

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Family Court, Ninth Judicial Circuit, Seat 2

1. NAME: Mr. Paul Warren Garfinkel
BUSINESS ADDRESS: c/o The Family Court
100 Broad Street, Suite 248
Charleston, SC 29401
TELEPHONE NUMBER: (office): (843) 958-4417
2. Date and Place of Birth: 1944; 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 June 16, 1991, to Susan Ann (Naman) Garfinkel. Divorced in October 1988, moving party was Ruth Garfinkel, Family Court – Charleston, SC, grounds – 1 year’s continuous separation, 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) U SC, 1962 – left due to illness. Re-enrolled 1963–67, AB;
 - (b) The Citadel (Summer 1964). Only attended summer session;
 - (c) USC School of Law, 1966 –70, 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, 1970.
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) Omicron Delta Kappa – member and vice-president (1965-67);
 - (b) Circle K – member and president (1964-66);
 - (c) Kappa Sigma Kappa – member (1964-67);
 - (d) Hillel – member, vice-president and president (1963-67);
 - (e) Phi Alpha Delta Law Fraternity – member and chairman of Coleman Karesh Testimonial Dinner (1967-70).
10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Early Neutral Evaluations	6/22/12;
(b) 2012 Orientation School for New Judges	5/31/12;



(c)	National Judicial College-Innovative Leadership and Management Skills For Current and Future Court Leaders	4/23/12; 4/26/12;
(d)	Family Court Judges Annual Conference	4/1912- 4/20/12;
(e)	South Bar – Religion and the Rule of Law	1/21/12;
(f)	Petigru Inn of Court Meeting	1/11/12;
(g)	S C Bar – Family Court Bench Bar Seminar	12/2/11;
(h)	What Family Court Judges Want You To Know	10/28/11;
(i)	Petigru Inn of Court Meeting	10/12/11;
(j)	Petigru Inn of Court Meeting	9/12/11;
(k)	Training for New Attorneys	8/26/11;
(l)	2011 Annual Judicial Conference	8/17/11;
(m)	2011 SCAJ Annual Convention	8/4/11;
(n)	National Council of Juvenile and Family Court Judges	7/23/11;
(o)	Taking Children Out of the Fire	6/17/11;
(p)	2011 Orientation School for New Judges	6/8/11;
(q)	Family Court Judges Annual Conference	6/1/11;
(r)	Children’s Law Committee	1/22/11;
(s)	Family Law Section	1/21/11;
(t)	SC Bar Family Court Bench Bar Seminar	12/3/10;
(u)	Mini Summit on Justice for Children	12/2/10;
(v)	2010 Annual Judicial Conference	8/19/10;
(w)	National Council of Juvenile and Family Court Judges	7/18/10;
(x)	2010 Orientation School for New Judges	6/2/10;
(y)	Family Court Judges Annual Conference	4/22/10;
(z)	Something Old Something New	4/16/10;
(aa)	Family Law Update	1/22/10;
(bb)	SCDSS-OGC Seminar	12/11/09;
(cc)	SC Bar Family Court Bench Bar Seminar	12/4/09;
(dd)	2009 Annual Judicial Conference	8/19/09;
(ee)	SCAJ Annual Conference	8/6/09;
(ff)	National Council of Juvenile and Family Court Judges	7/12/09;
(gg)	Orientation School for New Judges	6/3/09;
(hh)	Family Court Judges Annual Conference	4/22/09;
(ii)	SC Bar Family Court Seminar	1/23/09
(jj)	2008 Annual Judicial Conference	8/20/08;
(kk)	Trial Skills Training	8/8/08;
(ll)	National Council of Juvenile and Family Court Judges	7/27/08;
(mm)	2008 Orientation School for New Judges	6/6/08;
(nn)	Family Court Judges Annual Conference	4/23/08;
(oo)	Family Law Section	1/25/08;
(pp)	Family Court Bench Bar Seminar	12/7/07;
(qq)	Charleston County Family Law CLE	11/16/07;
(rr)	Managing Challenging Family Law	9/24/07;
(ss)	2007 Annual Judicial Conference	8/22/07;

- (tt) National Council of Juvenile and Family Court Judges 7/22/07;
 (uu) Orientation School for New Judges 7/11/07.
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.
- (a) In May, 2002, I taught a course at the National Symposium on Custody and Visitation and led a panel discussion on the same topic;
 - (b) In July, 2002, I lectured at the annual conference of the National Council of Juvenile and Family Court Judges on ways fathers who are incarcerated because they have not paid child support can become reunited with their children;
 - (c) In September, 2002, I participated on various panel discussions at the SC Solicitor's Conference on various aspects of family law;
 - (d) In July, 2003, I moderated a discussion group at the National Council of Juvenile and Family Court Judges Conference on children in crises;
 - (e) In July, 2005, I taught a course at a SC Continuing Legal Education seminar on judicial perspectives of a family dependency drug court;
 - (f) In February, 2006, I lectured at the Charleston School of Law on pleading and motions in Family Court;
 - (g) In July, 2006, I along with a co-presenter, gave a lecture on successful resolution of highly contested custody cases at the annual conference of the National Council of Juvenile and Family Court Judges;
 - (h) I have been an instructor at the school for New Family Court Judges every year since 2005;
 - (i) July, 2009, I was a participant in panel discussion at the National Council of Juvenile and Family Court Judges Annual Conference;
 - (j) Presentation on Family Law at Women Lawyers Lowcountry Chapter, March, 2010;
 - (k) April, 2010, I taught a course on Family Law to the Charleston County Bar;
 - (l) In July, 2011, I lectured new methods of handling contested custody cases;
 - (m) In November, 2011, I taught a course on What Family Court Judges Want You To Know to statewide participants;
 - (n) In June, 2012, I taught a course to the Charleston County Bar on Early Evaluation Techniques in Family Court.
12. List all published books and articles you have written and give citations and the dates of publication for each.
- (a) Marital Litigation in S.C., Roy T. Stuckey and F. Glenn Smith (S.C. Bar CLE 2003), Editorial Board;
 - (b) Juvenile Delinquency Guidelines, National Council of Juvenile and Family Court Judges, 2005 Consultant and Advisor;

- (c) Marital Litigation in S.C., Roy T. Stuckey (S.C. Bar CLE 2010), Editorial Board;
 - (d) Family Court Review, Journal of the Association of Family and Conciliation Courts, Vol 50, No 1, January, 2012, Contributing Author to Article.
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 1970;
 - (b) Also admitted to practice before the Federal District Court and Fourth Circuit Court of Appeals in 1971 and 1974 respectively;
 - (c) Admitted to practice before United States Supreme Court, 2006.
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.
- From 1970-89, I was a sole practitioner handling exclusively civil law with an emphasis on family law and real estate. From 1989-95, I was associated with 8 attorneys, each maintaining an individual practice. My emphasis was exclusively on family law. The group was known as Riesen Law Offices.
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, A/V rating (1995).
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. Since July 1, 1995, I have served as Judge of the Family Court, Ninth Judicial Circuit, Seat #2. Family Court has exclusive jurisdiction over domestic (family) and juvenile matters.
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) Charleston County DSS vs Marccuci, et al.-396 SC218, 721S.E.2d 768 (2011);
 - (b) In the Interest of Tracy B – 391 SC51, 704S.E.2d 71 (Ct. App, 2010);
 - (c) Davis vs Davis – 372 SC64, 641S.E.2d 446 (Ct. App, 2006);
 - (d) Charleston County DSS vs Jackson, et al. – 368 SC87, 627S.E.2d 765 (Ct. App, 2006);
 - (e) SC DSS vs Johnson – 386 SC426, 688S.E.2d 588 (Ct. App, 2009).
24. Have you ever held public office other than judicial office?

Yes. In October 1991, I was appointed to the State Occupational Safety and Health Administration Board and represented the First Congressional District until May, 1995. From 1992-94, I was State Board Chairman. I did not have to file a report with the State Ethics Commission and have never been subject to any penalty for same.

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. None.

26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?

Yes. I ran for Judge of Family Court, Ninth Judicial Circuit, Seat #1 from January – April 1993 and withdrew after being found “Qualified” by the Joint Legislative Screening Committee.

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?

Title Insurance Agent, 1978 – May 1995 issuing title insurance for real estate under the name of AccenTitle Insurance Agency (sole proprietorship).

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.

I had an office sharing arrangement with 8 other attorneys and recused myself from any cases involving those attorneys for a full 2 year period after taking office. None of the lawyers who were in practice when I left in 1995 ever practice in Family Court.

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? Yes.

(a) Sued by distraught litigant in U.S. District Court in July 1999. The suit

- was dismissed in July, 2000. See attached exhibit;
- (b) Sued by distraught litigant in U.S. District Court in 2008, dismissed 2009, dismissed 4th Circuit of Appeals, 2010, Cert. denied U S Supreme Court, 2011;
 - (c) Sued by distraught litigant in S.C. Common Pleas, 2009. Case dismissed on summary judgment motion 2010 and appeal dismissed by Court of Appeals, 2012.
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.
- Covered by tail policy issued by my former malpractice carrier, effective June, 1995
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." No.
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) Charleston County Bar;
 - (b) SC Bar;
 - (c) American Bar Association;
 - (d) Phi Alpha Delta Law Fraternity;
 - (e) SC Conference of Family Court Judges;
 - (f) National Council of Juvenile and Family Court Judges (1995 – present including member of National Board of Trustees, 2003-09);
 - (g) Charleston School of Law Advisory Committee 2010 to Present;
 - (h) Petigru Inn of Court 2011 to Present.
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) Received Doctorate of Humane Letters (D.H.L.) from MUSC, May, 2005;
 - (b) Brith Sholom Beth Israel Synagogue;
 - (c) Union of Orthodox Jewish Congregations of America – Board of International Governors;
 - (d) SC Children’s Justice Task Force, resigned 2011;
 - (e) SC Bench-Bar Committee;
 - (f) Advisory Committee to Chief Justice on Family Court;
 - (g) See newspaper articles and note from subject of July 18, 2010 story;
 - (h) See attached ABA Family Law listserv and comments from listserv.
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.

Since assuming this high office in July of 1995, I have tried to listen to each matter presented both fairly and honestly. During my deliberative process I have always ruled on what I believed were the facts as presented by the parties and legal precedent regardless of the litigants or their respective attorneys. Race, religion, gender, political or social connections have never played any part in any decision I have ever given. If there was any reasons or

even the appearance of any reason why I could not administer justice fairly and honestly, I would recuse myself from that matter.

It is my firm belief that if attorneys and litigants follow all applicable rules and procedures, including, but not limited to the Oath of Civility, then no one side can or should be able to claim any bias or prejudice. My reputation, or so I am repeatedly told, is that I am very, very strict when it comes to adherence to the Court rules, but I have also been told that this insistence on everyone following the prescribed rules allows for outcomes that, more often than not, reflect true justice.

Recently three attorneys have filed grievances against me. These have all been dismissed. On another occurrence I was given a letter of caution, but this as the cautionary letter states was definitely not a sanction. So as not to give any appearance of impropriety I have permanently recused myself from any matters regarding the complainants and in the case wherein I received the letter of caution, I also recused myself even though the complaint was made by a spectator in the courtroom, not a litigant or lawyer.

The cases I feel I have the greatest passion for are the ones that directly or indirectly involve children. That is why a partial list of some of the programs I either initiated or help to start include the following:

- (a) The first Father to Father Program (known as Project Restore) where non custodial parents take parenting classes become involved in their children's lives and pay child support on a regular and consistent basis.
- (b) Recovery Court. This was an intensive drug court program for parents who children were in DSS foster care because the parents had a serious substance abuse problem. If the parent(s) could not overcome their problems, their parental rights were terminated and the children were placed in permanent, loving adoptive homes in months rather than the usual 4 year wait. For initiating this program I was awarded an honorary doctorate from MUSC in 2005;
- (c) I have helped train and recruit volunteer Guardians ad Litem for children who are the innocent victims of child abuse and neglect;
- (d) A number of years ago the State Department of Juvenile Justice asked me to help initiate a volunteer program. The program would include volunteers to serve as auxiliary probation officers for at risk youths who were not determined to be so violent as to be subject to commitment to a juvenile facility, but would benefit from a one-on-one contact with a probation officer who would be involved in that juvenile's life a minimum of five to six times a week;
- (e) With the help of the State Department of Vocational Rehabilitation and the Department of Labor Workforce, Charleston County Family Court helped non custodial parents either secure employment or collect disability payments so that their children could receive badly needed support. This was the only such program in the State and was

successful in collecting hundreds of thousands of dollars in back due child support;

- (f) I was privileged to have had the longest tenure of any judge on the State Children's Justice Task Force (1996-2011). The rules were waived numerous times to allow me to continue to serve until I had to resign due to time constraints;
- (g) I have served on the Family Court Bench Bar Committee since 1996 and here, too, the rules had to be waived to allow me to serve continuously;
- (h) Right now I am the longest serving member to the Chief Justice's Advisory Committee and have served longer than any other member in the Committee's history;
- (i) It was my honor to serve on the National Board of the National Council of Juvenile and Family Court Judges from 2003-2009. No member can serve longer than 2 terms of 3 years each;
- (j) A little over 18 months ago I had 10 local attorneys help me develop a program wherein contested custody cases are resolved in 90 days from temporary hearing, rather than 2-3 years it usually takes. This program is quickly gaining acceptance around the State and is saving litigants tens of thousands of dollars and their children many hours of anguish with certain psychological harm. It is known as the Fast Track Custody Program and I have enclosed information and an editorial from local newspapers about how the program works and why it has been a success for litigants and attorneys;
- (k) It has been my pleasure since its inception to participate with law students from the University of SC School of Law and the Charleston School of Law in a program known as the Judicial Observation Experience ((JOE Program) wherein a student works with a judge or law related program for a minimum of two weeks to get a chance to see how a court system works from the inside. It has been my experience that the students who participate in this program become better attorneys once they are actually in practice.

I do recognize I have my detractors in this system in which I am privileged to serve, but my detractors are primarily the ones who feel that if a ruling is given against them or their client, it is because of a personal bias or prejudice. If other judges could be or would be as candid with this committee as they have been with me, then I can say without any hesitation or reservation they would agree with my assessment of my detractors.

In conclusion, let me say the main source of my strength and perseverance is from a number of outside sources. My wife has, since the day of our marriage been a source of strength and support to me, both personally and professionally. The rest of my family, including 5 children and 13 grandchildren, have inspired me to do things I did not ever think I could accomplish, my parents who recently celebrated their 74th anniversary always insisted that my brother who is a physician and I use the gifts and talents we

were given and, religion has taught me to live my life according to the Judeo Christian ethics that has made this the greatest county in the history of the world. My life has also been blessed by having many wonderful and dear friends. I have been able to overcome past serious medical conditions with the help of dedicated doctors, friends, family members and the Divine. I am pleased to add these medical issues have all been favorably resolved.

51. References:

(a) The Reverend Joseph A. Darby, Senior Pastor
Morris Brown African Methodist Episcopal Church
13 Morris Street
Charleston, SC 29403
843-723-1961

(b) The Hon. Reverend Jimmy S. Gallant, III, President
Gallant Evangelistic Ministries, Inc.
115 Simons Street
Charleston, SC 29403
843-965-5116

(c) Andrew L. Abrams
Dean and Professor of Law
Charleston School of Law
Post Office Box 535
Charleston, SC 29402
843-329-1000

(d) Louise Bell Cooper
2905 Columbia Avenue
Columbia, SC 29201
843-325-3724

(e) Don Meade, Financial Advisor
Edward Jones
65 Sycamore Avenue, Suite G
Charleston, SC 29407
843-763-3555

(f) Brian J. Jones, SVP
SC Area Executive
Bank of America
101 N. Main Street
Greenville, SC 29601
864-370-6706

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 Warren Garfinkel
Date: August 6, 2012