.

Yes. 1992–2012, Resident Judge, Seventh Judicial Circuit, SC; elected; general jurisdiction – civil and criminal and limited appellate jurisdiction.
23. If the answer to question 22 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions.
 - (a) State v. Willie Earl Pilgrim, 326 SC 24 (1997); 320 SC 409 (Ct. App. 1995) writ of certiorari granted.
 - (b) Dennis Nelson v. Yellow Cab Co., 349 SC 589 (2002); 343 SC 102 (Ct. App. 2000) writ of certiorari granted.
 - (c) State v. Ricky Dennis Gentry, 363 SC 93 (2005)
 - (d) Carolyn Farnsworth v. Davis Heating & Air, Inc., 367 SC 634 (2006) Supreme Court certified the case from the Court of Appeals.
 - (e) William D. Curtis v. Brandon T. Blake, 392 SC 494 (Ct. App. 2011); 381 SC 189 (2009) writ of certiorari granted upon Court of Appeals dismissal of appeal as being untimely filed and remanded for hearing on appeal.
24. Have you ever held public office other than judicial office?

SC House of Representatives – 1987-92. I was elected to House seat District #32. State Ethics Commission reports were timely filed. No penalties imposed.
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. None.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?

Circuit Solicitor, Seventh Judicial Circuit – unsuccessful - 1984

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? None
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? No
36. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. 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? N/A
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." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. 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) American Bar Association;
 - (b) SC Bar Association;
 - (c) Spartanburg County Bar Association;
 - (d) SC Association of Circuit Judges – President – 2010-12; Vice President – 2008-10;
 - (e) Supreme Court Commission on Judicial Conduct – Panel Chairman.
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) The Piedmont Club;
 - (b) Bobby Chapman Junior Invitational Board of Directors;
 - (c) The Spartanburg County Historical Association;
 - (d) The Spartanburg Art Museum;
 - (e) The Converse Heights Neighborhood Association.
50. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek.

I believe that my twenty plus years of experience as a circuit court judge has allowed me the opportunity to develop the requisite knowledge, patience,

and understanding of humankind from all walks of life and social status, such that I can fulfill my duties and responsibilities intelligently, fairly, impartially, and compassionately.

51. References

- (a) John S. Poole
Carolina Alliance Bank
200 South Church Street
Post Office Box 932
Spartanburg, SC 29306
864-542-2615
- (b) E. Patrick Crowley
Carolina Alliance Bank
200 South Church Street
Post Office Box 932
Spartanburg, SC 29306
864-607-8775
- (c) Joseph T. Petty
484 Pierce Road
Post Office Box 128
Landrum, SC 29356
864-415-8873
- (d) Samuel J. Galloway
619 Crystal Drive
Spartanburg, SC 29302
864-594-4860
- (e) W. Lewis White
302 South Pine Street
Post Office 3522
Spartanburg, SC 29304
864-542-8008

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: Joseph Derham Cole

Date: August 8, 2012