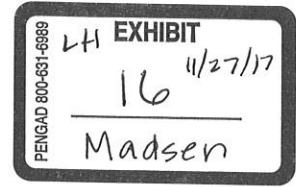


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE



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

1. Name: Mr. Robert Michael Madsen

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

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

Home Address: [REDACTED]

Business Address: 202 East Main Street, Lexington, South Carolina 29072

E-Mail Address: [REDACTED]

Telephone Number: (home): [REDACTED]
(office): (803) 785-8873
(cell): [REDACTED]

2. Date of Birth: [REDACTED] 1970
Place of Birth: Columbus, Ohio
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.

Family Status: Married on April 26, 1997 to Jennifer Bush Madsen.
Never divorced, two children.

[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) The Ohio State University, September 1988 to December 1992: I graduated with a Bachelor of Arts in Political Science and a Minor in Economics.
 - (b) Columbus State University June 1992 to August 1992: I took one Spanish class, which I transferred credit to The Ohio State University.
 - (c) Capital University School of Law, August 1993 to June 1994: I transferred after 1L year to the University of South Carolina, School of Law
 - (d) Weidner University, School of Law, June 1994 to August 1994: I enrolled in a Summer abroad program for transfer credit.
 - (e) University of South Carolina, School of Law, August 1994 to June 1996: I received a Juris Doctorate.
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) South Carolina 1996
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.
 - (a) Phi Alpha Delta Fraternity 1994-1996, my 3L year I was elected Clerk.
10. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.
See attachment.
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 have made a presentation on the topic of post conviction relief at PD 101.
 - (b) I have taught trial advocacy skills at PD 102.
 - (c) I have taught trial advocacy skills at PD 103.
 - (d) I have made a presentation on the topic of pleas and plea paperwork at Criminal Law Practice Essentials.
 - (e) I have made a presentation on the topic of post conviction relief at PCR from a Public Defender's Perspective.

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.
Not applicable.
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) South Carolina, 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) September 1994 until April 1997: I clerked in law school for the Wofford Law Firm, LLC. which was a general law practice. Upon graduation in June, I was offered an associate position with the firm. Our office had real estate, civil, domestic, criminal, and tax clients. I solely worked with our civil, domestic and criminal clients. I did not have any financial or administrative management of the law firm.
(b) April 1997 until September 2002: I worked in the Second Judicial Circuit as an assistant solicitor assigned to Barnwell and Bamberg Counties. I carried a caseload that included juvenile Family Court, Magistrate, and General Sessions cases. I was responsible for the prosecution of driving under the influence cases to murder cases. I did not have any financial management in the office, but I did assist with some administrative aspects of our office.
(c) September 2002 until July 2008: I worked in the Eleventh Judicial Circuit as a senior assistant solicitor. I was a member of our violent crimes task force and a team leader of approximately six attorneys and associated staff. I handled a variety of cases in Lexington County to include murder and criminal sexual conduct cases. I was not responsible for any financial management in the office. I was responsible for some administrative aspects of my team.
(d) August 2008 until present: I have been employed as the Eleventh Judicial Circuit Public Defender. I am responsible for the coordination of indigent defense in Lexington, Saluda, Edgefield and McCormick counties. I manage fourteen attorneys and an additional staff of eight employees. I am responsible for creating a budget, employee evaluations, administrative duties, and defending indigent clients.
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.

I have over twenty years experience in criminal law, both as a violent crimes prosecutor and as a public defender. I was an assistant solicitor for over eleven years before serving as the Eleventh Judicial Circuit Public Defender for the last nine years. During the past five years, I have tried before a jury drug, kidnapping, murder, domestic violence, throwing bodily fluid, armed robbery and burglary trials. Defenses in these trials included mental health defenses, lack of criminal intent defenses, and denial of the commission of the crime. Additionally, I have had extensive motion and plea experience during the last five years. As a prosecutor, I tried criminal sexual conduct, drug, murder, domestic violence, financial and traffic-related crimes.

I have not practiced in civil court since I became an assistant solicitor in 1997. However, prior to that time, I worked in a plaintiff-oriented law firm. I drafted complaints, interrogatories, and proposed orders. I participated in mediation and depositions. I negotiated and settled personal injury and business litigation cases.

While I have not had any recent experience in civil court, I have extensive jury trial experience. This has given me an in depth knowledge of the rules of evidence and proper court procedures. I believe my vast litigation experience will let me transition seamlessly into civil court. Additionally, I have continued to review the advance sheets to keep me abreast of developments in criminal and civil law.

- (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.
Not applicable.

* **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: 0%
(b) state: 100%
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: 0%
(b) criminal: 100%
(c) domestic: 0%
(d) other: 0%
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?
(a) jury: 100%
(b) non-jury: 0%

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

Sole counsel, although I have sat second chair with a number of assistant public defenders in our office.

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. Thomas Hilliard, Op. No. 2012-UP-386 (S.C. Ct. App. filed June 20, 2012) Mr. Hilliard was charged with murder in Edgefield County General Sessions Court. I defended Mr. Hilliard who was convicted of voluntary manslaughter and sentenced to ten years in prison. This case dealt with the unintentional killing of another during a fist fight where the victim was punched once and hit his head on the pavement.
- (b) State v. Christopher Manning, 400 S.C. 257, 734 S.E.2d 314 (Ct. App. 2012). I defended Mr. Manning on the charge of felony driving under the influence involving death. I mounted an extensive defense challenging the state's failure to follow the rules and regulations related to videotaping and probable cause for obtaining a blood sample. Mr. Manning was convicted.
- (c) State v. Wayne Curry, 410 S.C. 46, 762 S.E.2d 721 (Ct. App. 2014). Mr. Curry had a long history of significant mental health problems. He was charged with throwing bodily fluids while in jail. The trial judge denied our request to allow the jury to consider Mr. Curry guilty but mentally ill. The trial judge's decision was reversed by the Court of Appeals. Mr. Curry's case was subsequently dismissed by the prosecutor.
- (d) State v. Darryl Burgess, 391 S.C. 15, 703 S.E.2d 512 (S.C. Ct. App. 2010). I prosecuted Mr. Burgess for the double homicide of David Slice and Kim Fauscette. The case went to trial and Mr. Burgess was convicted. He was given a life sentence. I encountered many significant issues during the trial including third party guilt and the use of cell phone tracking, which was a relatively new tool used by law enforcement.
- (e) State v. Roger Dale Burke, Op. No. 2007-UP-042 (S.C. Ct. App. filed January 24, 2007). I prosecuted Mr. Burke for murder, kidnapping, and burglary first degree for abducting and killing his estranged wife. A majority of the defense dealt with his criminal intent. Mr. Burke was convicted of all charges and given a life sentence.

- 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.
Not applicable.
- 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.
Not applicable.
- 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.
Not applicable.
- 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.
Not applicable.

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.

I do not believe being appointed Eleventh Judicial Circuit Public Defender qualifies under this question, but I have held this office since August 1, 2008. I was appointed by the Commission of Indigent Defense upon the recommendation of the circuit public defender selection panel.

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.

Not applicable.

27. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.

Not applicable.

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) I was the assistant self-service manger (sporting goods, toys, and baby goods) at Service Merchandise East in Columbus, Ohio. I was responsible for helping to manage a crew of approximately fifteen employees. I was employed from August 1988 to August 1993, but I was only the assistant manager from December 1992 to August 1993. I resigned to go to law school.

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.

Not applicable.

30. Please explain why you think you meet the professional and academic ability criteria for the seat you seek.

Over the last twenty years, I have accumulated a tremendous amount of courtroom experience. I am very familiar with the rules of evidence, the rules criminal procedure and the rules civil procedure. I have participated in well over seventy-five criminal jury trials as a prosecutor and a public defender. I have prosecuted and advocated for indigent clients during guilty pleas. I consistently read the advance sheets and try to stay current with any legal developments. I feel that I have the appropriate demeanor and can be an asset to the legal community.

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.
Not applicable.
- 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.]
- 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.
I have never been sued by a client. I am named in my official capacity as Eleventh Judicial Circuit Public Defender in Brown v. Lexington County, et. al. This lawsuit was filed on June 1, 2017 and is still pending. It is a lawsuit filed by the ACLU dealing with allocation of resources and funding for Magistrate's court.

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.
I have not.
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.
Not applicable.
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 have Facebook and Twitter accounts. I do not believe I have ever posted to Twitter and I do not believe I would change my use of Facebook. I only use the site to keep in contact with friends and family.
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?
\$20 for fingerprinting by the Lexington Sheriff’s Department on July 26, 2017.

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.
Representative Micah Caskey, \$100 in 2016.
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) JMSC 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.
I have not made such requests. I have not done any campaigning other than telling some friends, family, and co-workers my intention to seek election for this seat.
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) Lexington Bar Association, I am the public defender representative of the executive committee.
(b) South Carolina Criminal Trial Lawyers Association

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) I am a vestry member of St. Alban's Episcopal Church in Lexington, South Carolina.

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 have tried to further my legal career through hard work and doing the right thing whether as a prosecutor or protecting my indigent clients' constitutional rights. In a criminal setting, I have experience on "both sides of the aisle." I believe I have the intelligence, desire, and dedication to be an asset to the citizens of South Carolina if I am elected to the Circuit Court bench.

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) Robert (Theo) Williams, private attorney
Post Office Box 2390, Lexington, South Carolina 29072-2390
(803) 359-9000

(b) Stephen "Chip" Burn, private attorney
515 East Main Street, Lexington, South Carolina 29072
(803) 764-9483

(c) David Stumbo, Eight Judicial Circuit Solicitor
Post Office Box 516, Greenwood, South Carolina 29649
(864) 942-8800

(d) Elizabeth Fullwood, Lexington Public Defender
202 East Main Street, Lexington, South Carolina 29072
(803) 785-8873

(e) Christopher G. Samellas, Chief Deputy Solicitor, Eleventh Judicial Circuit
205 East Main Street, Lexington, South Carolina 29072
(803) 785-8352

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.
- Not applicable.

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.

Not applicable.

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.
- Not applicable.

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.
- Not applicable.

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.
- Not applicable.

58. For sitting judges, have you used the services of your staff, for which you did not pay, while campaigning for this office?
- Not applicable.

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: _____

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

(Notary Signature)

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