

JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE



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

1. Name: Mr. James Michael Morton

Name that you are known by if different from above
(Example: A Nickname): Jim

Are you currently serving in some capacity as a judge? No
(Includes Municipal, Magistrate, Etc.)

Home Address: [REDACTED]

Business Address: 331 East Main Street, Suite 300, Rock Hill, SC 29730

E-Mail Address: [REDACTED]

Telephone Number: (home): [REDACTED]
(office): 803-366-3388
(cell): [REDACTED]

2. Date of Birth: [REDACTED] 54
Place of Birth: Rock Hill, SC
Social Security Number: [REDACTED]

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

4. SCDL# or SCHD#: [REDACTED]
Voter Registration Number: [REDACTED]

5. Family Status: In the space below, (a) state whether you are single, married, widowed, divorced, or separated; (b) if married, state the date of your marriage and your spouse's full name; (c) if you have ever been divorced or are in the process of obtaining a divorce, state the date, name of the moving party, court, and grounds; and (d) state the names of your children and their ages. If your children are old enough to work, include the occupation of each child.

(a) Married

(b) November 14, 1998 to Mary Frances Moses

(c) Divorced January 8, 1996, Family Court of the Fifth Judicial Circuit, State of South Carolina, on grounds of one-year separation, L. Lisa McPherson was moving party.

(d) [REDACTED]

6. Have you served in the military? If so, give the dates, branch of service, highest rank attained, serial number (if applicable), present status, and the character of your discharge or release. Please provide a copy of your DD214 concerning your discharge.
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 South Carolina, 1972-1976, B.A.
b.) University of South Carolina School of Law, 1982-1985, J.D.
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.
South Carolina, 1985
9. List the significant activities in which you took part during your attendance at law school. Give the years you were involved in these activities and list any leadership positions you held.
10. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.
- | | |
|---|----------|
| (a) Symposium on Prosecutorial Ethics | 03/05/12 |
| (b) 2012 Criminal Law Update | 06/08/12 |
| (c) U.S. Sentencing Guidelines | 11/07/12 |
| (d) It's All in a Game: Top Trial Lawyers Tackle Evidence | 02/05/13 |
| (e) Commission on Judicial and Lawyer Conduct Seminar | 10/30/13 |
| (f) The Ethics of Innocence: Lessons from the Ordeal of Darryl Hunt | 11/12/13 |
| (g) RPWB 2014 Litigation Seminar | 04/24/14 |
| (h) SC Conference on Lawyer and Judicial Discipline | 10/29/14 |
| (i) 24 th Annual Criminal Practice in South Carolina | 02/27/15 |
- *In 2015, I turned 60 years of age, and obtained 30 years of practice.
*Separate attachment included per instructions
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) Panelist, Criminal Law CLE, SC Bar Association Offices
(b) Lectured at various classes at USC School of Law regarding wrongful convictions
(c) Panelist, Criminal Law CLE, USC School of Law
(d) Lectured at psychology class regarding false confessions, Williams College, Williamstown, Mass.
12. List all published books and articles you have written and give citations and the dates of publication for each. Please furnish as a separate attachment, two examples of legal articles,

briefs, orders, or other legal writings for which you can claim sole or primary authorship. If you cannot claim sole authorship, please explain the extent to which you are the primary author, to include a description of the other authors and their contributions.

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 South Carolina State Courts, 1985
 - (b) Admitted to practice before the U.S. District Court, December 1996

14. Describe chronologically, since graduation from law school, your legal experience. Please include a list of all positions held in which you worked in a legal capacity. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years. Please also describe the extent to which you were involved with the administrative and financial management of each of these entities, including management of trust accounts.
 - (a) 1985-1987, Richland County Public Defender's Office
 - (b) 1987-1991, Fifth Circuit Solicitor's Office
 - (c) 1991-2001, private practice
 - (d) 2001-present, Morton and Gettys, LLC

15. Please answer the following (if you are a judge and are not seeking a different type of judgeship, this question is inapplicable):
 - (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 and procedural knowledge has prepared you to preside over such matters as a Family Court Judge. Please also indicate the frequency of your appearances before a Family Court Judge within the past five years.

 - (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 and procedural knowledge 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. Please also indicate the

frequency of your appearances before a Circuit Court Judge within the past five years.

My career over 32 years has primarily consisted of criminal law. I served as an assistant public defender for 1.5 years, and have prosecuted and defended thousands of cases. I have prosecuted at least a dozen murder cases and hundreds of felonies and have defended an equal number of murder cases, including two death penalty cases (one of them twice). I have handled two death penalty PCRs, and was hired (while in private practice) to prosecute two murder cases and a felony DUI in different circuits in State Court. In Federal Court, I have tried three cases, and handled numerous felony and misdemeanors. I have served as plaintiff's attorney in numerous types of civil matters, including various types of personal injury, including wrongful death. I have handled cases involving Unfair Trade Practices, nuisance, conversion, habeas corpus, workers compensation and complaints against police. I have been plaintiff and defendant in numerous post-conviction relief cases, including as plaintiff's attorney in two death penalty PCRs.

I would research all statutes and most relevant issues involving as many areas/issues as possible. I would also consult others for advice.

- (c) If you are a candidate for Master-In-Equity, please provide a brief written description of your experience in the Master's court, including any cases handled over the past five years and include a brief description of the issues involved. Please include the frequency of your appearances before a Master-In-Equity or a Circuit Court Judge within the past five years.
 - (d) If you are a candidate for Administrative Law Court, please provide a brief written description of your experience before an Administrative Law Judge, including any issues discussed and the frequency of your appearances before the Administrative Law or Circuit Court within the past five years.
16. What is your rating or membership status, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, Million Dollar Advocates Forum, etc.? If you are currently a member of the judiciary, list your last available rating, if any.
I have received a Martindale-Hubbell rating of AV.

* **Justices/judges applying for re-election to their current position may omit Questions 17-22. If you are a judge seeking a judgeship different than your current position, Questions 17-22 should be answered based on your experience prior to serving on the bench.**

17. What was the frequency of your court appearances during the past five years or in the five years prior to your election to the bench?
- (a) federal: Approximately five appearances
 - (b) state: One or two appearances per month

18. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years or in the five years prior to your election to the bench?
- (a) civil: 1%
 - (b) criminal: 99%
 - (c) domestic:
 - (d) other:

19. What percentage of your practice in trial court during the past five years or in the five years prior to your election to the bench involved matters that went to a jury, including those that settled prior to trial?

All of my cases are subject to jury trials. I have tried several in the last five years.

- (a) jury:
- (b) non-jury:

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Sole or chief counsel in all.

20. 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) State v. Bobby Lee Holmes – 604 S.E. 2d.19 (2004). This death penalty conviction was reversed by the U.S. Supreme Court (9-0) and set a precedent as to how judges are to evaluate third party guilt testimony and evidence.

(b) State v. Jerry Evans – 316 S.C. 303 (1994). Was trial counsel, and argued before S.C. Supreme Court. This was a vehicle hit and run murder and felony DUI charge involving the deaths of two children in Richland County. The use of hypnotically enhanced testimony was affirmed by the S.C. Supreme Court.

(c) State v. Murray Adkins – 353 S.C. 12. Contract murder execution in Lancaster County. Appeal on jury charge that “failure” of defendant to testify language was violation of a defendant’s Sixth Amendment right. Appeal was denied.

(d) State v. Billy Wayne Cope – 405 S.C. 317 (2013). Defendant and co-defendant were charged with the murder and rape of defendant’s 12-year-old daughter. The conviction for conspiracy was reversed, and later reinstated by S.C. Court of Appeals. Afterwards, it was affirmed by S.C. Supreme Court. Issues of Rule 404(b) evidence of other crimes, false confessions, and evidence of conspiracy.

(e) State v. Edward Cronell – (Unable to find site) I was hired, while in private practice, to prosecute murder of 22-year-old school teacher during a nighttime home invasion by a real estate agent. He was convicted and his conviction was affirmed. The S.C. Supreme Court ruled that search warrants for obtaining bodily fluids (DNA) was legal.

21. 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.

(a) Death Penalty PCR, Richard Moore v. S.C. (04-CP-42-2715) Numerous issues including res gestae evidence.

(b) Death Penalty PCR, Kenneth Simmons v. S.C. (03-CP-18-1192) Death Penalty set aside by Circuit Court Judge because defendant ruled mentally ill and thus ineligible for death per Atkins v. Virginia. (536 U.S. 304) (2002)

22. List up to five criminal appeals you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported.
(a) State v. Jerry Evans 316 S.C.303, (1994).
(b) State v. Billy Wayne Cope 405 S.C. 317 (August 28, 2013).
23. 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.
No
24. If the answer to question 23 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.
25. 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.
No
26. 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
27. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.
Yes, candidate for Sixteenth Circuit Court Judge, Seat 2, 2014.
28. 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? If so, give details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer.
(a) Clerk, Richland County Public Defender's Office, 1983-1985
(b) Assistant, U.S. Senate Sergeant-At-Arms, 1978-1982
(c) Bowater Carolina Corporation (paper mill), summers during college, 1972-1975
(d) South Carolina House of Representatives, House Floor Page, 1976
29. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.
Morton and Gettys, LLC, partner, 2001-present

30. Please explain why you think you meet the professional and academic ability criteria for the seat you seek.
I have been practicing for 32 years, and while most of my experience is in criminal, I have handled many types of cases in the civil courts as explained above. My career as a major crimes prosecutor in Columbia and as a defense attorney gives me a unique perspective which would allow me to apply that experience in making fair decisions.

31. Provide, **as a separate attachment**, a complete, current financial net worth statement that itemizes in detail:

- (a) the identity and value of all financial assets held, directly or indirectly, including, but not limited to, bank accounts, real estate, securities, trusts, investments, and other financial holdings; and
- (b) the identity and amount of each liability owed, directly or indirectly, which is in excess of \$1,000, including, but not limited to, debts, mortgages, loans, and other financial obligations.

(A net worth statement is provided with this questionnaire and you must use this format for submission of your financial statement.)

NOTE: The Commission may require written confirmation that financial obligations have been satisfied or that the parties have agreed upon a payment schedule.

32. 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 or currently hold. Explain how you would resolve any potential conflict of interest.
None

33. 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 which are subject to a penalty of \$125 or less. You must include any and all arrests, including, but not limited to, offenses for driving under the influence or similar traffic offenses. Include all arrests that resulted in expungement, which will be redacted. If you have questions regarding whether to include an offense, please contact the Commission.
[All answers have been received and considered by the Commission, and as noted above, any expunged matters are redacted from the record.]

- (a) Simple possession of marijuana, 1975, arrested as a college student while at USC, completed PTL.
- (b) Arrested for disorderly conduct, dismissed, 1976
- (c) Arrested for DUI, dismissed, 1977
- (d) Arrested for simple possession of marijuana, 1977, pled guilty

34. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain.

[All answers have been received and considered by the Commission, and as noted above, any expunged matters are redacted from the record.]

35. 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? If so, give details.
No
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.
No (other than PCRs)
37. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been sanctioned or disciplined for lawyer, judicial, or other professional misconduct or has any jurisdiction found that you committed any misconduct? If so, give the details and describe any final disposition. Include any and all confidential and public sanction, discipline, or finding of misconduct of any kind.
[Yes and no responses are redacted for all candidates unless there is a public discipline.]
38. 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? If so, give the details.
No
39. 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. Also, if applicable, indicate your coverage and deductible for your current malpractice policy.
I am covered by malpractice insurance and have carried it since entering private practice in 1991. I have never had a tail policy. My firm carries a \$2,000,000 malpractice insurance policy.
40. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.? If so, how would your use of social media or other similar types of Internet sites be affected if you were serving in a judicial capacity?
I joined Facebook, but do not know how to post or view my page.
No, it would not affect my service in a judicial capacity.
41. 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)? If so, give the dates of your employment or activity in such capacity and specify by whom you were directed or employed.
No

42. 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? If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist's principal involved.
No
43. 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. If you have spent over \$100, have you reported your expenditures to the House and Senate Ethics Committees?
None
44. List the recipient and amount of all contributions made by you, a member of your immediate family, or by a business with whom you are associated, to members of the General Assembly within the past four years.
None
45. 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 or have you been offered a conditional pledge of support by any legislator pending the outcome of your screening? 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? If so, give details.
No

Note: The flash drive with your application materials contains (1) Section 2-19-70(c); (2) JMISC Rule 24, and (3) informal opinions and letters concerning pledging prohibitions, with which third parties acting on your behalf, as well as you, must comply.

46. Have you requested any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Describe the campaigning you have done for this election and include a list of those individuals you have asked to campaign on your behalf and, to the best of your knowledge, those who have campaigned for you on their own initiative.
No
47. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges until after the draft report becomes final, which occurs on the day and time specified on the Commission's published screening schedule?
Yes
48. 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

49. Since submitting your letter of intent to become a candidate, have you or has anyone acting on your behalf contacted any member of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? If so, give details.
No
50. 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) South Carolina Bar Association, Member
(b) York County Bar Association, Member
(c) South Carolina Association of Criminal Defense Lawyers, Member
51. 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) ACLU, State of South Carolina, current Board Member
(b) York Free Medical Clinic, current Board Member
(c) MUSC, Board of Visitors, former Board Member
52. 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. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.

I was born and raised in Rock Hill, South Carolina, and attended Rock Hill public schools. My mother was from Fountain Inn, South Carolina and graduated from Winthrop College. My father grew up in Rock Hill, served as a bombardier and was shot down during World War II receiving a Purple Heart. After the war he graduated from the University of South Carolina, and afterwards received his Masters in Journalism from Columbia University in New York City. My mother grew up on a farm, and my father was raised in the mill village during the Depression. They both taught me the value of hard work. Another lesson learned from them was to always try to walk in another man's shoes, and only then can you pass judgment.

I began working summers at 14 years of age and throughout high school as an electrician's assistant. I worked every summer during college at Bowater Carolina Corporation, swinging shifts in a pulp mill.

At Rock Hill High School, where I graduated in 1972, I was the starting quarterback on the football team, and starting pitcher on the baseball team. I graduated from the University of South Carolina with a B.A. in political science in 1976. After college I had the fortunate experience of working for the U.S. Senate from the beginning of 1978 until I started law school in 1982. I worked in the Senate Chamber with much time on the floor of the U.S.

Senate. I watched senators legislate and debate, often heatedly, and then walk off the floor together arm in arm. It taught me the lesson to always, no matter how passionately you believe in a cause or an issue, remain professional, never personal.

53. List the names, addresses, and telephone numbers of five (5) persons from whom you are providing references. Also, provide the Commission with **original letters** of recommendation from each person listed herein, including their signature (preferably in blue ink). **The Commission will not accept a photocopy or electronic submission of a letter of recommendation and failure to include all five (5) original letters of recommendation in your packet when you submit it will render your packet incomplete.** Please **do not** have references mail your reference letters to the Commission directly. *You must return the five (5) original letters of recommendation to the Commission with your application packet.*
- (a) Sherri A. Lydon, Law Offices of Sherri A. Lydon
1529 Laurel Street
Columbia, SC 29201
803-753-1592
 - (b) Lane Estes, Estes Insurance
209 Black Street
Rock Hill, SC 29731
 - (c) Thomas F. McDow, McDow & Urquhart, LLC
514 Oakland Avenue
Rock Hill, SC 29730
 - (d) Barrett Maners
773 Milton Avenue
Rock Hill, SC 29730
 - (e) John Reagan, IV, Regional President, South State Bank
1127 Ebenezer Road
Rock Hill, SC 29732

54. Describe any interest you or a member of your immediate family has in real property:
- (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;
 - (b) in which there have been public improvements of \$200 or that adjoins property in which there have been public improvements of \$200; or
 - (c) which was sold, leased, or rented to a state or local public agency in South Carolina.

List the interest you hold and the value and location of the property. Identify as applicable the:

- (a) nature of any potential conflict of interest;
- (b) nature and value of any public improvements; and
- (c) South Carolina state or local public agency which purchased or is leasing or renting such property.

Attach a copy of any contract or agreement.

55. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its amount or value, and the name of the agency. Attach a copy of any contract or agreement.
56. For sitting judges, if you currently hold an interest in stock or other securities or have held such an interest, list each stock you currently own or owned during the prior calendar year. If you prefer, you may attach broker or account records containing the requested information instead of listing it here.
57. For sitting judges, have you ever accepted anything of value from an attorney or litigant in a matter currently or previously before you or your court? If so, please give the details, including the name of the attorney or litigant and the thing of value you received.
58. For sitting judges, have you used the services of your staff, for which you did not pay, while campaigning for this office?

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: James Michael Morton

Sworn to before me this ____ day of _____, 2017.

(Notary Signature)

(Notary Printed Name)
Notary Public for South Carolina
My Commission Expires: _____