

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

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

1. NAME: Mr. Thomas R. Goldstein
BUSINESS ADDRESS: 2344 Cosgrove Avenue
(P. O. Box 71121)
(N. Charleston, SC 29415-1121)
TELEPHONE NUMBER: (office): 843-554-4291
2. Date and Place of Birth: 1953; Providence, RI
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 April 5, 1986, to Brenda Nolde Goldstein. Never divorced; four children.
6. Have you served in the military? Not applicable.
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) USC, 1971-72, left for financial reasons;
 - (b) University of Georgia, 1974-75, 1976-77, BA English & Philosophy;
 - (c) Trinity College, Dublin 1975-76, one-year program;
 - (d) USC 1977-79 Master's Program English, no degree, left for law school;
 - (e) USC 1979-82, 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, 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.
 - (a) Concert Committee, USC 1971;
 - (b) Jack Donne Barbecue Society, UGA. 1974, 1975, 1977--Literary Society, published literary magazine "Stillpoint";
 - (c) Teaching Assistant, U.S.C. Dept. of English 1977-79.
10. Describe your continuing legal or judicial education during the past five years. Include only the title and date of any continuing legal or judicial education course completed.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Annual Judicial Conference	08/21/00;



- (b) Ethics 2000 12/13/00;
 - (c) Right to counsel in Magistrate and Municipal Courts June 15, 2012;
 - (d) Chas. Ctny. Bar Assoc. What Works for Me February 3, 2012;
 - (e) Writing to Win November 17, 2011;
 - (f) Chas. County Bar Assoc. What Works for Me February 4, 2011;
 - (g) Health Care Reform Update March 1, 2010;
 - (h) Federal Court Electronic Courtroom Training December 17, 2009;
 - (i) S.C.A.J. Auto Torts Seminar December 4, 2009;
 - (j) Hot Tips from the Coolest Practioners September 18, 2009;
 - (k) Chas. County Bar Assoc What Works for me February 13, 2009;
 - (l) SC Bar Masters in Cross Examination February 6, 2009;
 - (m) Real Estate Development August 18, 2008;
 - (n) Chas. County Bar Assoc. What Works for me December 20, 2007;
 - (o) ABOTA Hot Topics in Trial Practice December 14, 2007;
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.
- (a) I lectured at Municipal Association Seminar on Zoning and §1983;
 - (b) I lectured at C.L.E. seminars on "Advanced Zoning and Land Use" April 20, 2006, "Zoning and Land Use" on November 29, 2006, November 17, 2004, and September 28, 2004, and "Evidence and Advocacy in the Courtroom" on November 7, 2003.
12. List all published books and articles you have written and give citations and the dates of publication for each.
- (a) Articles on American poets, William Dickey, X. J. Kennedy, C. K. Williams, and Paul Zimmer in Dictionary of Literary Biography, Donald J. Greiner, Ed., Gale Research Company, 1980;
 - (b) Article on Ezekiel Russell in Boston Printers, Publishers and Booksellers, 1600-1840, Benjamin Franklin V, ed.;
 - (c) Member of editorial board for Moise, Credibility and Character Evidence, S.C. Bar, 2003.
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 State Courts 1982;
 - (b) United States District Court, District of SC 1984;
 - (c) United States Court of Appeals Fourth Circuit 1998;
 - (d) United States Supreme Court 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) Charleston County Public Defender's Office 1982-83;
 - (b) Law Offices of Kenneth W. Thornton 1983-85;

- (c) Law Offices of Charles Bernstein 1985-87;
- (d) Belk, Cobb, Infinger & Goldstein 1988-present
(formerly Belk, Cobb, Howard & Chandler).

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.

The first year of my practice was devoted entirely to criminal matters. Since that time, my practice has been primarily civil although I have handled criminal matters, including criminal trials and appeals. My first appeal involved a criminal case called State v. Sparkman, 287 S.C. 489, 339 S.E.2d 865 (1986). Since the public defender's office, my practice has been primarily civil with an emphasis in constitutional claims. I have handled cases in all trial courts in the state and administrative bodies in the state and in Washington, and I have handled cases all appellate levels in the state and federal systems. I have filed three petitions for *certiorari* in the U. S. Supreme Court.

If you are a judge and are not seeking a different type of judgeship, the following questions are inapplicable:

- 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. BV.
- 16. What was the frequency of your court appearances during the last five years?
 - (a) federal: 10%;
 - (b) state: 90%.
- 17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?
 - (a) civil: 70%;
 - (b) criminal: 10%;
 - (c) domestic: 10%;
 - (d) other: 10%.
- 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: 50%;
 - (b) non-jury: 50%.

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) Annie Mae Grant vs. Litchfield Company, Georgetown County Court of Common Pleas, Hon. Wylie Caldwell, non-jury. The most satisfying case I ever handled. I prevented the loss of 22 acres of heirs property deeded to a freed slave named Vergil Blye by the Pyatt family in the 1880's from being lost to partition sale. I traveled all over the country, tracking down the heirs of Vergil Blye;
 - (b) Douan vs. Charleston County, S. Carolina Supreme Court. 357 S.C. 601, 594 S.E.2d 261 (2003) Prevented the implementation of a sales tax passed by a referendum question that was worded to insure passage;
 - (c) Bogart et. al. vs. City of North Charleston. Tried United States District Court before Hon. David Norton and a jury. Prevented City of North Charleston unlawfully down zoning a parcel of real estate. Case settled on appeal to Fourth Circuit;
 - (d) Concerned Citizens vs. S. S. Coastal Council, Supreme Court, 310 S.C. 267, 423 S.E.2d 134 (1992) Obtained right of property owners along Ashley River to challenge administrative process for granting a commercial marina permit in violation of statutory process;
 - (e) Christy v. Christy Court of Appeals and Supreme Court. 354 S.C. 203, 580 S.E.2d 444 (2003) Reversed trial court which adopted counsel's representations that lower court intended to rule in his favor but failed to sign an Order prior to the onset of disability. This case resulted in revision to Rule 63 of the *SC Rules of Civil Procedure*.
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) State v. Sparkman, 287 S.C. 489, 339 S.E.2d 865 (1986) (case raised criminal and civil issues. The civil issue was the right to obtain documents by subpoena);
 - (b) Christy v. Christy, 354 S.C. 203, 580 S.E.2d 444 (2003);
 - (c) Concerned Citizens v. S. C. Coastal Council, 310 S.C. 267, 423 S.E.2d 134 (1992);
 - (d) Douan v. Charleston County, 357 S.C. 601, 594 S.E.2d 251 (2003);
 - (e) S. C. Property and Casualty v. Yensen, 345 S.C. 512, 548 S.E.2d 880 (Ct. App. 2010);
 - (f) Scooters of Charleston v. City of Charleston, Fourth Circuit Court of Appeals, unpublished opinion).

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).
- (a) State v. Sparkman, 287 S.C. 489, 339 S.E.2d 865 (1986);
- (b) State v. Carroll, (unpublished opinion).
22. Have you ever held judicial office?
- None. I do serve on the Charleston County Board of Zoning Appeals, which is a quasi judicial body. (See § 6-29-780.)
24. Have you ever held public office other than judicial office?
- None other than service on the Charleston County Board of Zoning Appeals.
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. Specify your dates of employment, employer, major job responsibilities, and supervisor. Not applicable.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
- Yes. I ran for Charleston County School Board in the 1980's or 90's. I lost to Geoff Waggoner.
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?
- I have taught English composition and literature while practicing law. As a law student, I worked as a law clerk, a librarian, and at the United Parcel Services hub unloading trucks. (1979-82) As a graduate student, I taught English composition and literature. (1977-79) As an undergraduate, I worked as a frame carpenter, janitor, and truck driver. (1971-76) As a high school student, I worked construction jobs and as an office assistant 1969-71).
28. Are you now an officer or director or involved in the management of any business enterprise? None, other than law 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. 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?
- None.
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? None.

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? None.
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.
Yes, named as defendant in professional negligence now pending in the Court of Common Pleas at Case No. 2012-CP-10-1295.
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? If so, please explain when you were covered by a tail policy.
The General Agency, limits 250,000 per occurrence, 10,000 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)? None.
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? None.
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? None.

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.
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 Bar 1982;
 - (b) Charleston County Bar Association 1982.
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. None.
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 broad experience. I come from a humble background, which I hope would prevent me from ever taking my position for granted or using the position to be unfair or unjust.

51. References:
 - (a) Tom Nolan
First Citizens Bank
462 Folly Road
Charleston SC 29412
843-762-1891
 - (b) C. J. Manos
128 Meeting Street
Charleston, SC 29401
843-577-5714
 - (c) Truett Nettles
P. O. Box 816
Charleston, SC 29402
843 722-0311
 - (d) A. Victor Rawl
2835 Preakness Stakes
Charleston, SC 29414
843-343-9486

- (e) Fleet Freeman
941 Houston Northcutt Blvd., Suite 204
Mt. Pleasant, SC 29464
843-216-0009
- (f) Jerry Theos
17 1/2 Broad Street
Charleston, SC 29401
843-723-7491

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: Thomas R. Goldstein

Date: August 8, 2012