

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

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

1. NAME: The Honorable Timothy Hick Pogue
BUSINESS ADDRESS: 209 East Dozier Street
P.O. Box 63, Marion, SC 29571
TELEPHONE NUMBER: (office): 843-423-5141
2. Date and Place of Birth: 1951; DuBois, PA
3. Are you a citizen of South Carolina? Yes.
Have you been a resident of this state for at least the immediate past five years?
Yes.
5. Family Status: Married on June 23, 1973, to Deborah Altman Pogue. Never divorced, two 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) University of Kentucky – 1969-73 – BA History;
 - (b) University of Kentucky School of Law – 1973-76 – 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.
 - (a) KY 1976 – present: member in good standing;
 - (b) SC 1977 – present: member in good standing.

Kentucky and South Carolina are the only two states in which I have taken the bar exam and I passed both of these on my first attempt. I have continuously remained a member in good standing in both states, yet I am on inactive status with the Kentucky Bar Association for the reason that I do not actively practice in Kentucky.
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) While at the University of Kentucky I was a member of the Kentucky Football Team in 1969 and 1970. I was also an active member of Sigma Chi Fraternity and made the Dean's list three semesters;
 - (b) While attending the University of Kentucky School of Law, I was a member of Phi Delta Phi Legal Fraternity.



10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Family Court Judges Conference	04/18 – 04/20/12;
(b) SC Bar Annual Convention – Family Law Section	01/20/12;
(c) Horry County Family Court CLE	12/08/11;
(d) 2011 Family Court Bench/Bar Seminar	12/02/11;
(e) Clarence Darrow Search for Truth Seminar	10/21/11;
(f) 2011 Annual Judicial Conference	08/17 – 08/18/11;
(g) 2011 SCAJ Annual Convention	08/04/11;
(h) 2011 Family Court Judges Conference	06/01 – 06/03/11;
(i) SC Bar Annual Convention – Family Law Section	01/21/11;
(j) Horry County Family Court CLE	12/09/10;
(k) 2010 Family Court Bench/Bar Seminar	12/03/10;
(l) Mini Summit on Justice for Children	12/02/10;
(m) 2010 Annual Judicial Conference	08/18 – 08/19/10;
(n) 2010 SCAJ Annual Convention	08/05/10;
(o) 2010 Family Court Judges Conference	04/22 – 04/24/10;
(p) SC Bar Annual Convention – Family Law Section	01/22/10;
(q) Horry County Family Court CLE	12/10/09;
(r) 2009 Family Court Bench/Bar Seminar	12/04/09;
(s) General Jurisdiction Course / Reno, Nevada	10/04 – 10/23/09;
(t) 2009 Annual Judicial Conference	08/20 – 08/21/09;
(v) 2009 SCAJ Annual Convention	08/06/09;
(w) Competency and Pre-Adjudicatory Convention	04/20/09;
(x) Horry County Family Court CLE	12/17/08;
(y) 2008 Family Court Bench/Bar Seminar	12/05/08;
(z) 2008 Annual Judicial Conference	08/20 – 08/21/08;
(aa) 2008 Orientation School for New Family Court Judges	06/04 – 06/06/08;
(bb) 2008 Family Court Judges Conference	04/23 – 04/25/08;
(cc) 2007 S.C. Local Government Attorneys Conference	12/07/07;
(dd) 2007 S.C. Association of Counties Annual Conference	08/02/07.

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) I taught a business law class at Francis Marion University many years ago;
- (b) I made a presentation "Motions for Reconsideration Under Rule 59(e)" with The Honorable Anne G. Jones at the 2011 Family Court Bench/Bar on December 2, 2011;
- (c) I made the same presentation by myself a week later at the 2011 Horry County Family Court CLE Seminar on December 8, 2011;
- (d) Participated as a panelist at the National Business Institute Judicial Forum entitled "What Family Court Judges Want You to Know" on May 11, 2012;

- (e) Participated as a judge at the 2011 Middle School Mock Trial Competition in Conway on November 5, 2011.
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) All state courts in Kentucky – admitted in 1976;
- (b) All state courts in SC, including Court of Appeals and Supreme Court – admitted in 1977;
- (c) All Federal District Courts in SC – admitted in 1977.
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.
- 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.
- (a) Associate with Law Office of Derrick and Derrick from August 1976 until December 1978 – general practice of law including all areas of practice;
- (b) Partner with Law Office of Derrick and Pogue from December 1978-September 1985 – became a partner and still continued with general practice of law and also as a part-time public defender;
- (c) Law Office of Timothy H. Pogue – October 1, 1985-March 28, 2008. I was in the general practice of law and was also the contract attorney for Marion County DSS and County Attorney until my election to the bench.
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 last rating in Martindale-Hubbell was 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, elected by General Assembly of South Carolina as Family Court Judge, 12th Judicial Circuit, Seat #1. I began serving on March 28, 2008 – present.
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) SC Department of Social Services v. Tammi, A., Douglas, H., and John Doe
Unpublished Opinion No. 2011-UP-088 - Filed March 3, 2011
This case was a contested termination of parental rights action. The child had been neglected and was acting out sexually. It was an all day case with a lot of expert testimony. I terminated parental rights; decision was upheld by Court of Appeals in unpublished opinion. See attached Tab C;
- (b) S.C. Department of Social Services v. Ruth W. and Ronald L.
Unpublished Opinion No. 2011-UP-134 – Filed April 5, 2011
This was a removal case based on a finding of sexual abuse against the stepfather. The stepfather was also charged criminally. The trial lasted 1.5 days. I made a finding of sexual abuse against the stepfather. My decision was upheld by the Court of Appeals in the opinion cited above. See attached Tab D;
- (c) Fannie Mason v. Jerry Mason
Unpublished Opinion No. 2001-UP-548 – Filed December 6, 2011
This case involved equitable division, alimony, and attorney fees. The parties had been married for almost thirty years. I did not divide the plaintiff's retirement on the same percentage as the rest of the marital estate for a variety of factors I cited in my opinion. The Court of Appeals upheld my decision. See attached Tab E;
- (d) In the Interest of Kenneth Christian O'Neill 2009-JU-26-721, 722, and 723.
Heard on February 5, 2010; my decision was filed February 26, 2010.
This case involved a juvenile waiver matter. The minor defendant was 14 years 9 months old at the time of the alleged incident. He was charged with kidnapping, armed robbery, and assault and battery with intent to kill. His biological mother and her boyfriend were co-defendants. This waiver hearing lasted 1.5 days with a lot of expert testimony as to his competency and also whether he should be waived to General Sessions Court. After listening to all the testimony and reviewing the law set out by the US Supreme Court, I found that he should be waived to General Sessions Court and tried as an adult. He and the co-defendants subsequently plead guilty to some of these charges. This case was not appealed. See attached Tab F;
- (e) John and Jane Doe, Johnny and Janie Roe, and Johnathan and Janet Moe v. Mother and Father
Unpublished Opinion No. 2009-UP-397 – Filed July 29, 2009
This case was a termination of parental rights and adoption case involving an incarcerated father. The father was incarcerated for criminal sexual conduct with a minor in North Carolina. It arose from a DSS action in South Carolina. I terminated the biological father's parental rights on four grounds. I was reversed by the Court of Appeals. I heard

this case two months after getting on the bench. I feel I have learned from this case and since it was a learning experience for me, I deemed it appropriate to list this case as a significant case in my development as a Family Court Judge. See attached Tab G.

24. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty? If so, give details, including dates.

Member of Marion School District # 1 Board of Trustees from July 1, 1991-June 30, 1996, and from July 1, 1997-June 30, 2003.

This was appointed by Marion County Board of Education. I timely filed all my State Ethics Commission Reports during this time period.

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. N/A.

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

Yes, I ran for Marion County Board of Education, Seat #1 on April 6, 2004, and lost by 53 votes to Rita C. Henneycy.

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 am currently a member of the Board of Directors of Pee Dee Federal Savings Bank in Marion, SC. I have been on this Board since January 2003. We make decisions as to policy, management, and loans for this small mutual savings bank. I was allowed to remain on this Board pursuant to an opinion from the Advisory Committee on Standards of Judicial Conduct – Opinion No. 5-2008. See attached Tab B.

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.

As stated in my answer to question #28, I am a director for Pee Dee Federal Savings Bank. I am not now, nor have I in the past had any other business relationships that I am aware of that could constitute or result in a possible conflict of interest. Should such a conflict arise, I would fully disclose this to all litigants and attorneys. If I felt I personally could not be impartial, I would immediately recuse myself. Should any of the lawyers or litigants

request my recusal after full disclosure had been made, then I would immediately do the same so as to avoid any hint of impropriety.

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? If so, give details but do not include traffic violations for which a fine of \$125 or less was imposed.

I was arrested in Mecklenburg County, NC, in 1990 or 1991 for driving while intoxicated, and unlawful transport of alcohol. The charges were eventually dismissed by the district attorney and I was not guilty.

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?

Yes, in approximately 1982 or 1983 I was sued professionally by an individual who alleged I merged two closely held corporations without giving notice to him and failing to give him an opportunity to either take part in the merger discussions or providing him an opportunity to receive a financial buyout for his shares.

The corporate records were incomplete. The stock transfer register was not accurate. The disgruntled stockholder sued the following: my former partner and me, the two old corporations, the new corporation, the directors and officers of the corporation, and the bank that financed the merger. My professional liability carrier was notified immediately and represented my partner and me in this matter. The case was ultimately settled out of court at a minimal amount to me. Since that time I have not been sued personally or professionally.

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? If applicable, have you ever been covered by a tail policy? If so, please explain when you were covered by a tail policy. 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." 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.
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 to both questions.
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 to both questions.
46. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? If so, please specify the amount, solicitor, donor, and date of the solicitation. 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) KY Bar Association;
 - (b) SC Bar Association;
 - (c) Marion County Bar Association – President 1996;
 - (d) SC Association of Family Court Judges.

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) Marion Chamber of Commerce – Former President (1989), Board of Directors (1987-89) and Community Service Award Winner (2003);
 - (b) Member of Marion Presbyterian Church – elder, deacon, Sunday School Superintendent, Sunday School teacher for thirty-five years.

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 know of nothing that would negatively impact my candidacy. On the positive side, I worked very hard over the last thirty-six years for my family, former clients, church, community, education system, county, state, judicial system, the people of SC, and my God. I feel I have spent my personal, professional, and now judicial life giving back to the people, community, and state that are so special to me. I believe I have served and helped the people of Marion County and the State of SC as a lawyer, juvenile defender, DSS Attorney, County Attorney, and now as a Family Court Judge. I hope to be fortunate enough to do so for another six years.

51. References:

- (a) Mr. William H. Johnson, Jr. – Banker
Pee Dee Federal Savings Bank
Post Office Box 1140
Marion, SC 29571
843-423-2150
- (b) Mr. James E. Brogdon, Jr. – Chief Counsel for Santee Cooper
Post Office Box 4625
Pinopolis, SC 29469
843-615-1926
- (c) Reverend Tom Langston – Pastor Marion Presbyterian Church
Post Office Box 186
Marion, SC 29571
843-423-2272
- (d) Mr. Rodney Berry – Mayor City of Marion and Marion County Economic Development Director
Post Office Box 183
Marion, SC 29571
843-423-8235
- (e) Mrs. Sherry R. Rhodes – Clerk of Court for Marion County
Post Office Box 295
Marion, SC 29571
843-423- 7016

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: Timothy Hick Pogue

Date: July 30, 2012