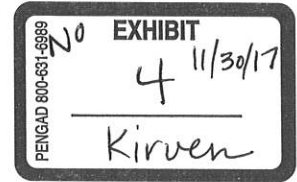


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE



Court, Position, and Seat # for which you are applying:

Family Court, Seat Two, Twelfth Judicial Circuit.

1. Name: The Honorable John Rogers Kirven

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

Are you currently serving in some capacity as a judge?
(Includes Municipal, Magistrate, Etc.)

Yes, I currently serve as part-time Municipal Judge in the municipalities of
Johnsonville, Coward, Scranton and Quinby.

Home Address: [REDACTED]

Business Address: 618 West Evans Street, Florence, South Carolina 29501

E-Mail Address: [REDACTED]

Telephone Number: (home): [REDACTED]
(office): 843-665-6681
(cell): [REDACTED]

2. Date of Birth: [REDACTED] 1968
Place of Birth: Florence, South Carolina
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#: SCDL# [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 January 31, 2004 to Tammy Sarvis (Broach) Kirven;
Never divorced, one child and two step-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) Francis Marion College (now Francis Marion University),
August 1986-December 1990, Bachelor of Science;
 - (b) Regent School of Law,
August 1992-May 1993 (transferred to below);
 - (c) University of South Carolina School of Law,
August 1993-May 1995, 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 on November 13, 1995;
I have taken the bar exam in no other states. I have taken the bar exam once.
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.
None
10. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.
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.
No
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.
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) South Carolina, 1995.

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) On November 13, 1995, I began practicing law with my father, Rogers W. Kirven, in a general practice firm in Florence, South Carolina. In 2003, I began managing the practice, including the trust accounts, due to my father's illness, and I have continued to do so since that time;
- (b) In 2001, I was appointed part-time Municipal Judge for the City of Johnsonville and have continued to serve since that time;
- (c) In 2002, I was appointed part-time Municipal Judge for the Town of Scranton and have continued to serve since that time;
- (d) In 2002, I was appointed as part-time Municipal Judge for the Town of Quinby and have continued to serve since that time;
- (e) In 2002, I was appointed as part-time Municipal Judge for the Town of Coward and have continued to serve since that time;
- (f) In 2007, I was appointed as Associate Municipal Judge for the City of Lake City and served until my resignation in 2009;

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.

As to divorce: I have represented plaintiffs seeking divorces and defendants counterclaiming divorce actions. The vast majority of the divorce actions I have handled have been upon the ground of a one (1) year continuous separation. In most of these cases in the past several years, the parties have already been separated for most of the statutory time period. The second most frequent ground for divorce in my practice has been on the ground of adultery. I have sought divorces on the ground of adultery, as well as alleging affirmative defenses (recrimination, condonation, and reconciliation) if applicable. Likewise, I have sought and defended cases upon the statutory grounds of habitual drunkenness and physical cruelty. In my twenty-two (22) years of practice, I do not recall an action seeking a divorce on the ground of abandonment. I fully understand evidence and proof required for each of these grounds for divorce. I also understand the

burden of proof and what is required to meet the burden of proof for these grounds. Therefore, in many cases, if I do not feel there is adequate proof to file for a divorce on fault-based grounds, I generally file for a Decree of Separate Support and Maintenance.

As to equitable division of property: Most of the divorce cases I have handled involve an equitable division of marital property, as well as marital debt. This involves identifying what is in fact marital property and marital debt and what is not; whether there is equity in marital property; and whether non-marital property has been transmuted into marital property (or if there is any basis for special equity in the same). I have prepared equitable division spreadsheets, property lists and debt lists, as well as proposals for distribution for the Family Court.

As to custody: I have been involved in actions seeking custody for many clients, as well as actions for clients trying to retain custody. I have also served in the capacity of guardian ad litem in many custody disputes. With all of the positions I have taken, I am very much aware that the best interest of the child(ren) takes precedence and feel that I have been able to clearly and concisely put forth my clients' case to the Family Court regarding their position as to custody.

As to guardian ad litem: I have conducted investigations for the Family Court, interviewed parties, met with minor children, and interviewed care providers and educators. I have conducted numerous home visits, both scheduled and unscheduled. I have traveled to many parts of South Carolina performing these duties, as well as out-of-state on many occasions. I have compiled comprehensive guardian ad litem reports for the Family Court, as well as the parties and their counsel in these matters.

As to adoption: I have handled and been involved in numerous adoption cases. I have served as attorney for plaintiffs; I have served as guardian ad litem; I have counseled parents concerning relinquishment of parental rights and consent to adoption. As attorney for prospective adoptive parents, I have handled both private and relative adoptions. Non-relative adoptions require much more investigatory work than relative placement adoptions. In relative adoptions, the statute allows a waiver of waiting period, background checks, and so forth. I have successfully handled both types of adoption for my clients. I have also served in the capacity as guardian ad litem in private adoptions, as well relative placement adoptions and Department of Social Services foster care adoptions. Each of these cases required reviewing pleadings; interviewing the potential adoptive parents; and interviewing the potential adoptive child, if practicable. Lastly, I have counseled both mothers and fathers concerning relinquishment of their parental rights and consents to adoption. These are conducted in my office and I spend a good deal of time with the parents concerning what their rights are, what they are relinquishing, what they are consenting to, and the impact on them, as well as determining they are competent, that I have answered all of their questions, and they do not need psychological or other types of counseling.

As to abuse and neglect: In the past, I have represented parents in abuse and neglect actions, as well as served as guardian ad litem for minor children in those actions. This

involves a great deal of investigation, interviews with witnesses, preparation for trial, negotiations with Department of Social Services counsel, and conducting hearings; and in the role of guardian ad litem, provide a clear and concise report for the Family Court.

As to juvenile justice: In my recollection, I have been involved in one (1) juvenile justice matter which occurred shortly after I was out of law school in the 1990's and I have had little experience with juvenile justice since that time. However, I have served in excess of fifteen (15) years as part-time Municipal Judge in several municipalities in Florence County, and as such, I understand and I am aware of the elements of crime, burdens of proof and impact of criminal charges on an individual, criminal convictions on an individual, and the conduct of criminal trials.

In the past five (5) years, I have appeared before Family Court judges in the counties of Florence, Marion, Darlington, Williamsburg, Chesterfield, Sumter, Marlboro and Dillon. During an average month, I have appeared in Family Court an average of five (5) times per month, bearing in mind that in the last 2-3 years of my practice, I have focused more on conducting mediation and have not been taking on nearly as many domestic clients as I had previously. In the past two (2) years I have probably conducted on a weekly basis, a minimum of three (3) mediations per week. All mediations have involved Family Court matters; concerning equitable division of marital assets and debt; custody; visitation; child support; alimony and spousal support; attorneys fees and costs.

- (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.

N/A

- (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.

N/A

- (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.

N/A

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.

N/A

*** 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: None
(b) state: an average of five (5) times 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: 0%
(b) criminal: 0%
(c) domestic: 95%
(d) other: 5%

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: 0%
(b) non-jury: 100%

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

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.

None

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.

None

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.
None
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.
- (a) In 2001, I was appointed as part-time Municipal Judge for the City of Johnsonville and I continue to serve;
 - (b) In 2002, I was appointed as part-time Municipal Judge for the Town of Scranton and I continue to serve;
 - (c) In 2002, I was appointed as part-time Municipal Judge for the Town of Quinby and I continue to serve;
 - (d) In 2002, I was appointed as part-time Municipal Judge for the Town of Coward and I continue to serve;
 - (e) In 2007, I was appointed as part-time Municipal Judge for the City of Lake City, where I served until my resignation in 2009.
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.
- (a) In my capacity as Municipal Judge, I have not issued any significant orders or opinions which have been reported.
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.
Kirven Law Firm, P.A./Rogers W. Kirven, P.A. beginning November 13, 1995-current
27. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.
No
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.
No

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.
- (a) Mohawk #II, Inc., property holding entity, sole shareholder, since 2003;
 - (b) Kirven Law Firm, P.A./Rogers W. Kirven, P.A., in which I manage the law firm and have been doing so since 2003.

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

I have been a member in good standing of the South Carolina Bar since November 13, 1995. I have been serving as a part-time Municipal Judge in various municipalities in Florence County, beginning in 2001. I am a certified guardian ad litem, since August 27, 2004. I am certified as a Family Court mediator, since November 28, 2006. I have practiced extensively in the Family Court and have an understanding of governing statutes, case law, and Rules of Family Court.

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.]

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 tax liens or other collection procedures have ever been instituted against me.
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.
(a) I have never been sued by a client;
(b) I have never been named as a party or had any interest in any civil or criminal proceedings.
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 never been investigated by the Department of Social Services and my name does not appear on any registry of abuse and neglect.
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.
No
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?
No, I am not active on or a member of any social media or Internet site. To my knowledge, I have not been featured or depicted on any social media or Internet site.
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.

No contributions have been made.

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.

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.

I contacted Charlie J. Blake, Jr. of the Florence County Bar concerning a recommendation and he informed me that he was on the committee, at which time we quickly ended our conversation. His name did not appear on the information provided to me along with the application.

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.

None

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.

None

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.

My father, Rogers W. Kirven, began practicing law in 1951, so I was raised in a household with a different perspective of the law. As a result, I gained a great respect for our legal system, as well as an understanding of how it impacted litigants and attorneys. After I was admitted to the bar, I began practicing law with my father, who was an excellent mentor. Once I became a part-time Municipal Judge, I developed another perspective of our legal system. I have always tried to maintain a sense of equity in my practice and a sense of impartiality and fairness on the bench. I feel that these years of service as a Municipal Judge have greatly helped my sense of fairness, even-temperedness, and appreciation of the law.

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) Dr. Neal D. Thigpen, P. O. Box 5442, Florence, South Carolina 29502, 843-662-4779;
- (b) Vestina Davis-McElveen, 265 S. Irby Street, Florence South Carolina 29501, 843-758-6979;
- (c) J. Ashby Gregg, Jr., 80 Dogwood Lane, Quinby, South Carolina 29506, 843-669-3031;
- (d) John M. Prosser, Jr., P. O. Drawer 779, Johnsonville, South Carolina 29555, 843-386-2825
- (e) Bryan W. Braddock, 2231 W. Palmetto Street, Suite 203, Florence, South Carolina 29503, 843-292-8780

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;
None
 - (b) in which there have been public improvements of \$200 or that adjoins property in which there have been public improvements of \$200; or
None
 - (c) which was sold, leased, or rented to a state or local public agency in South Carolina.
None

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;
N/A
- (b) nature and value of any public improvements; and
N/A
- (c) South Carolina state or local public agency which purchased or is leasing or renting such property.
N/A

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.
None
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.
See attached documents.

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.

No

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

No

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: _____