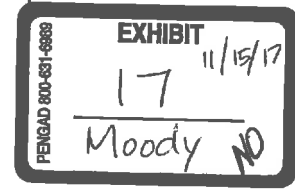


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11/14/17



Leah B. Moody, Esquire
Sixteenth Circuit Court Judge, Seat #1
AMENDMENT TO: Personal Data Questionnaire
DATE ORIGINALLY SUBMITTED: July 31, 2017

[PDQ question -#36,] [Have you ever been sued by a client? Have you ever been a named party (personally or professionally) in or had a pecuniary interest in any civil or criminal proceedings? If so, give details, including, but not limited to, dates, and resolutions.]

I am supplementing my PDQ answer #36(b)- I forgot about this lawsuit.

A year after I began serving on the USC Board of Trustee, Governor Haley nominated and appointment me to serve on the South Carolina-Commission on Higher Education ("SC-CHE") as the Research Universities Commissioner (representing USC, Clemson, and MUSC). This appointment rotated among the research universities every 2 years. From February 2010 until June 2015, I served on the SC-CHE, which included an additional three (3) years and five months in hold-over capacity.

In June 2014 and while serving on SC-CHE, I was named as a defendant (individually/official capacity), along with all SC-CHE Commissioners ("Commissioners"), in a federal lawsuit. The case caption is *Angelica Rocha Herrera v. John L. Finan, et al*, 7:14-cv-002255-BHH.

Herrera filed a lawsuit under 42 U.S.C. § 1983 of the Civil Rights Act and alleged that the Commissioners violated the Equal Protection and Substantive Due Process Clauses of the 14th Amendment in the U.S. Constitution.

Herrera, a Mexican America, alleged the Commissioners violated her right to in-state residency status for purposes of college tuition rate and the SC Life scholarship. Herrera applied to USC-Upstate and Converse College and ultimately attended and graduated from Converse. Specifically, Herrera alleged that the Commissioners' administration and enforcement of South Carolina's rule for establishing in-state residency violated her rights under the 14th Amendment. Also, Herrera alleged that the rebuttable presumption, under the SC law that the residency of the dependent students mirrored their parent's residency, was unconstitutional. USC-Upstate and Converse determined that Herrera was an out-of-state student, which disallowed Herrera from paying in-state tuition and receiving the SC Life Scholarship.

The court granted the Commissioners' Summary Judgment Motion on all causes of action. The court held that Herrera challenge failed because the § 1983 claim must be based on the defendants' own conduct violating a plaintiff's constitutional right, and no such conduct had been pled in the case. The compliant failed to allege that any Commissioner had a role in Herrera's residency determination at either USC Upstate or Converse. Therefore, the proper party was not before the court. In addition, the Commissioners would likely be entitled to legislative immunity and the claims failed on their merits. Herrera filed an appeal in the U.S. Court of Appeals, 4th Circuit. The U.S. Court of Appeals, 4th Circuit, affirmed the district court's ruling on October 4, 2017.

Leah B. Moody
SIGNATURE OF CANDIDATE

November 13, 2017

Please provide your supplemental response to the following address:
Judicial Merit Selection Commission
1101 Pendleton Street
Columbia, SC 29201