

NO. 54

JOURNAL
of the
HOUSE OF REPRESENTATIVES
of the
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2015

THURSDAY, MAY 5, 2016
(STATEWIDE SESSION)

Thursday, May 5, 2016
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Isaiah 30:18: “For the Lord is a God of justice; blessed are all those who wait for Him.”

Let us pray. Mighty Lord, gracious Father, give these Representatives the spirit of perseverance as they make decisions for the good of our people. Inspire them to use their abilities and the blessings You have given to them. Keep each one safe as they travel and provide for them every needful thing. Bless our Nation, President, State, Governor, Speaker, staff, and all who work in support of this House. Protect our defenders of freedom at home and abroad as they protect us. Heal the wounds, those seen and those hidden, of those who suffer and sacrifice for our freedom. Lord of mercy, hear our prayers. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

MOTION ADOPTED

Rep. ERICKSON moved that when the House adjourns, it adjourn in memory of Mikel Swinton, which was agreed to.

SILENT PRAYER

The House stood in silent prayer for officer Timothy Swinton of Lamar.

SILENT PRAYER

The House stood in silent prayer for former Representative Roland Smith.

THURSDAY, MAY 5, 2016

REPORT RECEIVED

The following was received:

**Judicial Merit Selection Commission
Report of Candidate Qualifications
for Spring 2016**

Date Draft Report Issued: Thursday, May 5, 2016
Date and Time Final Report Issued: Noon, Wednesday, May 11, 2016

Judicial candidates are not free to seek or accept commitments until Wednesday, May 11, 2016, at Noon.

Judicial Merit Selection Commission

May 5, 2016

Dear Members of the General Assembly:

Enclosed is the Judicial Merit Selection Commission's Report of Candidate Qualifications. This Report is designed to assist you in determining how to cast your vote. The Commission is charged by law with ascertaining whether judicial candidates are qualified for service on the bench. In accordance with this mandate, the Commission has thoroughly investigated all judicial candidates for their suitability for judicial service. The Commission found all candidates discussed in this Report to be qualified.

The Commission's finding that a candidate is qualified means that the candidate satisfies both the constitutional criteria for judicial office and the Commission's evaluative criteria. The attached Report details each candidate's qualifications as they relate to the Commission's evaluative criteria.

Judicial candidates are prohibited from asking for your commitment until 12:00 Noon on Wednesday, May 11, 2016. Further, members of the General Assembly are not permitted to issue letters of introduction, announcements of candidacy, statements detailing a candidate's qualifications, or commitments to vote for a candidate until 12:00 Noon on Wednesday, May 11, 2016. In summary, no member of the General Assembly should, orally or in writing, communicate about a candidate's candidacy until this designated time after release of the Judicial Merit Selection Commission's Report of Candidate Qualifications. If you find a candidate violating the pledging prohibitions or if you have questions

[HJ]

THURSDAY, MAY 5, 2016

about this report, please contact Elizabeth H. Brogdon, Chief Counsel to the Commission, at (803) 212-6629.

Thank you for your attention to this matter.

Sincerely,
Sen. Larry A. Martin

Judicial Merit Selection Commission

May 5, 2016

Dear Fellow Members of the General Assembly:

This letter is written to call your attention to issues raised during the December 2003 Judicial Merit Selection hearings concerning a judicial candidate's contact with members of the General Assembly, as well as third parties contacting members on a candidate's behalf. It is also to remind you of these issues for the Spring 2016 screening.

Section 2-19-70(C) of the South Carolina Code contains strict prohibitions concerning candidates seeking or legislators giving their pledges of support or implied endorsement through an introduction prior to 48 hours after the release of the final report of the Judicial Merit Selection Commission ("Commission"). The purpose of this section was to ensure that members of the General Assembly had full access to the report prior to being asked by a candidate to pledge his or her support. The final sentence of Section 2-19-70(C) provides that "the prohibitions of this section do not extend to an announcement of candidacy by the candidate and statements by the candidate detailing the candidate's qualifications" (emphasis added). Candidates may not, however, contact members of the Commission regarding their candidacy. Please note that six members of the Commission are also legislators.

In April 2000, the Commission determined that Section 2-19-70(C) means no member of the General Assembly should engage in any form of communication, written or verbal, concerning a judicial candidate before the 48-hour period expires following the release of the Commission's report. The Commission would like to clarify and reiterate that until at least 48 hours have expired after the Commission has released its final report of candidate qualifications to the General Assembly, only candidates, and not members of the General Assembly, are permitted to issue letters of introduction, announcements of candidacy, or statements detailing the candidates' qualifications.

The Commission would again like to remind members of the General Assembly that a violation of the screening law is likely a disqualifying

THURSDAY, MAY 5, 2016

offense and must be considered when determining a candidate's fitness for judicial office. Further, the law requires the Commission to report any violations of the pledging rules by members of the General Assembly to the House or Senate Ethics Committee, as may be applicable.

Should you have any questions regarding this letter or any other matter pertaining to the judicial screening process, please do not hesitate to call Elizabeth H. Brogdon, Chief Counsel to the Commission, at (803) 212-6629.

Sincerely,

Senator Larry A. Martin
Chairman

Representative Bruce W. Bannister
Vice-Chairman

INTRODUCTION

The Judicial Merit Selection Commission is charged by law to consider the qualifications of candidates for the judiciary. This report details the reasons for the Commission's findings, as well as each candidate's qualifications as they relate to the Commission's evaluative criteria. The Commission operates under the law that went into effect on July 1, 1997, and which dramatically changed the powers and duties of the Commission. One component of this law is that the Commission's finding of "qualified" or "not qualified" is binding on the General Assembly. The Commission is also cognizant of the need for members of the General Assembly to be able to differentiate between candidates and, therefore, has attempted to provide as detailed a report as possible.

The Judicial Merit Selection Commission is composed of ten members, four of whom are non-legislators. The Commission has continued the more in-depth screening format started in 1997. The Commission has asked candidates their views on issues peculiar to service on the court to which they seek election. These questions were posed in an effort to provide members of the General Assembly with more information about candidates and the candidates' thought processes on issues relevant to their candidacies. The Commission has also engaged in a more probing inquiry into the depth of a candidate's experience in areas of practice that are germane to the office he or she is seeking. The Commission feels that candidates should have familiarity with the subject matter of the courts for which they offer, and feels that candidates' responses should indicate their familiarity with most major areas of the law with which they will be confronted.

THURSDAY, MAY 5, 2016

The Commission also used the Citizens Committees on Judicial Qualifications as an adjunct of the Commission. Since the decisions of our judiciary play such an important role in people's personal and professional lives, the Commission believes that all South Carolinians should have a voice in the selection of the state's judges. It was this desire for broad-based grassroots participation that led the Commission to create the Citizens Committees on Judicial Qualifications. These committees are composed of individuals who are both racially and gender diverse, and who also have a broad range of professional experiences (*i.e.*, lawyers, teachers, businessmen, bankers, and advocates for various organizations). The committees were asked to advise the Commission on the judicial candidates in their regions. Each regional committee interviewed the candidates from its assigned area and also interviewed other individuals in that region who were familiar with the candidate either personally or professionally. Based on those interviews and its own investigation, each committee provided the Commission with a report on their assigned candidates based on the Commission's evaluative criteria. The Commission then used these reports as a tool for further investigation of the candidate if the committee's report so warranted. Summaries of these reports have also been included in the Commission's report for your review.

The Commission conducts a thorough investigation of each candidate's professional, personal, and financial affairs, and holds public hearings during which each candidate is questioned on a wide variety of issues. The Commission's investigation focuses on the following evaluative criteria: constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, mental health, and judicial temperament. The Commission's investigation includes the following:

- (1) survey of the bench and bar through BallotBox online;
- (2) SLED and FBI investigation;
- (3) credit investigation;
- (4) grievance investigation;
- (5) study of application materials;
- (6) verification of ethics compliance;
- (7) search of newspaper articles;
- (8) conflict of interest investigation;
- (9) court schedule study;
- (10) study of appellate record;
- (11) court observation; and
- (12) investigation of complaints.

THURSDAY, MAY 5, 2016

While the law provides that the Commission must make findings as to qualifications, the Commission views its role as also including an obligation to consider candidates in the context of the judiciary on which they would serve and, to some degree, govern. To that end, the Commission inquires as to the quality of justice delivered in the courtrooms of South Carolina and seeks to impart, through its questioning, the view of the public as to matters of legal knowledge and ability, judicial temperament, and the absoluteness of the Judicial Canons of Conduct as to recusal for conflict of interest, prohibition of ex parte communication, and the disallowance of the acceptance of gifts. However, the Commission is not a forum for reviewing the individual decisions of the state's judicial system absent credible allegations of a candidate's violations of the Judicial Canons of Conduct, the Rules of Professional Conduct, or any of the Commission's nine evaluative criteria that would impact a candidate's fitness for judicial service.

The Commission expects each candidate to possess a basic level of legal knowledge and ability, to have experience that would be applicable to the office sought, and to exhibit a strong adherence to codes of ethical behavior. These expectations are all important, and excellence in one category does not make up for deficiencies in another.

Routine questions related to compliance with ethical Canons governing ethics and financial interests are now administered through a written questionnaire mailed to candidates and completed by them in advance of each candidate's staff interview. These issues are no longer automatically made a part of the public hearing process unless a concern or question was raised during the investigation of the candidate. The necessary public record of a candidate's pledge to uphold the Canons is his or her completed and sworn questionnaire.

Written examinations of the candidates' knowledge of judicial practice and procedure were given at the time of candidate interviews with staff and graded on a "blind" basis by a panel of four persons designated by the Chairman. In assessing each candidate's performance on these practice and procedure questions, the Commission has placed candidates in either the "failed to meet expectations" or "met expectations" category. The Commission feels that these categories should accurately impart the candidate's performance on the practice and procedure questions.

This report is the culmination of lengthy, detailed investigatory work and public hearings. The Commission takes its responsibilities seriously, believing that the quality of justice delivered in South Carolina's courtrooms is directly affected by the thoroughness of its screening

THURSDAY, MAY 5, 2016

process. Please carefully consider the contents of this report, which we believe will help you make a more informed decision. Please note that the candidates' responses included herein are restated verbatim from the documents that the candidates submitted as part of their application to the Judicial Merit Selection Commission. All candidates were informed that the Commission does not revise or alter the candidates' submissions, and thus, any errors or omissions in the information contained in this draft report existed in the original documents that the candidate(s) submitted to the Commission.

This report conveys the Commission's findings as to the qualifications of all candidates currently offering for election to the South Carolina Supreme Court, Court of Appeals, Circuit Court and Family Court, and Administrative Law Court.

**SUPREME COURT
QUALIFIED AND NOMINATED**

**The Honorable Donald Wayne Beatty
Supreme Court, Chief Justice**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Justice Beatty meets the qualifications prescribed by law for judicial service as Chief Justice on the Supreme Court.

Justice Beatty was born in 1952. He is 63 years old and a resident of Spartanburg, South Carolina. Justice Beatty provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1979.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Justice Beatty.

Justice Beatty demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Justice Beatty reported that he has made \$10.00 in campaign expenditures for postage.

THURSDAY, MAY 5, 2016

Justice Beatty testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Justice Beatty testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Justice Beatty to be intelligent and knowledgeable. His performance on the Commission's practice and procedure questions met expectations.

Justice Beatty described his continuing legal or judicial education during the past five years as follows:

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) South Carolina Bar Convention	01/19/11;
(b) Judicial Symposium on Civil Judicial Issues	03/28/11;
(c) "J. Waites Waring and the Dissent"	05/19/11;
(d) "The Jury Trial Implosion: The Decline of Trial By Jury and its Significance for Appellate Courts"	07/09/11;
(e) "Applied Science and the Law: 21st Century Technology in the Court"	07/14/11;
(f) National Bar Association 86th Annual Convention	07/28/11;
(g) Annual Judicial Conference	08/17/11;
(h) Southern Region High Court Conference	09/15/11;
(i) South Carolina Bar Convention	01/19/12;
(j) "Research Fundamentals"	07/11/12;
(k) "Class Actions and Aggregate"	07/13/12;
(l) "Current Issues in the Law"	08/12/12;
(m) Annual Judicial Conference	08/22/12;
(n) South Carolina Defense Trial Attorneys Association Annual Meeting	11/08/12;
(o) "The War on the Judiciary: Can Independent Judging Survive?"	07/20/13;
(p) South Carolina Association for Justice Annual Convention	08/01/13;
(q) Annual Judicial Conference	08/21/13;
(r) South Carolina Bar Convention	01/24/14;

THURSDAY, MAY 5, 2016

- (s) National Foundation for Judicial Excellence Annual Judicial Symposium 07/18/14;
- (t) “Forced Arbitration and the Fate of the 7th Amendment: The Core of America’s Legal System at Stake?” 07/26/14;
- (u) South Carolina Association for Justice Annual Convention 08/07/14;
- (v) Annual Judicial Conference 08/20/14;
- (w) South Carolina Bar Convention 01/22/15;
- (x) “Judicial Transparency and the Rule of Law” 07/11/15;
- (y) “Judicial Analysis of Unclear, Incomplete, or Obsolete Statutes” 07/17/15;
- (z) Annual Judicial Conference 08/20/15;
- (aa) “Economics and Law of Public Pension Reform” 10/04/15;
- (bb) Appellate Judges Educational Institute 2015 Summit 11/12/15;
- (cc) South Carolina Bar Bridge the Gap 01/04/16;
- (dd) South Carolina Bar Convention 01/21/16.

Justice Beatty reported that he has taught the following law-related courses:

- (a) In 1994, as an adjunct professor at Limestone College in Gaffney, South Carolina, I taught Business Law.
- (b) On April 19, 2006, I was the discussion-group facilitator during the South Carolina Conference on Justice for Children, sponsored by the South Carolina Children’s Law Center at the University of South Carolina and the South Carolina Supreme Court. The focus was on the perceived problems facing children in South Carolina and potential solutions.
- (c) From 2007 to 2014, I was involved with the “National Center for State Courts’ Justice Case Files” with the National Center for State Courts. As part of this program, I made presentations about the judicial process to youth groups in South Carolina.
- (d) I was a presenter at the 2008 University of South Carolina Black Law Students Association Conference. The seminar focused on South Carolina criminal and civil law updates.
- (e) I was a presenter at the Charleston School of Law 2008 Appellate Practice and Ethics Continuing Legal

THURSDAY, MAY 5, 2016

Education seminar. The seminar focused on issues involving appellate review and attorney discipline.

(f) I was a presenter at the 2008 Spartanburg County Bar Association's Appellate Practice Continuing Legal Education seminar. The seminar focused on issues involving appellate review.

(g) On November 29, 2008, I was a moderator during the National Bar Association's Ethics Judicial Panel. I moderated a panel discussion on ethics.

(h) On January 15, 2009, I was a panelist at the University of South Carolina Black Law Students Association's Martin Luther King, Jr. Annual Legal Symposium. I participated in a discussion about Martin Luther King.

(i) On September 18, 2009, I was a panelist during the American Board of Trial Attorneys James Otis Lecture Series. I participated in a panel discussion about the United States Constitution.

(j) On February 12, 2010, I was a panelist at the Greenville County Bar Association's Year-End CLE. I participated in the discussion on diversity in the legal profession in South Carolina.

(k) On March 28, 2013, I spoke to the University of South Carolina Black Law Students Association.

(l) On September 23, 2013, I delivered a presentation on the "Power of the Solicitor," at the South Carolina Solicitor's Association Conference.

(m) On September 25, 2013, I spoke at the South Carolina Association of Clerks of Courts and Registers of Deeds Fall Conference.

(n) On September 27, 2013, I spoke at the Jonathan Jasper Wright Marker Unveiling. I was one of multiple speakers who were assigned to speak on a different segment of Justice Wright's life.

(o) On September 29, 2013, I gave a presentation on the topic of election law, section 5 of the Voting Rights Act of 1965 at the South Carolina Black Lawyers Association Annual Retreat.

(p) On January 4, 2016, as a panelist at the South Carolina Bar "Bridge the Gap" Continuing Legal

THURSDAY, MAY 5, 2016

Education Seminar, I participated in a discussion regarding appellate procedure.

(q) On January 29, 2016, as a panelist at the Legal Services Corporation Board Meeting, I participated in a discussion regarding the Access to Justice Commission.

Justice Beatty reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Justice Beatty did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Justice Beatty did not indicate any evidence of a troubled financial status. Justice Beatty has handled his financial affairs responsibly.

The Commission also noted that Justice Beatty was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Justice Beatty reported that he is not rated by any legal rating organization.

Justice Beatty reported the following military service:

I served in the United States Army from 1974 to 1976. My highest rank was Second Lieutenant, and I was honorably discharged. I also served in the Army Reserves from 1976 to 1981. My highest rank was Captain, and I was honorably discharged.

Justice Beatty reported that he has held the following public offices:

(a) 1991–1995: I served three two-year terms as an elected member of the South Carolina General Assembly for District 31. Reports were timely filed.

(b) 1988–1991: I served two two-year terms as an elected member of City Council for District 5 of the City of Spartanburg, South Carolina. Reports were timely filed.

(6) Physical Health:

Justice Beatty appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Justice Beatty appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Justice Beatty was admitted to the South Carolina Bar in 1979.

THURSDAY, MAY 5, 2016

He gave the following account of his legal experience since graduation from law school:

(a) From 1979 to 1981, I worked with the Neighborhood Legal Assistance Program (NLAP). The work at NLAP was exclusively civil. I gained experience in family law, social security, landlord tenant, and public benefits. I appeared in court on a weekly basis.

My private practice primarily consisted of family law, criminal defense, and personal injury law. I was also on retainer for several businesses for which I drafted and negotiated contracts, provided litigation defense, and performed regulatory work on an as-needed basis. During the last ten years of my practice, I concentrated on personal injury cases and family law. I still maintained my professional relationship with my business clients.

(b) 1981–1989
Beatty Law Firm (now defunct)
Spartanburg, South Carolina
Solo Practitioner

(c) 1989–1990
Beatty, Vick and Tullis (now defunct)
Spartanburg, South Carolina
Partner

(d) 1990–1995
Beatty Law Firm (now defunct)
Spartanburg, South Carolina
Solo Practitioner

(e) 1995–2003
Circuit Court Judge, Seventh Judicial Circuit

(f) 2003–2007
Judge, South Carolina Court of Appeals

(g) 2007–Present
Associate Justice, South Carolina Supreme Court

Justice Beatty reported the frequency of his court appearances prior to his service on the bench as follows:

- (a) Federal: 0%;
- (b) State: 100%.

Justice Beatty reported the percentage of his practice involving civil, criminal, and domestic matters prior to his service on the bench as follows:

THURSDAY, MAY 5, 2016

- (a) Civil: 60%;
- (b) Criminal: 10%;
- (c) Domestic: 30%;
- (d) Other: 0%.

Justice Beatty reported the percentage of his practice in trial court prior to his service on the bench as follows:

- (a) Jury: 20%;
- (b) Non-jury: 80%.

Justice Beatty provided that prior to his service on the bench he most often served as lead counsel.

The following is Justice Beatty's account of his four most significant litigated matters:

- (a) State v. Bates. In the Court of General Sessions for Union County, South Carolina,

I represented a mentally challenged man who was indicted for multiple drug offenses stemming from an accusation that he was the leader of a drug-dealing ring. After a lengthy trial, a jury acquitted the defendant of all indicted offenses.

- (b) State v. Cunningham. In the Court of General Sessions for Spartanburg County, South Carolina, I represented a defendant who was indicted for the armed robbery of a motel. The judge granted my challenge to the line-up identification as being tainted by the investigating detective and excluded that evidence. The jury acquitted the defendant of the indicted offense.

- (c) State v. Frazier. In the Court of General Sessions for Spartanburg County, South Carolina, I represented a defendant who was indicted with a co-defendant in a drug-trafficking case. My client was implicated in the case when he unknowingly interacted with a family involved in drug activities. My motion for severance of the trial was granted and the defendant was ultimately acquitted.

- (d) Harris v. Pentex. Before the South Carolina Worker's Compensation Commission, I represented a claimant who had been persuaded by his employer not to file a worker's compensation claim. The employer, in turn, moved to have the claim barred by the applicable statute of limitations. I was able to successfully challenge that motion and procure benefits for the claimant.

Justice Beatty reported he has not personally handled any civil or criminal appeals.

THURSDAY, MAY 5, 2016

Justice Beatty reported that he has held the following judicial offices:

(a) May 2007 to present, Associate Justice, South Carolina Supreme Court. I was elected by the South Carolina General Assembly. The Supreme Court has both original and appellate jurisdiction. In general, the Supreme Court acts only in its appellate capacity, which includes cases on certiorari from the Court of Appeals and seven classes of appeals directly from the Circuit Court and the Family Court. The Supreme Court also has rulemaking authority for the unified judicial system, including ethics regulations for judges and controlling the admission to and disciplining of the South Carolina Bar.

(b) May 2003 to May 2007, I served as a judge on the South Carolina Court of Appeals after being elected by the South Carolina General Assembly. The Court of Appeals hears most appeals from the Circuit Court and the Family Court except when the appeal has been certified for determination by the Supreme Court or if the appeal falls within any of the seven classes directly appealed to the Supreme Court.

(c) May 1995 to April 2003, I served on the South Carolina Seventh Judicial Circuit Court after being elected by the South Carolina General Assembly. The Circuit Court is the State's court of general jurisdiction. As a circuit court judge, I presided over cases in civil court and criminal court. The Circuit Court also has limited appellate jurisdiction over appeals from the Probate Court, Magistrate's Court, and Municipal Court.

Justice Beatty provided the following list of his most significant orders or opinions:

(a) McHam v. State, 404 S.C. 465, 746 S.E.2d 41 (2013)

(b) Limehouse v. Hulsey, 404 S.C. 93, 744 S.E.2d 566 (2013)

(c) Wilson v. Dallas, 403 S.C. 411, 743 S.E.2d 746 (2013)

(d) Bell et al. v. S.C. Dep't of Corrs., 397 S.C. 320, 724 S.E.2d 675 (2012)

(e) State v. Green, 397 S.C. 268, 724 S.E.2d 664 (2012)

Justice Beatty did not report any other employment while serving as a judge.

(9) Judicial Temperament:

The Commission questioned Justice Beatty regarding his temperament. Although Justice Beatty became combative during portions of his hearing, as he acknowledged, the

THURSDAY, MAY 5, 2016

Commission did not find him unqualified based upon temperament.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Justice Beatty to be “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament, and “Qualified” in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Justice Beatty is married to Angela Chestnut Beatty. He has three children.

Justice Beatty reported that he was a member of the following Bar associations and professional associations:

- (a) American Bar Association (2010–Present)
- (b) American Law Institute (2015–Present)
- (c) South Carolina Bar Association (1979–Present)
- (d) South Carolina Black Lawyers Association (1983–Present)
- (e) South Carolina Commission on Continuing Legal Education (June 2014–Present)
Appellate Court Member
- (f) South Carolina General Sessions Docket Management Study Committee (January 2014–Present)
Chairperson
- (g) South Carolina Sentencing Reform Commission (2010–Present) Workgroup 1
- (h) Task Force on Access to Public Information (2008–Present)

Justice Beatty provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Mount Moriah Baptist Church (2000–2012) Trustee
- (b) Omega Psi Phi Fraternity, Incorporated (1971–Present)
Chapter President (1990)
- (c) Sigma Pi Phi Fraternity, Incorporated (2008–Present)
- (d) South Carolina Association for Justice Portrait Award (2013)
- (e) South Carolina Black Lawyers Association’s Matthew J. Perry Award for Community Service (2013)
- (f) South Carolina State University Stellar Alumni Award (2012)
- (g) Seventh Circuit Solicitors’ Service Award (2010)

THURSDAY, MAY 5, 2016

- (h) Urban League of the Upstate Humanitarian Award (2009)
 - (i) National Bar Association Superior Achievement Award (2008)
 - (j) Spartanburg County Bar Association Portrait Award (2008)
 - (k) Benedict College Profile in Leadership Award (2007)
 - (l) NAACP Living Legend Award (2007)
 - (m) Honorary Doctor of Laws, South Carolina State University (2007)
 - (n) City of Spartanburg Achievement Award (2007)
 - (o) Epsilon Nu Chapter, Omega Psi Phi Man of the Year Award (2006)
 - (p) South Carolina Business Network Vision Award (1996)
 - (q) Spartanburg Progressive Men's Club Community Service Award (1996)
- (11) Commission Members' Comments:

The Commission inquired into issues raised by Justice Beatty's comments at the Solicitor's Conference in 2013, and the majority was satisfied with his responses.

Chairman Larry A. Martin provided the following additional comment:

"I write separately to concur in the finding of the Commission regarding Justice Beatty's temperament. Unlike the majority of the Commission, I am concerned that, in response to legitimate questioning regarding Justice Beatty's comments at a solicitor's conference, he became combative when questioned about his remarks at the conference. While I certainly understand a person's natural reflex to be defensive when one's actions are questioned, Justice Beatty needs to understand that he is not just a person and the office to which he aspires is not just a job. The office of Chief Justice is the pinnacle of the judicial branch of government in South Carolina, and as such, he or she is the example of that branch to both those who practice in our courts and those who appear therein. Screening of judicial candidates is not an adversarial process, but one before the legislative branch on behalf of the general public. We are tasked by the Constitution to inquire on behalf of those we represent as to whether a candidate has, among other criteria, the requisite temperament to be entrusted with the power to pass judgment on his or her fellow citizens fairly and calmly. For me, Justice

THURSDAY, MAY 5, 2016

Beatty's temperament was called into question based on his combative nature during his hearing. I am concerned that during his screening for the Chief Justice seat, Justice Beatty knew his temperament was a criteria that would be evaluated, and yet, he still exercised poor self-control. I do note that given time to reflect, Justice Beatty apologized. Given Justice Beatty's apology during the hearing, I am hopeful that he understands the need for the leader of the court system to set the tone regarding judicial temperament, and that going forward, he will concentrate his efforts on serving as the appropriate role model for his fellow judges in this state."

(12) Conclusion:

The Commission found Justice Beatty qualified and nominated him for election to the Supreme Court.

**The Honorable John Cannon Few
Supreme Court, Seat 2**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Justice Few meets the qualifications prescribed by law for judicial service as a Supreme Court Justice.

Justice Few was born in 1963. He is 53 years old and a resident of Greenville, South Carolina. Justice Few provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1988.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Justice Few.

Justice Few demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Justice Few reported that he has not made any campaign expenditures.

Justice Few testified he has not:

(a) sought or received the pledge of any legislator prior to screening;

(b) sought or been offered a conditional pledge of support by a legislator;

THURSDAY, MAY 5, 2016

(c) asked third persons to contact members of the General Assembly prior to screening.

Justice Few testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Justice Few to be intelligent and knowledgeable. His performance on the Commission's practice and procedure questions met expectations.

Justice Few described his continuing legal or judicial education during the past five years as follows:

- (a) South Carolina Judicial Conference 08/18-20/10;
- (b) Court of Appeals Workers' Compensation CLE
10/15/10;
- (c) Conference of Chief Judges, Napa, CA 11/9-13/10;
- (d) South Carolina Bar Convention 01/20-22/11;
- (e) It's All a Game Evidence CLE 02/18/11;
- (f) South Carolina Judicial Conference 08/17-19/11;
- (g) Southern High Court Conference 09/15-17/11;
- (h) Conference of Chief Judges,
Miami, FL 10/23-27/11;
- (i) South Carolina Bar Convention 01/19-21/12;
- (j) It's All a Game Evidence CLE 02/17/12;
- (k) South Carolina Judicial Conference 08/22-24/12;
- (l) South Carolina Bar Convention 01/24-26/13;
- (m) American Board of Trial Advocates—
Mock Trial 02/01/13;
- (n) It's All a Game Evidence CLE 02/15/13;
- (o) Court of Appeals Workers' Compensation
CLE 04/17/13;
- (p) South Carolina Judicial Conference 08/21-23/13;
- (q) Appellate Practice Project CLE 10/24/13;
- (r) Conference of Chief Judges, St. Louis, MO
10/29-11/02/13;
- (s) National Center for State Courts Annual
Meeting 11/21/13;
- (t) South Carolina Bar Convention 01/23-25/14;
- (u) It's All a Game Evidence CLE 02/21/14;
- (v) South Carolina Judicial Conference 08/20-22/14;
- (w) Conference of Chief Judges, New Orleans,
LA 11/19-22/14;
- (x) South Carolina Bar Convention 01/22-24/15;

THURSDAY, MAY 5, 2016

- (y) It's All a Game Evidence CLE 02/20/15;
- (z) Court of Appeals Workers' Compensation
CLE 05/20/15;
- (aa) Roscoe Pound Civil Justice Institute 07/11/15;
- (bb) South Carolina Judicial Conference 08/19-21/15;
- (cc) Conference of Chief Judges, East Rutherford,
NJ 10/6-10/15;
- (dd) South Carolina Bar Convention 01/21-23/16;
- (ee) It's All a Game Evidence CLE 02/19/16.

Justice Few reported that he has taught the following law-related courses:

- (1) February 26, 2016; "Preserving Issues for Appeal;" South Carolina Bar; Columbia, South Carolina
- (2) February 19, 2016; "It's All A Game - Top Trial Lawyers Tackle Evidence;" South Carolina Bar; Columbia, South Carolina
- (3) February 12, 2016; "Thoughts on how to 'Get Along' in an Adversarial System;" Greenville County Bar "Year End" CLE; Greenville, South Carolina
- (4) January 22, 2016; "South Carolina Appellate Update;" South Carolina Bar Convention; Charleston, South Carolina
- (5) January 8, 2016; "Tips from the Appellate Bench;" York County Bar; Rock Hill, South Carolina
- (6) November 13, 2015; "Tips from the Appellate Bench;" Anderson County Bar; Anderson, South Carolina
- (7) October 1, 2015; "The Courage of a Lawyer;" TACTIX; Charleston, South Carolina
- (8) September 23, 2015; "Thoughts on 'Serial';" Public Defenders' Conference; Myrtle Beach, South Carolina
- (9) September 21, 2015; "Panel Moderator: Significant Cases 2014-2015;" Solicitors' Conference; Myrtle Beach, South Carolina
- (10) September 10, 2015; "Evidence Boot Camp;" South Carolina Magistrates' Association; Myrtle Beach, South Carolina
- (11) August 3, 2015; "Practice before the South Carolina Appellate Courts;" South Carolina Bar/Bridge the Gap; West Columbia, South Carolina
- (12) July 9, 2015; "Appellate Court;" Orientation School for New Circuit Judges; Columbia, South Carolina

THURSDAY, MAY 5, 2016

- (13) March 9, 2015; “Practice before the South Carolina Appellate Courts;” South Carolina Bar/Bridge the Gap; Columbia, South Carolina
- (14) February 27, 2015; “Panel Moderator: Significant Appellate Decisions from 2014;” Criminal Law Update CLE; South Carolina Bar; Columbia, South Carolina
- (15) February 20, 2015; “It’s All A Game - Top Trial Lawyers Tackle Evidence;” South Carolina Bar; Columbia, South Carolina
- (16) February 13, 2015; “Recent Developments in Criminal Law;” Greenville County Bar “Year End” CLE; Greenville, South Carolina
- (17) February 13, 2015; “Appellate Practice Project;” Greenville County Bar “Year End” CLE; Greenville, South Carolina
- (18) January 9, 2015; “Practice before the South Carolina Appellate Courts;” South Carolina Bar/Bridge the Gap; Charleston, South Carolina
- (19) October 17, 2014; “Reflections on What it Means to be a Lawyer;” SCIRF Law Enforcement Defense Counsel Annual Meeting; Columbia, South Carolina
- (20) September 24, 2014; “Court of Appeals Update;” Public Defenders Conference; Myrtle Beach, South Carolina
- (21) September 22, 2014; “Panel Moderator: Significant Cases 2013-2014;” Solicitors’ Conference; Hilton Head, South Carolina
- (22) August 4, 2014; “Practice Before the South Carolina Appellate Courts;” South Carolina Bar/Bridge the Gap; Columbia, South Carolina
- (23) July 10, 2014; “What It Means To Be a Lawyer in a Central Staff Attorneys’ Office;” National Association of Appellate Court Attorneys Annual Meeting; Savannah, Georgia
- (24) May 3, 2014; “The Courage of a Lawyer;” Defense Research Institute—Regional Meeting; Charleston, South Carolina
- (25) April 10, 2014; “The Courage of a Lawyer;” Defense Research Institute—Product Liability Conference; Phoenix, Arizona

THURSDAY, MAY 5, 2016

- (26) March 10, 2014; “Practice Before the South Carolina Appellate Courts;” South Carolina Bar/Bridge the Gap; Columbia, South Carolina
- (27) February 28, 2014; “Panel Moderator: Update on Recent Appellate Decisions;” Criminal Law Update CLE; South Carolina Bar; Columbia, South Carolina
- (28) February 27, 2014; “In Depth View of South Carolina Appellate Torts Cases;” South Carolina Bar Tort Law Update CLE; Columbia, South Carolina
- (29) February 21, 2014; “It’s All A Game - Top Trial Lawyers Tackle Evidence;” South Carolina Bar; Columbia, South Carolina
- (30) February 10, 2014; “The Courage of a Lawyer;” International Association of Defense Counsel; Carlsbad, California
- (31) January 24, 2014; “The Appellate Practice Project and Update on the Court of Appeals;” Trial and Appellate Advocacy Section “Civil Update” Seminar; South Carolina Bar Convention; Kiawah Island, South Carolina
- (32) January 2, 2014; “Practice Before the South Carolina Appellate Courts;” South Carolina Bar/Bridge the Gap; Charleston, South Carolina
- (33) November 8, 2013; “Perspective from the Court of Appeals—with Judge Huff;” Injured Workers’ Advocates Annual Meeting; Asheville, North Carolina
- (34) October 24, 2013; “The Diverse Experience of a Great Lawyer;” Appellate Practice Project CLE; South Carolina Bar; Columbia, South Carolina
- (35) October 11, 2013; “Briggs v. Elliott and the Lawyers Who Made it Happen;” Civil Rights Ride; Northeastern University School of Law; Camden/Summerton, South Carolina
- (36) September 23, 2013; “Panel Moderator: Behind the Bench—the Rulings, the Realities, & the Ramifications;” South Carolina Solicitors’ Conference; Myrtle Beach, South Carolina
- (37) September 5, 2013; “Role of a Trial Judge in the Administration of Justice;” Magistrate Judges’ Annual Conference; Myrtle Beach, South Carolina

THURSDAY, MAY 5, 2016

- (38) August 5, 2013; “Practice Before the South Carolina Appellate Courts;” South Carolina Bar/Bridge the Gap; Columbia, South Carolina
- (39) August 1, 2013; “Panelist: Criminal Law Panel;” SCAJ Annual Meeting; Hilton Head Island, South Carolina
- (40) July 12, 2013; “Thinking About Appeals;” New Judges’ Orientation; Columbia, South Carolina
- (41) May 23, 2013; “Panelist: Trial Motions CLE;” South Carolina Defense Trial Attorneys’ Association; Greenville, South Carolina
- (42) May 2, 2013; “Panel Moderator: Current Issues in Criminal Court;” Circuit Judges Conference; Greenville, South Carolina
- (43) May 2, 2013; “Current Issues with Evidence;” Circuit Judges Conference; Greenville, South Carolina
- (44) March 28, 2013; “The Importance of Dissent in a Civilized Society;” Haynsworth/Perry Inn of Court; Greenville, South Carolina
- (45) March 11, 2013; “Practice Before the South Carolina Appellate Courts;” South Carolina Bar/Bridge the Gap; Columbia, South Carolina
- (46) February 22, 2013; “Panel Moderator: Update on Recent Appellate Decisions;” Criminal Law Update CLE; South Carolina Bar; Columbia, South Carolina
- (47) February 15, 2013; “It’s All A Game - Top Trial Lawyers Tackle Evidence;” South Carolina Bar; Columbia, South Carolina
- (48) January 25, 2013; “Evidence ‘Boot Camp’ for Young Lawyers;” Young Lawyers Division Seminar; South Carolina Bar Convention; Myrtle Beach, South Carolina
- (49) January 25, 2013; “Issue Preservation;” South Carolina Bar Convention; Myrtle Beach, South Carolina
- (50) December 16, 2012; “What It Means To Be a Lawyer;” Charleston School of Law Commencement Address; Charleston, South Carolina
- (51) November 2, 2012; “Making a Compelling Case Before the Court of Appeals and Supreme Court of South Carolina;” Injured Workers Advocates Annual Meeting; Asheville, North Carolina

THURSDAY, MAY 5, 2016

- (52) October 15, 2012; “Practicing Workers’ Compensation Before the Court of Appeals;” SC Workers’ Compensation Education Association Annual Conference; Hilton Head Island, South Carolina
- (53) October 12, 2012; “Panelist: Judiciary Squares;” Master in Equity Bench/Bar CLE; South Carolina Bar; Columbia, South Carolina
- (54) October 1, 2012; “Panelist: Access to Justice and the Judiciary;” National Legal Services Corporation Regional Meeting; Duke Fuqua School of Business; Durham, North Carolina
- (55) September 27, 2012; “Evidence ‘Boot Camp’ for Young Lawyers;” South Carolina Defense Trial Attorneys’ Association; Greenville, South Carolina
- (56) September 26, 2012; “Panel Moderator: The Most Significant Judicial Decisions from the Past Year and How They Impact How You Do Your Job;” South Carolina Solicitors’ Conference; Myrtle Beach, South Carolina
- (57) September 24, 2012; “Preserving Issues for Appeal;” Public Defender Conference; Myrtle Beach, South Carolina
- (58) September 11, 2012; “The Other Side of Civility;” American Board of Trial Advocates; Columbia, South Carolina
- (59) September 6, 2012; “Thinking Through the Structure of Evidence;” South Carolina Magistrates’ Conference; Kingston Plantation; Myrtle Beach, South Carolina
- (60) August 6, 2012; “The Role of Local Government in the Future of Our Courts;” South Carolina Association of County Attorneys Annual Meeting; Hilton Head Island, South Carolina
- (61) August 2, 2012; “Panelist: Fee Awards—Ethics and Practice;” South Carolina Association for Justice; Hilton Head Island, South Carolina
- (62) July 31, 2012; “Practice Before the South Carolina Appellate Courts;” South Carolina Bar/Bridge the Gap; Columbia, South Carolina
- (63) April 11, 2012; “Common Pitfalls For, and Mistakes Made By, Young Lawyers;” Sowell Gray CLE at Trustus Theatre; Columbia, South Carolina

THURSDAY, MAY 5, 2016

- (64) March 6, 2012; “Practice Before the South Carolina Appellate Courts;” South Carolina Bar/Bridge the Gap; Columbia, South Carolina
- (65) February 24, 2012; “Panel Moderator: Update on Recent Appellate Decisions;” Criminal Law Update CLE; South Carolina Bar; Columbia, South Carolina
- (66) February 17, 2012; “It’s All A Game - Top Trial Lawyers Tackle Evidence;” South Carolina Bar; Columbia, South Carolina
- (67) February 17, 2012; “Ethics: The Importance of Dissent in a Democratic Society;” South Carolina Bar; Columbia, South Carolina
- (68) January 20, 2012; “Playing to the Discretion of a Trial Judge: Practicing the Art of Evidence from a Trial Lawyer’s Perspective;” Criminal Law CLE; South Carolina Bar Convention; Columbia, South Carolina
- (69) January 20, 2012; “Developing Yourself as a CLE Speaker;” Young Lawyers Division Seminar; South Carolina Bar Convention; Columbia, South Carolina
- (70) January 6, 2012; “Panelist: Play By the Rules; Evidence and Civil Procedure in Tort Cases;” South Carolina Bar Tort Law Update; Columbia, South Carolina
- (71) October 14, 2011; “Judicial Ethics;” Domestic Violence Seminar; Spartanburg, South Carolina
- (72) October 4, 2011; “The Importance of Dissent in a Civilized Society;” John Belton O’Neill Inn of Court; Columbia, South Carolina
- (73) September 16, 2011; “The Courage of a Lawyer;” North Carolina/South Carolina Construction Sections Joint Meeting; South Carolina Bar; Wild Dunes, South Carolina
- (74) August 2, 2011; “Practice Before the South Carolina Appellate Courts;” South Carolina Bar/Bridge the Gap; Columbia, South Carolina
- (75) June 3, 2011; “The Importance of What You Do;” South Carolina Family Court Judges Conference; Fripp Island, South Carolina
- (76) February 18, 2011; “It’s All A Game - Top Trial Lawyers Tackle Evidence;” South Carolina Bar; Columbia, South Carolina

THURSDAY, MAY 5, 2016

- (77) February 11, 2011; “The Courage of a Lawyer;” Greenville County Year End CLE; Greenville, South Carolina
- (78) February 4, 2011; “The Tactical Use of Allegations of Misconduct Against a Judge;” VIP GlobalNet Webinar Presentation
- (79) February 4, 2011; “The Tactical Use of Allegations of Misconduct Against a Judge;” ABOTA Ethics CLE; USC Law School; Columbia, South Carolina
- (80) January 14, 2011; “The Tactical Use of Allegations of Misconduct Against a Judge;” VIP GlobalNet Webinar Presentation
- (81) December 21, 2010; “The Tactical Use of Allegations of Misconduct Against a Judge;” VIP GlobalNet Webinar Presentation
- (82) November 19, 2010; “Panelist: Judicial Panel;” South Carolina Legal Services Annual Meeting; Myrtle Beach, South Carolina
- (83) November 18, 2010; “The Courage of a Lawyer;” South Carolina Legal Services Annual Meeting; Myrtle Beach, South Carolina
- (84) November 5, 2010; “Workers’ Compensation Update;” Injured Workers Advocates Annual Convention; Asheville, North Carolina
- (85) September 24, 2010; “Judicial Ethics;” Domestic Violence Seminar; Spartanburg, South Carolina
- (86) August 5, 2010; Criminal Appellate Advocacy Seminar; National Advocacy Center; Columbia, South Carolina
- (87) August 3, 2010; “Practice Before the South Carolina Appellate Courts;” South Carolina Bar/Bridge the Gap; Columbia, South Carolina
- (88) June 25, 2010; “Appeals From the Commission to the Court of Appeals;” 75th Anniversary of the Workers’ Compensation Act; South Carolina Bar; Columbia, South Carolina
- (89) May 6, 2010; “Reflections of a Circuit Judge;” Circuit Court Judges Association Conference; Litchfield, South Carolina

THURSDAY, MAY 5, 2016

- (90) April 22, 2010; “The South Carolina Court of Appeals;” Family Court Judges Association Conference; Columbia, South Carolina
- (91) March 5, 2010; “Thinking Through the Structure of Evidence;” South Carolina Bar Golf Getaway CLE; Kiawah Island, South Carolina
- (92) February 12, 2010; “Opening Statements and Closing Arguments;” Masters in Trial; American Board of Trial Advocates and South Carolina Bar; Columbia, South Carolina
- (93) February 5, 2010; “It’s All A Game - Top Trial Lawyers Tackle Evidence;” South Carolina Bar; Columbia, South Carolina
- (94) January 22, 2010; “Differences Between the State and Federal Rules of Evidence;” Criminal Law Update; South Carolina Bar Convention; Kiawah Island, South Carolina
- (95) November 7, 2009; “Panelist: Judge’s Panel;” South Carolina Defense Trial Attorneys Association; Savannah, Georgia
- (96) October 29, 2009; “The Courage of a Lawyer;” Attorney’s Information Exchange Group; Charleston, South Carolina
- (97) October 2, 2009; “Judicial Ethics;” SAFE Homes - Rape Crisis Coalition; Spartanburg, South Carolina
- (98) September 27, 2009; “The Courage of a Lawyer;” South Carolina Solicitor’s Association; Hilton Head, South Carolina
- (99) September 21-24, 2009; “Fundamentals of Evidence;” National Judicial College/New Mexico Judicial Education Center; Albuquerque, New Mexico
- (100) May 4, 2009; “The Courage of a Lawyer;” Thirteenth Circuit Solicitor’s Office; Clemson, South Carolina
- (101) February 13, 2009; “It’s All A Game - Top Trial Lawyers Tackle Evidence;” South Carolina Bar; Columbia, South Carolina
- (102) February 10, 2009; “The Courage of a Lawyer;” Michelin Regional Counsel Meeting; Greenville, South Carolina

THURSDAY, MAY 5, 2016

- (103) December 5, 2008; Ethics: “The Courage of a Lawyer;” South Carolina Association for Justice - Auto Torts Seminar; Atlanta, Georgia
- (104) November 21, 2008; “What It Means to Be a Lawyer;” Nexsen Pruet Associates Meeting; Greenville, South Carolina
- (105) November 15, 2008; “The Courage of a Lawyer; and the Introduction of Matthew Perry;” South Carolina Defense Trial Attorneys Association; Amelia Island, Florida
- (106) October 3, 2008; “Judicial Ethics;” SAFE Homes - Rape Crisis Coalition; Spartanburg, South Carolina
- (107) September 19, 2008; “What Civil Court Judges Want You To Know;” National Business Institute - Judicial Forum; Greenville, South Carolina
- (108) September 19, 2008; “What a Paralegal Means, to Who a Lawyer Is, to the People We Serve;” South Carolina Upstate Paralegal Association; Greenville, South Carolina
- (109) July 26, 2008; Ethics: “The Courage of a Lawyer;” South Carolina Defense Trial Attorneys’ Association; Asheville, North Carolina
- (110) February 8, 2008; “It’s All A Game - Top Trial Lawyers Tackle Evidence;” South Carolina Bar; Columbia, South Carolina
- (111) November 30, 2007; “Discovery, Evidence and Technology;” National Business Institute - Advanced Discovery and Evidence; Columbia, South Carolina
- (112) November 29, 2007; “Discovery, Evidence and Technology;” National Business Institute - Advanced Discovery and Evidence; Greenville, South Carolina
- (113) November 3, 2007; “Panelist: Expert witnesses: Changing South Carolina Law;” South Carolina Defense Trial Attorneys’ Association; Pinehurst, North Carolina
- (114) October 26, 2007; “A View From the Bench;” South Carolina Tort Law Update; South Carolina Bar; Columbia, South Carolina
- (115) October 26, 2007; “Judicial Ethics Workshop;” SAFE Homes – Rape Crisis Coalition; Spartanburg, South Carolina

THURSDAY, MAY 5, 2016

- (116) September 15, 2007; “A View From the Bench—
Preparing for Trial in a Construction Case;” North and
South Carolina Bars Construction Law Sections
Biennial Meeting; Wild Dunes, Charleston, South
Carolina
- (117) August 20-23, 2007; “Fundamentals of Evidence;”
National Judicial College; Reno, Nevada
- (118) June 8, 2007; “A Circuit Judge’s Look Back, and
Forward At the Role of the Lawyer;” Greenville County
Bar Association; Greenville, South Carolina
- (119) February 22, 2007; “Complex Case / Class Action;”
South Carolina Judicial Seminar for Chief Judges of the
Circuit Court; Columbia, South Carolina
- (120) July 28, 2006; “The Circuit Court Courtroom in the
21st Century: Technology and Tradition;” South
Carolina Defense Trial Attorneys’ Association; Grove
Park Inn, Asheville, North Carolina
- (121) November 14-17, 2005; “Fundamentals of
Evidence;” National Judicial College; Reno, Nevada
- (122) November 11, 2004; “Perspective;” Michelin
Regional Counsel Meeting; Greenville, South Carolina
- (123) November 5, 2004; “Thinking Through the Structure
of Evidence;” South Carolina Bar – Beyond the Bar II;
Greenville, South Carolina
- (124) December 3, 2004; “An Ethical View From the
Bench;” Greenville County Bar Association;
Greenville, South Carolina
- (125) December 5, 2003; “An Ethical View From the
Bench;” Greenville County Bar Association;
Greenville, South Carolina
- (126) December 13, 2002; “An Ethical View From the
Bench;” Greenville County Bar Association;
Greenville, South Carolina
- (127) December 12, 2001; “Tips from the Bench – Guilty
Pleas;” South Carolina Bar; Kiawah Island, South
Carolina
- (128) December 7, 2001; “Ethics;” Greenville County Bar
Association; Greenville, South Carolina
- (129) November 8, 2001; “Panelist: Products Liability
Panel;” South Carolina Defense Trial Attorneys’
Association; Kiawah Island, South Carolina

THURSDAY, MAY 5, 2016

(130) January 29, 2001; “The Fundamentals of Trial Advocacy;” Thirteenth Circuit Solicitor’s Office; Clemson, South Carolina

(131) August 3, 2000; “Environmental Lit. In the New Millennium and Its Expert Witnesses, If Any;” South Carolina Trial Lawyers Association; Hilton Head Island, South Carolina

Justice Few reported that he has published the following:

(a) The Courage of a Lawyer, ABA Litigation Journal, Winter 2013

This article was also published in Voir Dire, the magazine of the American Board of Trial Advocates, and will soon be republished in South Carolina Lawyer

(b) artofevidence, <http://artofevidence.wordpress.com/>

This is a blog I publish for my students, formerly at the Charleston School of Law, currently at the USC School of Law

(c) Appellate Advocacy—”Speaking Frankly”, Foreword to Charleston Law Review, volume 5 number 1 (Fall 2010).

I have not published any other books or articles since I became a judge in 2000.

(4) Character:

The Commission’s investigation of Justice Few did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission’s investigation of Justice Few did not indicate any evidence of a troubled financial status. Justice Few has handled his financial affairs responsibly.

The Commission also noted that Justice Few was punctual and attentive in his dealings with the Commission, and the Commission’s investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Justice Few reported that his last available rating by a legal rating organization, Martindale-Hubbell, was AV.

(6) Physical Health:

Justice Few appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Justice Few appears to be mentally capable of performing the duties of the office he seeks.

THURSDAY, MAY 5, 2016

(8) Experience:

Justice Few was admitted to the South Carolina Bar in 1988.

He gave the following account of his legal experience since graduation from law school

- (a) 1989-1997 Private Civil Practice with J. Kendall Few
- (b) 1997-2000 Private Civil Practice by myself
- (c) 2000-2010 Circuit Court Judge
- (d) 2010-2016 Chief Judge, SC Court of Appeals
- (e) 2016-Present Justice, Supreme Court of South Carolina

Justice Few reported the frequency of his court appearances prior to his service on the bench as follows:

n/a

Justice Few reported the percentage of his practice involving civil, criminal, and domestic matters prior to his service on the bench as follows:

n/a

Justice Few reported the percentage of his practice in trial court prior to his service on the bench as follows:

n/a

Justice Few reported that he has held the following judicial office(s):

Yes. I served as a Circuit Judge from July 1, 2000 to February 3, 2010. I served as the Chief Judge of the South Carolina Court of Appeals from February 3, 2010 until February 9, 2016. Since February 9, 2016, I have served as a Justice on the Supreme Court of South Carolina.

Justice Few provided the following list of his most significant orders or opinions:

I published over 100 opinions at the Court of Appeals and wrote or joined over a thousand others. Each one is equally significant in that it decides an important issue in the lives of South Carolina citizens. I have not yet published any opinions at the Supreme Court. Here are five opinion from the Court of Appeals I deem the most significant for their precedential value:

- (a) Stoneledge at Lake Keowee Owners' Ass'n, Inc. v. Builders FirstSource-Se. Grp., 413 S.C. 630, 776 S.E.2d 434 (Ct. App. 2015); and Stoneledge at Lake Keowee Owners' Ass'n, Inc. v. Clear View Const., LLC, 413 S.C. 615, 776 S.E.2d 426 (Ct. App. 2015). These companion cases deal with equitable indemnity.
- (b) State v. Gray, 408 S.C. 601, 759 S.E.2d 160 (Ct. App. 2014) and State v. Collins, 398 S.C. 197, 727 S.E.2d 751

THURSDAY, MAY 5, 2016

(Ct. App. 2012). I include these opinions together because their significance relates to the same issue—the admissibility of graphic autopsy photographs. A majority of the Supreme Court agreed with the Court of Appeals’ ruling in Collins, but the Supreme Court reversed the decision after finding the Circuit Court’s error was harmless. *See* 409 S.C. 524, 763 S.E.2d 22 (2014). Gray was not appealed.

- (c) Palms v. School District of Greenville County, 408 S.C. 576, 758 S.E.2d 919 (Ct. App. 2014). This opinion is significant because it addresses the limited role of the judiciary in the affairs of government.
- (d) AnMed Health v. S.C. Department of Employment & Workforce, 404 S.C. 224, 743 S.E.2d 854 (Ct. App. 2013). This opinion is significant because it upholds the right of hospitals to make patient-safety decisions unencumbered by employment considerations, and yet also upholds a State agency’s right and duty to follow its statutory mandate to provide unemployment benefits under law.
- (e) State v. Dukes, 404 S.C. 553, 745 S.E.2d 137 (Ct. App. 2013). This opinion is significant because it explains novel issues regarding the limited right of a criminal defendant to due process of law in relation to a victim’s or another witness’s pretrial identification of the defendant as the person who committed a crime.

Justice Few reported the following regarding his employment while serving as a judge:

I served as Adjunct Professor, and later Distinguished Visiting Professor, at the Charleston School of Law from the summer of 2008 until the summer of 2012. I taught Evidence and Advanced Evidence. It was a part-time position. My supervisor was the Associate Dean for Academic Affairs. For this work, I was paid a salary and given a per trip expense reimbursement.

Beginning in the Fall of 2012, I have taught Advanced Evidence at the University of South Carolina School of Law. I hold no title, and I accept no compensation; I simply teach. My supervisor has been the Dean for Academic Affairs.

Justice Few further reported the following regarding unsuccessful candidacies:

THURSDAY, MAY 5, 2016

I ran unsuccessfully for the Supreme Court of South Carolina in 2007, 2008 and 2009.

(9) Judicial Temperament:

The Commission believes that Justice Few's temperament would be excellent.

(10) Miscellaneous:

The Upstate Citizens Committee found Justice Few to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament, and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee found that based on the evaluative criteria, Justice Few meets and exceeds the requirements in each area.

Justice Few reported that he was a member of the following Bar associations and professional associations:

- (a) South Carolina Bar;
- (b) Greenville County Bar;
- (c) Haynsworth/Perry Inn of Court.

Justice Few provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

I serve on the Duke University Alumni Advisory Committee for the upstate. All I do in that capacity is interview high school seniors who have applied to Duke. I have also served in the unofficial role of President of the Duke Club of the Upstate, which specifically does not involve any fundraising whatsoever. I am simply a contact person for Duke alumni who live in this area, and from time to time I schedule events for Duke alumni in our area.

(11) Commission Members' Comments:

The Commission appreciates Justice Few's service on the Supreme Court and knows that he will continue to serve the state's judiciary well.

(12) Conclusion:

The Commission found Justice Few qualified and nominated him for re-election to the Supreme Court.

THURSDAY, MAY 5, 2016

**COURT OF APPEALS
QUALIFIED AND NOMINATED**

**The Honorable James Edward Lockemy
Court of Appeals, Chief Judge, Seat 5**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Lockemy meets the qualifications prescribed by law for judicial service as a Court of Appeals judge.

Judge Lockemy was born in 1949. He is 66 years old and a resident of Dillon, South Carolina. Judge Lockemy provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1974.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Lockemy.

Judge Lockemy demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Lockemy reported that he has not made any campaign expenditures.

Judge Lockemy testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Lockemy testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Lockemy to be intelligent and knowledgeable. His performance on the Commission's practice and procedure questions met expectations.

Judge Lockemy described his continuing legal or judicial education during the past five years as follows:

THURSDAY, MAY 5, 2016

<u>Conference/CLE Name</u>	<u>Dates</u>
(a) Annual Judicial Conference	2010-2015;
(b) American Bar Association Annual Meeting	2010-2015;
(c) The Annual Symposium on Judicial Independence	2010-2015;
(d) The Appellate Judges' Educational Institute	2013-2015;
(e) South Carolina Bar Civil and Criminal Law Update	2010-2015;
(f) The Pound Institute	2011-13, 2015;
(g) National Forum on Judicial Excellence	2012, 2014;
(h) Appellate Practice Seminar (panel member)	February 2016.

Judge Lockemy reported that he has taught the following law-related courses:

I have lectured at several South Carolina Bar CLE programs and American Bar Association conferences.

Judge Lockemy reported that he has published the following:

- (a) "Judging in Kosovo, When Duty Calls" Summer 2006 Edition of The Judges' Journal.
- (b) "Bumper Sticker for the People: Marbury vs. Madison" 50 The Judges' Journal 2011.
- (c) "The National Conference of State Trial Judges" Video Production 2008.
- (d) "The Appellate Judges' Conference of the ABA" Video Production 2014.

(4) Character:

The Commission's investigation of Judge Lockemy did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Judge Lockemy did not indicate any evidence of a troubled financial status. Judge Lockemy has handled his financial affairs responsibly.

The Commission also noted that Judge Lockemy was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Judge Lockemy reported that he is not rated by any legal rating organization.

THURSDAY, MAY 5, 2016

Judge Lockemy reported the following military service:

- (a) December 1974–October 1977, United States Army, Active Duty, Captain, Honorable Discharge.
- (b) February 1978–December 2004, South Carolina National Guard, Colonel, Honorable Discharge.
- (c) February 2005–Present, South Carolina Military Department, Joint Services Detachment, Commander, Major General.

Judge Lockemy reported that he has held the following public office:
Member, South Carolina House of Representatives, 1982–1989.
Elected. Timely filed State Ethics Commission reports.

(6) Physical Health:

Judge Lockemy appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Lockemy appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Judge Lockemy was admitted to the South Carolina Bar in 1974. He gave the following account of his legal experience since graduation from law school:

- (a) 1974–1977, United States Army Judge Advocate General's Corps.
- (b) 1978–2004, South Carolina Army National Guard, Judge Advocate General's Corps.
- (c) 1977–January 1978, Associate, A. Glenn Greene, Jr., Latta, SC, general practice.
- (d) 1978–September 1979, Legislative Assistant, U.S. Senator J. Strom Thurmond. Minority Counsel, Senate Judiciary Committee's Subcommittee on Antitrust.
- (e) Sept 1979–1989, Partner, Greene, Lockemy and Bailey, Dillon, SC, general practice.
- (f) June 1989–2008, Judge, South Carolina Circuit Court, At-large Seat 6.
- (g) 2009–present, Judge, South Carolina Court of Appeals, Seat 9.

Judge Lockemy reported the frequency of his court appearances prior to his service on the bench as follows:

- (a) Federal: 10 %;
- (b) State: 90 %;
- (c) Other: N/A.

THURSDAY, MAY 5, 2016

Judge Lockemy reported the percentage of his practice involving civil, criminal, and domestic matters prior to his service on the bench as follows:

- (a) Civil: 50%;
- (b) Criminal: 30%;
- (c) Domestic: 20%;
- (d) Other: N/A.

Judge Lockemy reported the percentage of his practice in trial court prior to his service on the bench as follows:

- (a) Jury: 65%;
- (b) Non-jury: 35%.

Judge Lockemy provided that prior to his service on the bench he most often served as sole counsel.

The following is Judge Lockemy's account of his five most significant litigated matters:

1. State v. James Cain (1980s)---Mr. Cain was a known criminal in Dillon County with almost all of his offenses involving some sort of theft or fights with others. In this case he was charged with the break-in and theft of a storage building as well as the attempted break-in of a vehicle. I was appointed as his attorney. We negotiated a plea that would result in probation in return for a guilty plea. The inexpensive items in the storage building had been recovered and there was only minor damage to the vehicle which an insurance company had covered after receiving the police report. Surprisingly, Mr. Cain refused to accept the offer because he would not admit to the attempted break-in of the vehicle. He stated that although they arrested him at the trunk of the vehicle where the scratches were, he was only there hiding from the police, not attempting to break-in to the vehicle and that the damage on the vehicle was already there. I explained to him that if convicted he would receive a substantial number of years in prison and that conviction was likely since he was admittedly guilty of the break-in of the storage building. He stated that although he was a thief, he was not a liar and would not lie to the court and had faith in the jury. We tried the case. He admitted on the stand his guilt to the storage building crime but denied the car entry attempt. During the course of the case, we were able to enter evidence that the damage to the car was very old. I cross examined the purported victim and Mr. Cain testified. The jury acquitted him on the charge. The judge acknowledged that he had admitted his guilt

THURSDAY, MAY 5, 2016

to the other charge and expressed his admiration for the determination and truthfulness of Mr. Cain while facing a difficult situation. He sentenced him to very minimal probation. TO my knowledge, Mr. Cain changed his criminal activity after that experience. As a lawyer, my faith in our judicial system grew both for the jury and the judge roles in that system. The impression has never left me during my years as a trial judge and as an appellate judge. It also made me aware not to treat cases too hastily because we are dealing with individuals and every aspect of their case is important to them even though we may want to just get a case completed and off of a docket.

2. Bethea vs. a young Vietnam wife---since this case occurred over 25 years ago, I cannot find the specifics with name and date of case. It was a family court case involving child custody. I represented the Vietnam lady who was married to an American who had been assigned to her country during the war. Their marriage was breaking up and they had one small child that had been living with her for a long time while they were separated. The husband brought the action. She did not contest the action and did not ask for any property or alimony or even child support. All that she requested was custody of her young child. This was a hotly contested matter because it was clear that the family of the husband wanted the child maybe more than the father did. Moreover, they did not want the child to reside with a Vietnamese. In the end, the court granted my client custody although it was the unpopular thing to do in this rural county. In addition, my representation of the lady brought threats to me and promises of defeating me the next time I ran for reelection to the State House of Representatives. The results of this case though solidified my drive to do what is right under the law and to not let the personal consequences sway my pursuit of justice. In addition, I really appreciated the role of a judge to do justice in the face of clear popular protest against his actions. He also lived in that community. To this day, his example still lingers in my mind as I approach matters that may not be popular but are necessary to uphold justice.

3. Turner vs. United States---once again this case was over 25 years ago and I cannot find the specifics or a case number. It was a case involving Social Security. My client had been on disability for over a decade due to an accident while working for the Highway Department when a vehicle crashed into the trailer

THURSDAY, MAY 5, 2016

in which he was riding picking up orange cones from a road under repair. He had been in his early 40s at the time of the accident and very vibrant and active. The accident disabled him substantially. Although he regained the ability to walk eventually, his body was torn up badly inside. He could not control bodily functions and had no teeth. He weighed only around 100 pounds at the time I began to represent him. The Social Security Administration had begun reviewing cases and for some reason terminated his benefits. Without these benefits he had no source of income and could not work with his limited physical ability. In addition by this time he was in his middle 50s and could not read or write.

When he came to see me, he was living in a car and taking handouts from family and friends. In fact, it was his family that asked me to help him because of their concern for his welfare. He was despondent and thought there was nothing he could do. We filed again to reinstate his disability but it was denied. We asked and received a hearing. I did the best I could do at the hearing and thought with the evidence presented and his personal appearance, he would certainly be reinstated. Surprisingly, we lost. By this time, he had been without benefits for over a year and I was fearful for his life. I was not familiar about the process to appeal a Social Security judge's decision and he told me to forget about it. I almost did but on the last day, I contacted a friend of mine who was familiar with the filing procedure and asked him to do it. This hero promptly filed the documents that day and we beat the deadline by a few minutes. Eventually, the federal court granted our petition and the case was won. Mr. Turner received a great deal of money in back benefits and although he has since passed away, he was able to live his last days in dignity and some comfort. This case taught me that even when your client wants to give up, you need to continue to encourage his/her pursuit for justice. This especially true where he has been so deprived of what is deserved. In addition, I appreciate fellow members of the bar that are willing to help on a moments notice when they realize that someone is in need of assistance. This hero had no idea he would ever receive compensation but knew the action he was doing was necessary in the interest of justice. Today, that hero is also a colleague of mind on the Court of Appeals and I am still impressed with Paul Short's pursuit of justice.

THURSDAY, MAY 5, 2016

Appellate Court:

4. Ammons vs. Hood, 288 S.C. 278 (1986)---This case involved a person who had lost their job and was due back wages. We received a judgment at the trial level and the defendant appealed. At the Court of Appeals, we succeeded in the action. The business was insolvent and the judgment was not very large. We still pursued collection efforts for a long time. The defendant's business was well connected to a lot of important people and my efforts did meet with some disfavor. In the end, we were never able to collect anything of substantial value. I felt that I had not provided any benefit to my client and yet endured criticism from former friends. At my lowest point of defeat, however, my client came to see me. He stated that he never thought he would ever get someone to represent him on the case due to the popularity of the business he sued. Although, all our efforts were unsuccessful, he wanted me to know how much he appreciated me and his renewed faith in the honesty of the legal profession. He stated his experience and to see the hard pursuit of his case was worth more than the money he sought. My spirits and determination to be a good lawyer and steward of justice rose from despair. It is with me today.

5. Mohasco Corporation vs. Rising, 289 S.C. 130 (1986)---This case involved to elderly ladies who had spent their life working at a factory. When they became disabled, they were denied workmen compensation. I was asked by their family to assist them as they had given up. I took the case and won at the single commissioner level. It was appealed to the full commission. I brought more experienced counsel, Kenneth Suggs, and we went to the full commission hearing. I argued a portion of the case. We won at the full commission level. This was the first case of brown/black lung in South Carolina. The company appealed to the Court of Appeals. We were reversed there. We then went on the state Supreme Court. For some reason, my name was left off of the case at the Supreme Court. We won at the Supreme Court and the ladies finally received their much deserved compensation. They have now passed away but their families still remind me of the happiness of these two ladies who were finally recognized for the injury they received while working hard for their employers for over 20 years.

THURSDAY, MAY 5, 2016

The following is Judge Lockemy's account of two civil appeals he has personally handled:

See Ammons and Mohasco above.

Judge Lockemy reported he has not personally handled any criminal appeals.

Judge Lockemy reported that he has held the following judicial offices:

- (a) South Carolina Circuit Court, 1989–2008, elected by the General Assembly.
- (b) South Carolina Court of Appeals, 2009–present, elected by the General Assembly.

Judge Lockemy provided the following list of his most significant orders or opinions:

- (a) State v. Young, No. 2015-UP-345, 2015 WL 4275973 (Ct. App. July 15, 2015).
- (b) State v. Moore, 404 S.C. 634, 746 S.E.2d 352 (Ct. App. 2013).
- (c) Fairchild v. S.C. Dep't of Transp., 385 S.C. 344, 683 S.E.2d 818 (Ct. App. 2009) aff'd, 398 S.C. 90, 727 S.E.2d 407 (2012).
- (d) Holst v. KCI Konecranes Int'l Corp., 390 S.C. 29, 33, 699 S.E.2d 715, 717 (Ct. App. 2010).
- (e) State v. Hinson. I was involved as the trial judge in this case from 2007. In Hinson, the defendant was charged with kidnapping two teenaged girls, keeping them in a dungeon, and raping them. The jury found the State had not proven guilt by a reasonable doubt and acquitted the defendant. This case received national news coverage.

Judge Lockemy reported the following regarding his employment while serving as a judge:

- (a) Adjunct Professor of American History and American Government, Horry-Georgetown Technical College, 2012–present.
- (b) South Carolina National Guard, 1978–2004.
- (c) South Carolina Military Department, Commander of Joint Services Detachment, volunteer, 2005–present. Appointed to the rank of Major General by the Governor and Adjutant General.

Judge Lockemy further reported the following regarding an unsuccessful candidacy:

Ran unsuccessfully for the Court of Appeals, Seat 6 in the fall of 2007. I was found qualified, but not nominated.

THURSDAY, MAY 5, 2016

(9) Judicial Temperament:

The Commission believes that Judge Lockemy's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Pee Dee Citizen's Committee on Judicial Qualifications found Judge Lockemy to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Judge Lockemy is divorced. He has two children.

Judge Lockemy reported that he was a member of the following Bar associations and professional associations:

- (a) South Carolina Bar Association
- (b) Judge Advocates Association
- (c) American Bar Association:
 - (i) Executive Committee, National Conference of State Trial Judges, 2008.
 - (ii) Executive Committee, Appellate Judges' Conference, 2011–present.
 - (iii) Secretary, Appellate Judges' Conference, 2014–present.
 - (iv) Co-Chair Editorial Board, The Judges' Journal, 2015–present

Judge Lockemy provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Dillon Kiwanis Club, President 1986, Youth Baseball Coach since 1980;
- (b) Dillon County Theater Board, President (about 12 years ago);
- (c) Florence Theater Guild;
- (d) Dillon County Veterans' Committee, Co-Chair, 1988–present;
- (e) Kappa Alpha Fraternity.

Judge further reported:

Growing up working in a country grocery store provided me with an opportunity to meet many people from different racial, ethnic, and economic backgrounds. Sharing with these amazing individuals illuminated a perspective of life that has been invaluable to me. In addition, the long periods between customers gave me an opportunity and desire to read book after

THURSDAY, MAY 5, 2016

book which led to my interest in history and the law. From these readings, I formed an appreciation of our country as well as the importance of justice and the rule of law in a democratic-republic such as ours. With this background, I have served my country, my state, and the interest of justice to the best of my ability.

(11) Commission Members' Comments:

Judge Lockemy is an asset to the South Carolina judiciary as he is a well-qualified, well-respected member of the Court.

(12) Conclusion:

The Commission found Judge Lockemy qualified and nominated him for re-election to the Court of Appeals.

**The Honorable Paula H. Thomas
Court of Appeals, Chief Judge, Seat 5**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Thomas meets the qualifications prescribed by law for judicial service as a Court of Appeals judge.

Judge Thomas was born in 1957. She is 58 years old and a resident of Pawleys, South Carolina. Judge Thomas provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1986.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Thomas.

Judge Thomas demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Thomas reported that she has made \$41.99 in campaign expenditures for cards.

Judge Thomas testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

THURSDAY, MAY 5, 2016

Judge Thomas testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Thomas to be intelligent and knowledgeable. Her performance on the Commission's practice and procedure questions met expectations.

Judge Thomas described her continuing legal or judicial education during the past five years as follows:

<u>Conference/CLE Name</u>	<u>Dates</u>
(a) SC Circuit Court Judges Conf.	05/04/11;
(b) '11 Orientation New Judges	07/06/11;
(c) Applied Science & Law 21st Century Technology	07/15/11;
(d) '11 Annual Judicial Conference	08/17/11;
(e) Southern Region High Court Conference	09/15/11;
(f) 2012 Annual Judicial Conference	08/22/12;
(g) SCDTAA Annual Meeting	11/08/12;
(h) SC Bar Pt 1& 2 Criminal Law Section	01/25/13;
(i) SCCA 2013 Judicial Conference	08/21/13;
(j) 22nd Annual Forum for State Appellate Judges	07/26/14;
(k) 2014 Annual Judicial Conference	08/20/14;
(l) SC Bar Trial & Appellate Advocacy-Civil Law Update	01/23/15;
(m) SC Bar Pt 2 Criminal Law Section	01/23/15;
(n) 23rd Annual Forum for State Judges	07/11/15;
(o) 2015 Judicial Conference	08/20/15;
(p) SC Bar Criminal Law Section	01/22/16.

Judge Thomas reported that she has taught the following law-related courses:

- (a) Speaker for "Restructured State Government and the state of Administrative law, August, 1993
- (b) Speaker for "So You Want To Be A Judge" Women in Law, Columbia, SC, April, 1996
- (c) Speaker-Circuit Court Judges Orientation- Preservation Issues- July 8, 2011
- (d) Speaker-Sumter Ladies Woman Club- "Being a judge and how to get there" March 21, 2012

Judge Thomas reported that she has not published any books or articles.

THURSDAY, MAY 5, 2016

(4) Character:

The Commission's investigation of Judge Thomas did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Thomas did not indicate any evidence of a troubled financial status. Judge Thomas has handled her financial affairs responsibly.

The Commission also noted that Judge Thomas was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Judge Thomas reported that she is not rated by any legal rating organization.

Judge Thomas reported that she has held the following public office:

Elected SC House Seat 108, November 1992, served until June 1996.

All reports were filed, no penalties.

(6) Physical Health:

Judge Thomas appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Judge Thomas appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge Thomas was admitted to the South Carolina Bar in 1986. She gave the following account of her legal experience since graduation from law school:

(a) January 1987- September 1987: Law Offices of Kenneth W. Thornton, Georgetown, SC- Associate- Family Court and Circuit Court matters;

(b) September 1987-August 1988: Rubillo & Thomas, Georgetown, SC- Partner- Family Court and Circuit Court matters;

(c) August 1988-January 1993: Law Office of Paula H. Thomas, Pawleys Island, SC-Sole practitioner- Family Court and Circuit Court matters;

(d) January 1993- January 1994: Thomas & Gundling, Pawleys Island, SC- Partner- Family court and Circuit Court matters;

THURSDAY, MAY 5, 2016

(e) January 1994-May 1994: Lawimore, Thomas, Gundling & Kelaher, PA- Pawleys Island, SC-Partner- Family Court and Circuit Court matters;

(f) May 1994-January 1995- Thomas, Gundling & Kelaher, Pawleys Island, SC- Partner, Family Court and Circuit Court matters;

(g) January 1995-July 1996: Law Office of Paula H. Thomas, Pawleys Island, SC- Sole practitioner, Family Court and Circuit Court matters.

Judge Thomas reported the frequency of her court appearances prior to her service on the bench as follows:

(a) Federal: twice

(b) State: Appeared in family court and average of once per week

Appeared in circuit court an average of once per month

Judge Thomas reported the percentage of her practice involving civil, criminal, and domestic matters prior to her service on the bench as follows:

(a) Civil: 45%;

(b) Criminal: 15%;

(c) Domestic: 40%;

(d) Other: 0%.

Judge Thomas reported the percentage of her practice in trial court prior to her service on the bench as follows:

(a) Jury: 2%;

(b) Non-jury: 98%.

Judge Thomas provided that prior to her service on the bench she most often served as sole counsel.

The following is Judge Thomas's account of her five most significant litigated matters:

(a) Harry F. Cameron v. Georgetown Steel - Workers' Compensation claim regarding novel question dealing with the "coming and going rule". Case No. WCC 9357660

(b) Paula Wilson, et al. v. Patricia Brown, a/k/a Patricia Brown Nance - Issue of whether a deceased individual was competent at the time of marriage and the children's standing to sue. Case No. 95-DR-22-156

(c) State of South Carolina v. Marshall Beam - First case in the 15th Circuit in which an individual was charged under the Criminal Negligence statute in South Carolina. Case No. 93-GS-26-2153.

THURSDAY, MAY 5, 2016

(d) State v. Robert Prince - Addressed numerous search and seizure issues.

(e) Swails v. Revco - Establishing damages for administering wrong medication. Case No. 95-CP-22-260.

The following is Judge Thomas's account of the civil appeal she has personally handled:

(a) Myra Jean Merritt v. Carl A. Merritt, Jr., Docket 3 95-610.

Judge Thomas reported she has not personally handled any criminal appeals.

Judge Thomas reported that she has held the following judicial office(s):

Elected May 1996, SC Circuit Court, At-Large Seat #1

Elected May 1998, SC Circuit Court, 15th Judicial Circuit, Seat #1

Elected February 2007 SC Court of Appeals, Seat #4, Re-elected Jan 2012

Judge Thomas provided the following list of her most significant orders or opinions:

(a) Stringer v. State Farm Mutual Auto Ins. Co., 386 S.C. 188, 687 S.E. 2d 58 (Ct. App. 2009) (en banc) (cert. denied)

(b) State v. Mitchell, 378 S.C. 305, 662 S.E. 2d 493 (Ct. App. 2008), cert. dismissed as improvidently granted by 386 S.C. 597, 689 S.E. 638 (2010)

(Confrontation Clause)

(c) State v. Adams, 397 S.C. 481, 725 S.E. 2d 523 (Ct. App. 2012) (first case in SC to address whether the placement and monitoring of a GPS device on a person's car without a warrant is an unreasonable search under United States v. Jones, 132 S. Ct. 945 (2012) and the Fourth Amendment

(d) Campbell v. Robinson, 398 S. C. 12, 726 S. E. 2d 221 (Ct. App. 2012) (first case to address whether an engagement ring is the donor's or donee's property after the engagement is cancelled)

(e) Williams v. Smalls, 390 S.C. 375, 701 S.E. 2d 772 (Ct. Ap. 2010) (cert. denied) (First case to address whether "liability for owners of trespassing stock" statute imposed strict liability on an owner of livestock for personal injuries suffered when automobile driver collided with escaped livestock)

Judge Thomas reported no other employment while serving as a judge.

THURSDAY, MAY 5, 2016

Judge Thomas further reported the following regarding an unsuccessful candidacy:

Ran unsuccessfully for Court of Appeals, Seat #2 in 2004.

(9) Judicial Temperament:

The Commission believes that Judge Thomas's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Judge Thomas to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament, and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Judge Thomas is married to Don Stanley Thomas. She has three children. Judge Thomas reported that she was a member of the following Bar associations and professional associations:

- (a) South Carolina Bar Association;
- (b) South Carolina Appellate Judges Association.

Judge Thomas provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

None

Judge Thomas further reported that she has served 10 years on the Circuit Court Bench and 9 years on the SC Court of Appeals

(11) Commission Members' Comments:

Judge Thomas is an asset to the South Carolina judiciary as she is a well-qualified, well-respected member of the Court.

(12) Conclusion:

The Commission found Judge Thomas qualified and nominated her for election to the Court of Appeals.

**CIRCUIT COURT
QUALIFIED AND NOMINATED**

**The Honorable Paul Michael Burch
Circuit Court, Fourth Judicial Circuit, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Burch meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

THURSDAY, MAY 5, 2016

Judge Burch was born in 1954. He is 61 years old and a resident of Pageland, South Carolina. Judge Burch provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1980.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Burch.

Mr. Donald M. Brandt filed an affidavit in opposition to Judge Burch's candidacy. The affidavit made multiple allegations against Judge Burch regarding a case and subsequent hearings, from 2001 and 2002, in which Judge Burch held Mr. Brandt in criminal contempt for committing a fraud on the court.

The Commission heard testimony from Mr. Brandt and from Judge Burch. The Commission also thoroughly reviewed all documents produced by Mr. Brandt, noting that the SC Supreme Court affirmed Judge Burch in that case. The Commission found no evidence that Judge Burch acted improperly and no evidence of allegations related to Judge Burch's character, competency, or ethics.

Judge Burch demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Burch testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Burch testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Burch to be intelligent and knowledgeable. His performance on the Commission's practice and procedure questions met expectations.

Judge Burch described his continuing legal or judicial education during the past five years as follows:

- (a) Sporting Clays CLE: Ethics 04/29/2010;
- (b) SC Circuit Court Judges Association 05/05/2010;
- (c) 2010 Judicial Conference 08/18/2010;

THURSDAY, MAY 5, 2016

- (d) Sporting Clays CLE: Ethics 10/28/2010;
- (e) 43rd Annual Meeting 11/11/2010;
- (f) Criminal Law Section 01/21/2011;
- (g) Trial & Appellate Advocacy Section 01/21/2011;
- (h) Sporting Clays CLE: Ethics 04/14/2011;
- (i) SC Circuit Court Judges Conference 05/04/2011;
- (j) 2011 SCAJ Annual Convention 08/04/2011;
- (k) 2011 Annual Judicial Conference 08/17/2011;
- (l) Sporting Clays CLE: Ethics 10/13/2011;
- (m) Annual Meeting 11/03/2011;
- (n) Part 2 Criminal Law Section 01/20/2012;
- (o) Trial & Appellate Advocacy Section 01/20/2012;
- (p) Spring Sporting Clays 04/12/2012;
- (q) Annual Circuit Court Judges Conference 05/02/2012;
- (r) 2012 Annual Convention 08/02/2012;
- (s) 2012 Annual Judicial Conference 08/22/2012;
- (t) Annual Meeting 11/08/2012;
- (u) Part 2 Criminal Law Section 01/25/2013;
- (v) Trial and Appellate Advocacy Section 01/25/2013;
- (w) Spring Sporting Clays: Ethics with the
Judges 04/25/2013;
- (x) Spring Conference CLE 05/01/2013;
- (y) 2013 Annual Convention 08/01/2013;
- (z) Fall Sporting Clays: Ethics with the
Judges I 01/17/2013;
- (aa) SCDTAA Annual Meeting 11/07/2013;
- (bb) Criminal Law Section- Part 2 01/24/2014;
- (cc) Trial and Appellate Advocacy Section Civil
Update 01/24/2014;
- (dd) 2014 Circuit Court Judges Conference 03/24/2014;
- (ee) Sporting Clays CLE: Ethics with the
Judges 04/24/2014;
- (ff) 2014 Annual Convention 08/07/2014;
- (gg) 2014 Annual Judicial Conference 08/20/2014;
- (hh) SCDTAA Annual Meeting 11/06/2014;
- (ii) Trial and Appellate Advocacy Section: Civil
Update 01/23/2015;
- (jj) Part 2: Criminal Law Section 01/23/2015.

Judge Burch reported that he has taught the following law-related courses:

THURSDAY, MAY 5, 2016

- (a) I have served on Judicial panels on several occasions at the SC Solicitors Conference.
- (b) I have served on Judicial panels at the SC Defense Attorney's Convention.
- (c) I lectured on Courtroom Violence and Security at the Circuit Judges Conference.
- (d) I lectured on Prevention and Preparation of Hearing Room Violence at the National Association of Hearing Officials Conference

Judge Burch reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Burch did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Burch did not indicate any evidence of a troubled financial status. Judge Burch has handled his financial affairs responsibly.

The Commission also noted that Judge Burch was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Judge Burch reported that he is not rated by any legal rating organization.

Judge Burch reported that he has held the following public offices:

- (a) Chesterfield County Council 1983–1987;
- (b) SC House of Representatives 1988–1991.

(6) Physical Health:

Judge Burch appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Burch appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Judge Burch was admitted to the South Carolina Bar in 1980.

He gave the following account of his legal experience since graduation from law school:

- (a) Paul M. Burch, Attorney at Law, sole general practice 1980–1991;
- (b) Full partner in the firm of Henderson, Spencer & Burch 1991;

THURSDAY, MAY 5, 2016

- (c) Resident Circuit Court Judge for the Fourth Judicial Circuit-
1991–present.

Judge Burch reported that he has held the following judicial office:

Resident Judge of the Fourth Judicial Circuit-7/1/1991 until present.

Judge Burch provided the following list of his most significant orders or opinions:

- (a) Carolina Power & Light Company vs The City of Bennettsville and Marlboro Electric Cooperative Inc.; 314 S.C. 137, 442 S.E.2d 177 (1994) (affirmed by Supreme Court).
- (b) Glenn P. Tallent and Christopher C. King vs Solid Waste Recycling Disposal User Fee Appeals Board of the County of Chester County and Chester County Tax Assessor, individually, and in their official capacity; Case Number 94-CP-12-120.
- (c) Chip Knoke as Personal Representative of the Estate of Jeremy Ryan Knoke vs The SC Department of Parks, Recreation and Tourism; 478 S.E.2d 256 (1996) (affirmed by Supreme Court).
- (d) Darlington County School District vs Cedric Washington; Case Number: 94-CP-16-134.
- (e) Donald M. Brandt Individually and as the Personal Representative of the Estate of Janice N. Brandt, Deceased vs Elizabeth K. Gooding and Gooding & Gooding, PA; 368 S.C. 618 (2006).

Judge Burch reported the following regarding his employment while serving as a judge:

None.

Judge Burch further reported the following regarding unsuccessful candidacies:

Unsuccessful candidate for SC House of Representatives in 1976 and 1978.

- (9) Judicial Temperament:

The Commission believes that Judge Burch’s temperament has been, and would continue to be, excellent.

- (10) Miscellaneous:

The Pee Dee Citizens Committee found Judge Burch “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament, and “Qualified” in the

THURSDAY, MAY 5, 2016

remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Judge Burch is married to Kimberly Thomas Burch. He has three children.

Judge Burch reported that he was a member of the following Bar associations and professional associations:

- (a) Chesterfield County Bar Association;
- (b) SC Bar Association;
- (c) American Bar Association.

Judge Burch provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Pageland United Methodist Church;
- (b) Pageland Volunteer Fire Department;
- (c) Mt. Moriah Masonic Lodge #58;
- (d) Jamil Shrine Temple.

(11) Commission Members' Comments:

The Commission commented that Judge Burch is a highly respected member of the judiciary for his willingness to accept and try very difficult cases. They noted his reputation for fairness to all parties.

(12) Conclusion:

The Commission found Judge Burch qualified and nominated him for re-election to the Circuit Court.

**FAMILY COURT
QUALIFIED AND NOMINATED**

Wanda L. Adams

Family Court, Thirteenth Judicial Circuit, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Adams meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Adams was born in 1960. She is 56 years old and a resident of Greenville, South Carolina. Ms. Adams provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1992.

THURSDAY, MAY 5, 2016

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Adams.

Ms. Adams demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Adams reported that she has not made any campaign expenditures.

Ms. Adams testified she has not:

(a) sought or received the pledge of any legislator prior to screening;

(b) sought or been offered a conditional pledge of support by a legislator;

(c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Adams testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Adams to be intelligent and knowledgeable. Her performance on the Commission's practice and procedure questions met expectations.

Ms. Adams described her continuing legal or judicial education during the past five years as follows:

Conference/CLE Name	Date(s)
(a) Trial Advocacy	06/16/11;
(b) Judicial Ethics For Lawyers	08/17/11;
(c) Annual Solicitor's Conference	09/25/11;
(d) "Away For Lunch" CLE	04/05/12;
(e) Annual Solicitor's Conference	09/23/12;
(f) Prosecuting Sex Crimes	07/26/13;
(g) Annual Solicitor's Conference	09/22/13;
(h) Ending Child Abuse Through Advocacy & Education	03/21/14
(i) Inhouse CLE for Prosecutors	05/01/14;
(j) Child Fatalities – Abusive Head Trauma	05/30/14;
(k) Children In The Family Court System	06/18/14;
(l) Annual Solicitor's Conference	09/21/14;
(m) Ending Child Abuse Through Advocacy & Education	03/26/15;

THURSDAY, MAY 5, 2016

- (n) Facing The Addiction 08/20/15;
- (o) Annual Solicitor's Conference 09/20/15.

Ms. Adams reported that she has taught the following law related courses.

- (a) I taught Family Law 101 in Greenville Technical College Paralegal Program as an Adjunct Professor August – December 2004;
- (b) I made a presentation on the topic of juvenile prosecution, to lawyers attending the 2010 Annual Black Lawyers Association Meeting.

Ms. Adams reported that she has not published any books and/or articles.

(4) Character:

The Commission's investigation of Ms. Adams did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Adams did not indicate any evidence of a troubled financial status. Ms. Adams has handled her financial affairs responsibly.

The Commission also noted that Ms. Adams was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Adams reported that she is not rated by any legal rating organization.

(6) Physical Health:

Ms. Adams appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Adams appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Adams was admitted to the South Carolina Bar in 1992.

She gave the following account of her legal experience since graduation from law school:

I was admitted to the SC Bar in January 1993. Shortly thereafter, I became the Staff Attorney for Greenville County Dept. of Social Services (DSS). I was the sole attorney for approximately 1 year. My duties included the litigation and settlement of more than 300 abuse and neglect cases in Greenville County Family Court.

THURSDAY, MAY 5, 2016

In 1994, I established a solo private practice in Greenville County. The majority of my practice involved domestic matters, primarily divorces and adoptions. During the first year of private practice, I contracted with DSS and Legal Services of Western Carolina. I handled housing discrimination cases under the Legal Services contract. The DSS contract required me to represent the interests of children in abuse/neglect and termination of parental rights actions under DSS contract.

While in private practice, I was appointed as Guardian Ad Litem in numerous custody actions. Hundreds of families were also referred to me for finalization of adoptions. These referrals came from DSS and private adoption agencies such as Bethany Christian Services. I was also often requested to speak with prospective adoptive parents about the adoption process.

In April 1995, I was appointed by Greenville SC City Council as an Asst. Municipal Court Judge. I presided over jury and bench trials and preliminary hearings, arising under city ordinances and criminal cases made under state law. I was called upon to preside when the full-time Municipal Judge was unavailable, or in the event of docket overload. I served in the Cities of Greenville and Greer from 1995 until August 2005, while also maintaining my law office.

From August until December 2004, I taught Family Law at Greenville Technical College, as adjunct faculty in the Paralegal program.

I became as Assistant Solicitor with the 13th Judicial Circuit Solicitor's Office in August 2005, where I remain employed. During the first year with the Solicitor's Office, I prosecuted criminal domestic violence cases. From 2006 until 2009, I was responsible for the prosecution of juveniles in the Greenville and Pickens County Family Courts. I am currently responsible for the prosecution of primarily drug and sex crimes cases. I continue to assist with juvenile prosecution in Family Court.

Ms. Adams further reported regarding her experience with the Family Court practice area:

DIVORCE AND DIVISION OF PROPERTY

While in private practice from 1994 until 2005, I represented both plaintiffs and defendants in the areas of divorce and equitable division of property. An example of that experience was my representation of the defendant in Pamela Holmes vs. Nathan Holmes(2000-DR-04-871). This case involved

THURSDAY, MAY 5, 2016

dissolution of a marriage of more than 25 years. A multi-day hearing was required to equitably divide substantial marital assets, and determine alimony, child support, custody and visitation.

CHILD CUSTODY

In the area of custody, I served as Guardian Ad Litem in many custody actions. I also represented numerous parties seeking custody. One example is Yolanda Hart vs. Will and Cora Wren (1995-DR-23-6065). I represented the Wrens, who were the paternal aunt and uncle of minor children, placed in their care by the custodial father. Upon the death of the father the mother petitioned the Court for custody.

ADOPTION

In the area of adoption, I have many years of experience preparing pleadings, notifying birth parents, relinquishment of parental rights, and finalization of adoption actions. One unique example is an adult adoption. Alee Gearhart vs. Judy Mahaffey Thompson (1994-DR-23-3072). This case involved the reunification of an elderly birth mother and adult adoptee. I represented the birth mother in the adoption of her birth daughter, whom she had relinquished for adoption as an infant.

ABUSE AND NEGLECT

In the area of abuse and neglect, I have many years of experience, having served as counsel for DSS, Guardian Ad Litem appointments, and prosecuted crimes of abuse and neglect. An example of that diverse experience is DSS vs. Alberta Grimes (2000-DR-23-978). I was appointed Guardian Ad Litem in this adult abuse case. I convinced the Family Court to remove the vulnerable adult from the care of her relative, due to the abuse and neglect. I facilitated an alternative placement, while providing guidance to the court as to what was in her best interests.

JUVENILE JUSTICE

As to the area of juvenile justice, I served as a full-time juvenile prosecutor from 2006 until 2009. I continue to assist the 13th Circuit with the prosecution of these cases, when the current juvenile prosecutor is unavailable. An example of such prosecution is The State vs. Jadon G. (2008JU23-798, 799, 800). This juvenile was declared a juvenile delinquent December 23, 2008 for sexual offenses. He was committed to SC DJJ until 21st birthday. The issue of sex offender registry was reserved until

THURSDAY, MAY 5, 2016

his treatment was completed. When the young man was unsuccessfully discharged from a treatment facility, at the age of 20 years, I requested a Family Court hearing, held on April 10, 2014, at which time I was able to convince the court this young man was a danger to the community and that his registration as a sex offender was warranted.

I have many years of extensive family court experience, as outlined above. I am knowledgeable of the law and have handled diverse cases, providing me with the background necessary to competently handle the duties of a Family Court Judge.

Ms. Adams reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: N/A;
- (b) State: Frequently.

Ms. Adams reported the percentage of her practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: None;
- (b) Criminal: 100%;
- (c) Domestic: None;
- (d) Other: None.

Ms. Adams reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 25%;
- (b) Non-jury: 75%.

Ms. Adams provided she most often served as sole counsel.

The following are Ms. Adams' account of her five most significant litigated matters:

(a) State vs. Kimberly Passmore (Indictment No. 2014GS2311292): The defendant was charged with unlawful conduct towards a child. She was the mother of a 13 year old, impregnated by a 26 year old. This defendant was aware of the relationship, and even encouraged it. I prosecuted her and was successful in convincing a Jury that she willfully placed her child in harm's way. She received a 3 year jail sentence.

(b) State vs. Ralph Hayes (Indictment No. 2011GS23076981): The defendant was charged with Murder and Possession Of A Weapon During The Commission Of A Violent Crime. The defendant was arrested and tried almost 2 years after the female victim's body was discovered. This was a circumstantial case, which developed with the assistance of investigation skills and cooperative witnesses. One such critical

THURSDAY, MAY 5, 2016

witness was a homeless man, later located in Illinois. I was able to convince the reluctant witness to return to Greenville for trial. His testimony proved to be instrumental in the defendant's conviction.

(c) Estate of Michael Hildebrand (02E2301170); This was a Greenville County Probate action. I was appointed the Personal Representative (PR) of this estate after the decedent had murdered his estranged wife and two children. After a national manhunt, the decedent died of a self-inflicted gunshot. Although he had surviving relatives, no one was willing to serve as PR. During my appointment, a wrongful death lawsuit was filed against the estate, on behalf of the deceased wife and children. This appointment required me to defend the lawsuit, which resulted in a settlement. I was required to conduct an extensive multi-state identification of assets, facilitate the sale of out of state property, and settle this estate to the satisfaction of the court.

(d) Jane and John Doe vs. SCDSS and Billy, a minor under the age of 5 (2004-DR-04-1509); I petitioned the Anderson Co. Family Court to intervene in an adoption action opposed by SCDSS. The subject child was the sibling of a child earlier adopted by the family I represented. The subject child had special needs and had been placed in foster care. Once the subject child became legally free to be adopted, it was DSS' desire for the child to be placed with his siblings, while the foster parents sought adoption. The significance of this case was that the Court was faced with determining whether the child's best interests would be served by living with blood relative/sibling or risk emotional trauma by being removed from the family he knew. The court found that it was in the best interests of the child that he remain with the foster family, with special consideration given to his special needs.

(e) Pamela Holmes vs. Nathan Holmes (2000-DR-04-871): The plaintiff wife sought a divorce on the grounds of adultery. The significance of this case is that the parties had been married more than 25 years and parents to 3 children. Several days of litigation was necessary to determine multiple issues of distribution of substantial marital assets, alimony, child support and visitation.

THURSDAY, MAY 5, 2016

The following is Ms. Adams' account of a criminal appeal she has personally handled.

State vs. Darnell Alston (Indictment Nos. 2001GS2305385 – 5387): In 2005, I was appointed to appeal the conviction of Darnell Alston, who had earlier plead guilty to several charges, including armed robbery, criminal sexual conduct and kidnapping. I was appointed due to a conflict in Appellate Indigent Defense. The significance of this case was that the defendant was 14 years old when the home invasion crimes were committed. The defendant received a sentence of 90+ years and appealed, claiming he did not understand the possible outcomes of a guilty plea. It had been noted in the record that the defendant suffered from mental retardation. I unsuccessfully filed a brief, arguing that the defendant lacked the maturity and cognitive ability to recognize the gravity of his actions and the consequences.

Ms. Adams reported that she has held the following judicial offices:

I served as Asst. Municipal Court Judge for the Cities of Greenville and Greer, SC, from April 1995 until August 2005. I was appointed by the Greenville City Council. Municipal Court's jurisdiction is limited to cases arising under city ordinances and misdemeanors under the state law.

(9) Judicial Temperament:

The Commission believes that Ms. Adams's temperament would be excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Ms. Adams to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament, and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Ms. Adams is single, never divorced, and has no children.

Ms. Adams reported that she was a member of the following Bar associations and professional associations:

- (a) SC Bar Association
- (b) Greenville Co. Bar Association
- (c) Solicitor's Association of SC, Inc.

Ms. Adams provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

THURSDAY, MAY 5, 2016

- (a) Delta Sigma Theta Sorority, Inc. Greenville, SC, Alumnae Chapter Office: Sergeant At Arms; Current Member;
- (b) Pendleton Place Children's Shelter, Board Member, Greenville, SC, Former Board Member;
- (c) Genesis Homes, Board Member, Greenville, SC, Former Board Member;
- (d) Community Foundation, Board Member, Greenville, SC, Former Board Member;
- (e) Carolina Family Services, Board Member, Greenville, SC, Former Board Member.

Ms. Adams further reported:

While reared in a single parent home, my mother consistently stressed the importance of accountability, as well as the importance of having empathy for the plight of others. This compassion led me to the profession of social work. After serving as a child and family advocate for several years, I believed the practice of law would afford me the opportunity to contribute even more. I attempted to utilize my private practice as a platform of empowerment. As a Municipal Court judge, I served with the philosophy that while one must be accountable for his/her actions, rehabilitation must also be encouraged when appropriate. I believe that these traits, coupled with my legal knowledge, integrity, deliberate decision-making and temperament, makes me an ideal candidate for a Family Court Judge.

(11) Commission Members' Comments:

The Commission found that Ms. Adams has a great demeanor and temperament.

(12) Conclusion:

The Commission found Ms. Adams qualified and nominated her for election to the Family Court.

**Thomas Tredway Hodges
Family Court, Thirteenth Judicial Circuit, Seat 3**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Hodges meets the qualifications prescribed by law for judicial service as a Family Court judge.

THURSDAY, MAY 5, 2016

Mr. Hodges was born in 1959. He is 57 years old and a resident of Greenville, South Carolina. Mr. Hodges provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1988.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Hodges.

Mr. Hodges demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Hodges reported that he has spent approximately \$80.00 on postage in furtherance of his candidacy.

Mr. Hodges testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Hodges testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Hodges to be intelligent and knowledgeable. His performance on the Commission's practice and procedure questions met expectations.

Mr. Hodges described his continuing legal or judicial education during the past five years as follows:

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Greenville County Bar "Year End" CLE	2/12/16;
(b) Hot Tips for the Coolest Domestic Law Practitioners	9/25/15;
(c) Tips, Tricks and Tools for Mediation	9/18/15;
(d) Greenville County Bar "Year End" CLE	2/13/15;
(e) Family Court Bench Bar	12/5/14;
(f) 2014 Hot Tips from the Coolest Domestic Law Practitioners	9/26/14;

THURSDAY, MAY 5, 2016

- (g) A Practical Guide to Civil and Criminal Contempt in SC 2/17/14;
- (h) Greenville County Bar “Year End” CLE 2/14/14;
- (i) 2013 Hot Tips from the Coolest Domestic Law Practitioners 9/27/13;
- (j) Greenville County Annual CLE Conference 2/15/13;
- (k) Cell Phone Forensics 2/11/13;
- (l) Grantee Gathering 12/11/12;
- (m) Hot Tips from the Coolest Domestic Law Practitioners 9/28/12;
- (n) 2011 Family Court Bench/Bar 12/2/11;
- (o) What Family Court Judges Want You to Know (moderator) 2/18/11.

Mr. Hodges reported that he has taught the following law-related course:

I led the program titled “What Family Court Judges Want You to Know” held in Greenville on 2/18/11. This seminar involved a panel of eight family court judges speaking on a variety of family court issues. I moderated the judges’ discussions and prepared their materials.

(4) Character:

The Commission’s investigation of Mr. Hodges did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission’s investigation of Mr. Hodges did not indicate any evidence of a troubled financial status. Mr. Hodges has handled his financial affairs responsibly.

The Commission also noted that Mr. Hodges was punctual and attentive in his dealings with the Commission, and the Commission’s investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Hodges reported that his rating by a legal rating organization, Martindale-Hubbell, Peer Review Rating, is:

(a) AV rating with Martindale-Hubbell.

(b) Super Lawyer in the area of Family law 2008 and 2009.

(6) Physical Health:

Mr. Hodges appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Hodges appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Hodges was admitted to the South Carolina Bar in 1988. He gave the following account of his legal experience since graduation from law school:

(a) I graduated from law school in May 1987.

(b) Haynsworth, Baldwin, Miles, Johnson, Greaves and Edwards. Associate from August 1987 to December 1994. Partner from December 1994 to May 2003. The firm was a labor and employment firm representing employers exclusively. As a new associate I primarily did legal research for all types of labor and employment cases pending before state and federal courts and various state and federal agencies. Over time I began to make appearances in those same forums at all times representing management exclusively. I participated in several breach of contract and unlawful discharge trials. I reviewed employer policies and documents to ensure legal compliance and I regularly provided legal training to employers concerning a wide variety of employment matters. In the early 1990s my work became more focused on traditional labor matters, including union elections, unfair labor practices and labor arbitrations. I traveled the country extensively representing employers in labor disputes and union campaigns. I represented companies before the National Labor Relations Board from Alaska to Florida and from New Jersey to California and most states in-between. I handled hearings before NLRB hearing officers, Administrative Law Judges and arbitrators. Those hearings were always non-jury and typically lasted anywhere from 1 day to many days. The hearings involved taking testimony, cross-examination of witnesses, introducing and objecting to evidence and drafting briefs for the judge or hearing officer. The nature of my practice remained primarily NLRB related until my resignation from the Haynsworth firm in May 2003.

(c) Robertson, Hodges and Coleman, Partner October 2003 to 2005. In October 2003 Marsh Robertson (now Judge Robertson), Ann Coleman, and I formed Robertson, Hodges and Coleman. Our practice was limited to family court matters exclusively. Coleman left the practice in 2005.

THURSDAY, MAY 5, 2016

(d) Robertson and Hodges 2005 to February 2010. Robertson and I formed Robertson and Hodges, LLC. We continued to practice exclusively in Family Court. Robertson was elected to the Family Court Bench in 2010 and our partnership was dissolved.

(e) Thomas T. Hodges, P.A. February 2010 to present. I still limit my practice to Family Court matters.

Mr. Hodges further reported regarding his experience with the Family Court practice area:

DIVORCE: I have handled numerous divorce cases. Some have been complicated by significant property or support issues. Some have been very simple where there are no property or support issues to resolve. I have handled many fault based divorce cases as well as many no-fault cases. I have handled contested and uncontested cases alike. I have handled many separate support cases. I have also litigated and handled cases involving the existence of a common law marriage.

ALIMONY AND CHILD SUPPORT: I have prosecuted and defended cases requesting alimony, termination of alimony and modifications to alimony and child support awards. I have represented many unwed parents in actions to establish and defend child support obligations.

EQUITABLE DIVISION: I have handled a wide variety of cases where the parties have argued over personal property that had little or no monetary value to cases where one party or the other is a multi-millionaire. Occasionally an expert is needed to value property or a business. I have worked closely with those experts in identifying the property and valuing it. Several cases have involved parties with significant non-marital assets that while not included in the marital estate, still impact the percentage of the estate to be awarded to a spouse and impact the support that a spouse is to pay. I have dealt with issues of transmutation of non-marital property. I have drafted numerous pre-marital agreements dealing with the disposition of property in the event of a later divorce or separation.

CHILD CUSTODY: I have handled many custody issues whether they were part of a divorce case or independent of a divorce action. I have handled numerous change of custody actions representing both the plaintiff and defendant. I have successfully handled cases wherein one parent has made serious, but unfounded charges of sexual abuse of the child against the

THURSDAY, MAY 5, 2016

other parent. I have successfully represented un-wed fathers in obtaining custody and/or visitation rights. I have represented grandparents in obtaining custody of their grandchildren.

ADOPTION: I have had limited exposure to adoptions. There are several attorneys who specialize in adoptions to whom I refer those cases. I have represented individuals who have relinquished their parental rights for others to adopt the child.

ABUSE AND NEGLECT: I have been appointed in abuse and neglect cases as an attorney and as a guardian ad litem for both children and adults. However, other than appointed cases, I have not represented any one in an abuse and neglect case.

Mr. Hodges reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: 0%;
- (b) State: Very frequent.

Mr. Hodges reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 0%;
- (b) Criminal: 0%;
- (c) Domestic: 100%;
- (d) Other: 0%.

Mr. Hodges reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 0%;
- (b) Non-jury: 100%.

Mr. Hodges provided that he most often served as sole counsel.

The following is Mr. Hodges's account of his five most significant litigated matters:

- (a) Bridges v. Bridges, 2012-DR-23-2890. I represented the Plaintiff/Father in this custody modification case that was tried over a 4 day period. This case was filed after the mother made false allegations of sexual abuse against the father. The case was pending for two years. There were multiple motions, lengthy depositions, psychological evaluations as well as an independent DSS action. Significantly the mother had been awarded full custody of the child in the parties' divorce case only three months before this action was brought. The mother and child were living in Lexington and the father was living in Greenville. After 4 days of trial the father was

THURSDAY, MAY 5, 2016

awarded primary placement and the child now resides with him in Greenville.

(b) Jones v. Johnson, 2006-DR-23-968. I represented an unwed father in this case. The child's parents lived in Florida when he was born. Shortly after the child's birth the mother brought the child to South Carolina. Several weeks later the mother died. The maternal grandmother brought an action in South Carolina for custody of the child. The father brought an action in Florida for the return of the child. The case involved the Uniform Child Custody Jurisdiction Act as well as South Carolina's "de facto" parent statute that had just been enacted, among other issues related to the custody of the child. Several hearings were held with judges from both states conferring over jurisdiction and factual issues. The case was ultimately resolved without a trial with the father gaining custody of his child and returning him to Florida.

(c) Stiggers-Smith v. Smith, 2009-UP-105. I represented the defendant in this common-law marriage case. The plaintiff sought the establishment of a marriage, a divorce, spousal support and equitable division. The plaintiff was given nominal support at the temporary hearing and the case was bifurcated allowing the issue of the marriage to proceed separately. A one-day trial resulted in the plaintiff winning her argument that a marriage existed. This case was significant to me and my practice as I necessarily had to do extensive research on the issue of common law marriages which has benefited me in later cases. It also reaffirmed the importance of the credibility of witnesses when faced with facts that could be viewed from different perspectives.

(d) Williams v. Gilmore, 2013-DR-23-4519. I represented the Plaintiff/Father in this custody modification case that ultimately went to trial. There were three children involved. The case involved allegations of drug use and physical neglect. There were numerous contempt hearings and motions in this case. My client was awarded custody of his children after the trial.

THURSDAY, MAY 5, 2016

(e) NLRB v. Minette Mills. This case is not reported however earlier Minette Mills cases are reported and are pertinent to understanding the importance of this case. Minette Mills was a textile mill located in Grover, North Carolina that was accused of unlawfully terminating a man and his wife during a union campaign in 1990. In 1991 the NLRB ruled that that the company had acted unlawfully and ordered the company to reinstate the employees with back pay. *Minette Mills, Inc.*, 305 NLRB 1032 (1991). I was one of two trial lawyers in that case. The Fourth Circuit Court of Appeals upheld the NLRB's order. *Minette Mills, Inc. v. N.L.R.B.*, 983 F.2d 1056 (4th Cir. 1993). The company reinstated the employees but could not agree on the amount of back pay owed to them, so a two day hearing was held on that issue in January 1994. I handled that trial and the subsequent appeal to the full NLRB. *Minette Mills, Inc.*, 316 NLRB 1009 (1995). The case I will remember as being significant followed when the employees were terminated a second time and charges of unlawful discrimination and retaliation were filed again by the NLRB. The significance is that the trial on the second discharges was held before the same judge that heard the back pay issue and the company was under the threat of contempt for non-compliance with the Fourth Circuit order. Despite the stacked deck of the case, the judge ruled that the company had not violated the law and dismissed the complaint. To my knowledge the NLRB did not appeal that decision.

The following is Mr. Hodges account of one civil appeal he has personally handled:

I have not personally handled a civil appeal since practicing family law. While I was listed as an attorney of record in Stiggers-Smith v. Smith 2009-UP-105, and tried the case at the trial level, I did not handle that appeal by myself.

Mr. Hodges reported he has not personally handled any criminal appeals. Mr. Hodges further reported the following regarding unsuccessful candidacies:

(a) I was a candidate for Family Court At Large Seat 6 that was screened in the fall of 2012. I was found qualified and nominated by the JMSC, but withdrew my name from consideration prior to the election.

[HJ]

THURSDAY, MAY 5, 2016

(b) I was a candidate for Judge of the Family Court, Thirteenth Judicial Circuit, Seat 5 in the fall of 2013. I was found qualified but not nominated by the JMSC.

(9) Judicial Temperament:

The Commission believes that Mr. Hodges's temperament would be excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Mr. Hodges to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament, and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Mr. Hodges is married to Erroll Anne Yarbrough. He has two children.

Mr. Hodges reported that he was a member of the following Bar associations and professional associations:

- (a) South Carolina Bar
- (b) Greenville County Bar

Mr. Hodges provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) I am a member of the Greenville Country Club.
- (b) I am a member of Hogskin Hunt Club in Honea Path, SC. I am the current Vice President of the club.
- (c) I am a member of the Greenville Gun Club

Mr. Hodges further reported:

I have been practicing exclusively in the Family Court for 13 years. Prior to that, I was a labor lawyer for 16 years with one of the nation's preeminent labor law firms. In both practices I worked very closely with individuals who were going through stressful situations. I have worked closely with multimillionaires to bankrupt individuals. I have worked closely with well educated individuals and those with very limited educations. As a result I have learned how to relate and connect with people regardless of their economic, social or educational background. I believe that my ability to treat all people with the same level of dignity and respect will be an invaluable asset as a Family Court judge.

(11) Commission Members' Comments:

The Commission found that Mr. Hodges is well-qualified and has extensive Family Court experience.

THURSDAY, MAY 5, 2016

- (12) Conclusion:
The Commission found Mr. Hodges qualified and nominated him for election to the Family Court.

Katherine Hall Tiffany
Family Court, Thirteenth Judicial Circuit, Seat 3
Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Mrs. Tiffany meets the qualifications prescribed by law for judicial service as a Family Court judge.
Mrs. Tiffany was born in 1970. She is 45 years old and a resident of Greenville, South Carolina. Mrs. Tiffany provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1995.

- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Mrs. Tiffany.
Mrs. Tiffany demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.
Mrs. Tiffany reported that she has made \$35.00 in campaign expenditures for business cards and a name badge.

Mrs. Tiffany testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mrs. Tiffany testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

- (3) Professional and Academic Ability:
The Commission found Mrs. Tiffany to be intelligent and knowledgeable. Her performance on the Commission's practice and procedure questions met expectations.

THURSDAY, MAY 5, 2016

Mrs. Tiffany described her continuing legal or judicial education during the past five years as follows:

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Family Law Update	01/22/10;
(b) Advanced Family Law	02/08/10;
(c) 2010 SCAJ Annual Convention – Family Law, Ethics	08/05/10;
(d) 2010 Hot Tips from the Coolest Domestic Law Practitioners	10/01/10;
(e) 2011 SC Bar Convention – Family Law Section	01/21/11;
(f) Greenville County Bar Spring Diversity Luncheon	03/08/11;
(g) 2011 SCAJ Annual Convention – Family Law, Ethics	08/04/11;
(h) 2011 Family Law Intensive Workshop	10/06/11;
(i) Managing Ethical Issues in Your Day to Day Practice	12/06/11;
(j) 2012 SC Bar Convention – Family Law Section	01/20/12;
(k) What Family Court Judges Want You to Know	02/16/12;
(l) Presenting the Family Law Case	04/27/12;
(m) 2012 SCAJ Annual Convention – Family Law, Ethics	08/02/12;
(n) 2012 Family Court Bench Bar Seminar	12/07/12;
(o) 2013 SC Bar Convention – Family Law Section	01/25/13;
(p) 2013 SCAJ Annual Convention Family Law, Ethics	08/01/13 & 08/02/13;
(q) Ethical Lessons from the Bench	09/25/13;
(r) 2013 Hot Tips from the Coolest Domestic Law Practitioners	09/27/13;
(s) SCWLA: Vision for Success: Women Leaders from the Courtroom to the Boardroom	10/10/13;
(t) Twists and Turns of Child Custody in the Modern Age	10/23/13 to 10/26/13;
2013 SC Bar Family Law Section Intensive	
(u) 2014 SC Bar Convention – Family Law Section	01/25/14;
(v) In the Best Interest of the Child: 2014 Guardian ad Litem Training and Update	01/31/14;

THURSDAY, MAY 5, 2016

- (w) Greenville County Bar Year End CLE 02/14/14;
- (x) South Carolina Circuit and Family Court Arbitrator Certification Training 05/02/14;
- (y) "Summer Sprint" SC Gun Law Seminar 05/30/14;
- (z) 2014 SC Bar Family Law Essentials 06/27/14;
- (aa) 2014 SCAJ Annual Convention – Family Law, Ethics 08/17/14;
- (bb) 2014 Hot Tips from the Coolest Domestic Law Practitioners 09/26/14;
- (cc) Lunch & Learn: Using the Child Support Calculator 12/02/14;
- (dd) 2015 SC Bar Convention – Family Law Section 01/23/15;
- (ee) Greenville County Bar Year End CLE 02/13/15;
- (ff) Family Law Essentials 06/26/15;
- (gg) 2015 SCAJ Annual Convention – Family Law, Ethics 08/06/15;
- (hh) 2015 Hot Tips from the Coolest Domestic Law Practitioners 09/25/15;
- (ii) 2016 SC Bar Convention – Family Law Section 01/22/16;
- (jj) Greenville County Bar Year End CLE 02/12/16.

Mrs. Tiffany reported that she has taught the following law-related courses:

- (a) I prepared written materials and served as a speaker at the 2005 SC Bar Family Court Bench/Bar Seminar, on the topic "War of Fathers: Biological v. Legal."
- (b) I prepared written materials and served as a speaker at the 2006 SC Bar Family Court Bench/Bar Seminar, on the topic "Psychological, Ad Hoc, Joint Etc Custody Update."
- (c) I served as a speaker at the 2010 National Business Institute Advanced Family Law Seminar, on the topic "Getting the Child Heard."
- (d) I prepared written materials and served as a speaker at the 2010 SC Bar Hot Tips from the Coolest Domestic Law Practitioners Seminar, on the topic "Child Support that is Off the Charts."
- (e) I served as the co-course planner for the 2011 SC Bar Family Law Intensive Workshop, "Dollars and Sense in Family Court" held over three days in Asheville, North Carolina in

THURSDAY, MAY 5, 2016

October of 2011. I selected the topics, arranged for the presenters, reviewed written materials, and attended/moderated the workshop.

(f) I prepared the written course materials (that were provided to attendees) and served as the moderator for the 2012 National Business Institute Seminar “What Family Court Judges Want You to Know.”

(g) I prepared written materials and served as a speaker at the 2012 SC Bar Seminar “Presenting the Family Court Case” on the topic “Preparing the Final Order.”

(h) I was a Panel Member for the 2012 SC Bar Family Court Bench Bar Seminar for the topic “Tell Me What I Want to Hear: Giving the Judge the Right Information at a Temporary Hearing.”

(i) I prepared written materials and served as a speaker at the 2013 SC Bar Hot Tips for the Coolest Domestic Law Practitioners, on the topic “Calculating Child Support for the Haves and the Have Nots.”

(j) I was a speaker at the Upstate Paralegal Association Seminar, “Putting Your Best Case Forward in Family Court,” held in October 2013.

(k) I served as the course planner for the 2013 SC Bar Family Law Intensive Workshop, “Twists and Turns of Child Custody in the Modern Age” held over the course of four days in Orlando, Florida in October of 2013. I selected the topics, arranged for the presenters, reviewed written materials, and attended/moderated the workshop

(l) I prepared written materials and served as a speaker at the seminar “In the Best Interest of the Child: 2014 Guardian ad Litem Training and Update” on the topic “Update on Parental Alienation.”

(m) I prepared written materials and served as a speaker at the 2014 Greenville County Bar Year End CLE, on the topic “Guardians Ad Litem: How Lawyers Hurt and Help Their Cases.”

(n) I prepared written materials and served as a speaker at the 2014 SC Bar Family Law Essentials Seminar, on the topic “Drafting Orders.”

(o) I prepared written materials and served as a speaker at the 2014 Hot Tips from the Coolest Domestic Law Practitioners, on the topic “Restraining Orders and the Right to Bear Arms.”

(p) I was the speaker at the Upstate Mediation Center Lunch & Learn Seminar, “Using the Child Support Calculator” held in December 2014.

THURSDAY, MAY 5, 2016

(q) I prepared written materials and served as a speaker at the 2015 SC Bar Convention, on the topic “What Domestic Attorneys Wish Probate Attorneys Knew.”

(r) I prepared written materials and served as a speaker at the 2015 Greenville County Bar Year End CLE, on the topic “Anticipating Death in Divorce.”

(s) I prepared written materials and served as a speaker at the 2015 Family Law Essentials Seminar, on the topic “Drafting Orders.”

(t) I prepared written materials and served as a speaker at the 2015 Hot Tips from the Coolest Domestic Law Practitioners, on the topic “Anticipating Death in Divorce.”

(u) I served as moderator at the 2016 SC Bar Convention for the panel “Hollywood Squares: The (Family Court) Rules Edition”

Mrs. Tiffany reported that she has published the following:

“Business Good Will in South Carolina,” SC Lawyer Magazine (May 2011), Co-Author

(4) Character:

The Commission’s investigation of Mrs. Tiffany did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission’s investigation of Mrs. Tiffany did not indicate any evidence of a troubled financial status. Mrs. Tiffany has handled her financial affairs responsibly.

The Commission also noted that Mrs. Tiffany was punctual and attentive in her dealings with the Commission, and the Commission’s investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Mrs. Tiffany reported that her rating by a legal rating organization, Martindale-Hubbell, Peer Review Rating, is AV Preeminent.

(6) Physical Health:

Mrs. Tiffany appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Mrs. Tiffany appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Mrs. Tiffany was admitted to the South Carolina Bar in 1995.

THURSDAY, MAY 5, 2016

She gave the following account of her legal experience since graduation from law school:

- (a) August 1995 to August 1996, Law Clerk to Honorable Henry F. Floyd, Circuit Court Judge for South Carolina
- (b) August 1996 to January 2006, Associate Attorney, Carter, Smith, Merriam, Rogers & Traxler, P.A.
- (c) January 2006 to present, Partner/Shareholder, Carter, Smith, Merriam, Rogers & Traxler, P.A.

From August 1996 to 2002, my practice consisted primarily of Family Court cases and clients, although I was involved in some Magistrate's Court, Probate Court and Common Pleas cases as well.

Since 2002, my practice has been devoted exclusively to Family Court cases and clients.

Mrs. Tiffany further reported regarding her experience with the Family Court practice area:

DIVORCE: I have handled the issue of divorce, both in conjunction with the other issues listed below, and as the sole issue in cases. I have handled cases involving divorces on all statutory grounds (one year separation; adultery; habitual drunkenness and physical cruelty), with the exception of desertion, which I have not seen raised in my 20 years in private practice. I have also handled at least one annulment action and one action involving common law marriage.

I prepared written materials and presented at the 2012 SC Bar Seminar "Presenting the Family Court Case" on the topic of preparing final orders. In my materials I provided an outline detailing each of the statutory grounds for divorce, including the code section, burden of proof and the findings required for such grounds.

EQUITABLE DIVISION/PROPERTY: While in private practice, I have dealt with the identification, valuation and division of many different types of marital property, including real estate, livestock, automobiles, retirement accounts (401(k)s, IRAs, annuities, pension plans, defined benefit plans and military retirement plans); investment accounts; stocks; stock options; restricted stock; insurance policies; capital loss carryovers; closely held businesses; professional practices; and personal property, to give examples.

In conjunction with property issues, I have also dealt with the identification and allocation of debts, including secured debts and unsecured debts; tax debts; and credit cards.

THURSDAY, MAY 5, 2016

In all of my cases, I have tried to be diligent and thorough in preparing detailed assets and debts lists supported with documentation or objective evidence.

In several cases I have worked with expert witnesses who have valued assets such as real estate, personal property, businesses and defined benefit plans, preparing direct and cross examination and educating myself on their methods.

I have dealt not only with issues involving marital property, but also those involving non marital property, such as defending against or pursuing claims of interest in non-marital property sought on the basis of transmutation and special equity.

I have drafted Qualified Domestic Relations Orders for the division of different types of retirement plans -- including the division of 401(k) plans; IRAs; pension plans/benefits for corporations; and defined benefit plans such as the South Carolina Retirement System, airline pilot benefit plans and military retirement plans.

CHILD CUSTODY: I have represented parents (married, unmarried, male and female) in custody and visitation actions. I have also represented third parties (grandparents, step-grandparents, and non-blood relatives) seeking custody of children. I have served as a guardian ad litem for children in numerous family court actions.

My experience includes actions for custody and visitation (in both "initial" actions raising these issues, and in actions seeking to modify custody and/or visitation). I have dealt with custody/visitation issues involving healthy children, children with special needs, children who are infants and children who are teenagers close to emancipation.

I have had to confront and address claims of physical abuse, neglect and parental alienation. I have worked with professionals (such as physicians, therapists and teachers) and expert witnesses (such as psychological and forensic custody evaluators) in connection with custody and visitation issues. I have also had to navigate complicated issues of biological and legal paternity.

ADOPTION: I have served as an attorney and a guardian ad litem in several adoption actions. These actions have involved both blood relative/step-parent adoptions as well as adoptions through private agencies. Some of these actions have also included actions for termination of parental rights -- such as for failure to visit and failure to support. Most of the actions have been uncontested, but

THURSDAY, MAY 5, 2016

(see below) I also have experience with highly contested and complicated adoption issues.

ABUSE & NEGLECT: I have served as 608 counsel (as an attorney and as a guardian ad litem), as substitute counsel and as privately retained counsel in actions for abuse and neglect. I have represented parents and third parties accused of abuse or neglect; I have represented third party caregivers seeking to intervene in abuse and neglect actions. I have represented alleged victims of abuse and neglect, including infants, young children, teenagers and the elderly. Some of these actions have been brief and concluded after one hearing. Others have lasted for several years at a time and required numerous hearings. My court appearances in these actions have included uncontested issues (such as agreements to treatment plans) as well as contested hearings (in removal actions, termination of parental rights, and permanency planning (issues such as relief from services, reunification/return to home, placement with third parties). Some contested hearings have lasted as little as one hour; others have extended over several days.

JUVENILE JUSTICE: I have not served as counsel of record in any Juvenile Justice matters. However, I have gained some knowledge and experience in this area through my work on Abuse and Neglect cases, especially as a guardian ad litem where companion DJJ action(s) were involved. In these action(s) I attended hearings on the companion DJJ action(s), reviewed DJJ records, and met with DJJ caseworkers. In 2012 and 2013, I have reviewed and studied in detail the applicable statutes and case law for DJJ actions in preparation for the Judicial Practice and Procedures test administered by the Judicial Merit Selection Commission. I will do so again as part of this current application process. More recently, I attended the 2016 Greenville County Year End CLE, which included a presentation on Juvenile Justice actions and issues.

Mrs. Tiffany reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: no appearances;
- (b) State: My schedule has varied, in which some weeks I would appear 3 to 4 times per week; other weeks only 1 or 2 times per week; occasional weeks with no court appearances.

THURSDAY, MAY 5, 2016

Mrs. Tiffany reported the percentage of her practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 0%;
- (b) Criminal: 0%;
- (c) Domestic: 100%;
- (d) Other: 0%.

Mrs. Tiffany reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 0%;
- (b) Non-jury: 100%.

Mrs. Tiffany provided that she most often served as sole counsel.

The following is Mrs. Tiffany's account of her five most significant litigated matters:

- (a) Elaine Nutting Greene v. Jackson Edward Greene, 1998-DR-23-1531

My partner Tom Traxler and I represented the Husband in this action, which involved a 10 year marriage; divorce on the grounds of (Wife's) adultery; equitable division of assets, as well as attorney's fees. The Husband had substantial real estate and other assets he had acquired prior to the parties' marriage. The Wife claimed, based on transmutation and special equity, that the Court should equitably divide the Husband's premarital real estate. My partner and I defended against these claims, arguing that the Husband's premarital real estate should be excluded from division. The property issues also included division of other assets, with a number of horses that had to be valued, auctioned and sold during the action; investment accounts and real estate acquired by the Wife with marital earnings during the marriage; and other real estate which the Wife contracted to buy prior to the date of filing of the action but did not close on until after the action was filed.

The Family Court found a 10% special equity interest in the Husband's premarital real estate which was included in the marital estate, but rejected the Wife's claim that the entire property had been transmuted. The Court also found that other assets acquired by the Wife during the marriage (including the real estate contracted before but closed after the action was filed, and rental income received by the Wife) were marital assets to divide.

The Wife appealed the Family's Court's ruling on transmutation of the Husband's premarital real estate; the amount of special equity interest awarded; the inclusion of the Wife's real estate and rental income in the marital estate; and the overall apportionment

THURSDAY, MAY 5, 2016

in the marital estate. Mr. Traxler and I continued to represent the Husband in the appeal. The Court of Appeals issued its opinion in August of 2002, reversing the Family Court's decision to include as marital assets the real estate Wife had contracted to buy but did not close on until after the action was filed; remanding to the Family Court to determine if the Husband had a special equity interest in this real estate; reversing the Family Court's decision to include Wife's post filing rental income in the marital estate; affirming the Family Court's finding that the Husband's premarital real estate had not been transmuted; affirming the Family Court's calculation of the Wife's special equity interest in this real estate; and affirming the Family Court's equal division of the marital estate.

I consider this one of my most significant cases because of the property issues my partner and I had to address both in the lower court and on appeal. It was my first extensive experience with the discovery, research and preparation of transmutation and special equity issues. I also had to deal with other unique property issues, such as farm equipment and horses, and the analysis of investment accounts and earnings. It was also my first experience with preparing appellate briefs.

(b) South Carolina Department of Social Services v. Sandra Ivester and Michael Truitt, 2001-DR-23-3179

I was appointed under Rule 608 as counsel for Defendant Michael Truitt in this action. DSS sought termination of Mr. Truitt's parental rights to his twin sons and infant daughter when in June of 2001, Mr. Truitt and the children's mother left all three children in the care of Mr. Truitt's mother and failed to return by the next morning. DSS took custody of the children and filed the action to terminate parental rights in July of 2001, alleging that Mr. Truitt had abandoned his children as defined in § 20-7-1572(7) and alternatively, that Mr. Truitt had harmed his children pursuant to § 20-7-1572(1). A two day contested merits hearing was held in November of 2001. Mr. Truitt was incarcerated during the time this action was pending and heard.

At trial, I argued that Mr. Truitt could not have abandoned his children as they were in the legal custody of their mother at the time pursuant to a previous court order. The Family Court terminated Mr. Truitt's parental rights, finding that Mr. Truitt had abandoned his children; that he had harmed them; and that termination of parental rights was in the children's best interests.

THURSDAY, MAY 5, 2016

After the Family Court issued its Order, I advised Mr. Truitt of his post-trial rights. I filed a Motion to Reconsider which was heard and denied by the Family Court. I then filed a Notice of Appeal on Mr. Truitt's behalf, and petitioned for In Forma Pauperis status for Mr. Truitt. The Court of Appeals granted In Forma Pauperis status to Mr. Truitt and instructed me to proceed with his appeal pursuant to In Re Cauthen which required DSS to pay for the cost of the transcript and the Record on Appeal.

I requested and reviewed the transcript of the Family Court proceedings; prepared initial and final briefs; and assembled the Record on Appeal on Mr. Truitt's behalf. In September of 2004, I appeared before the Court of Appeals for oral argument. In October of 2004, the Court of Appeals issued its opinion (see below) affirming the decision of the Family Court to terminate Mr. Truitt's parental rights.

I was not successful on Mr. Truitt's behalf in the lower court or on appeal. Yet I look back on this case as a true turning point in my practice. It was the first time I had a lengthy contested DSS matter; the first time I dealt "in depth" with the issue of termination of parental rights; the first appeal I handled completely on my own; and the first (and so far only) oral argument I have presented to our appellate courts. But most importantly, it was the first time I realized the importance of our rule 608 providing counsel for indigent parties -- and the obligation I had as an attorney for each one of my clients, regardless of their background, education, circumstances or station in life. Judge Williams was kind enough to include a footnote in the opinion he issued for the Court of Appeals commending me and the mother's attorney (also appointed by Rule 608) for our "thorough and zealous representation" of our court appointed clients. Those words spoke to me then, and they have continued to guide me in the years of my practice since then, driving me to live up to them with each and every client.

(c) Lesle Dean Long Cobin v. John Macarewich Cobin, et al., 2006-DR-23-4325

This case involved a short marriage of less than 5 years. The parties had one child, who was 6 months old at the time this action was filed. A Final Hearing took place in two installments - the first in 2008, spanning 7 days, and the second in 2009 nearly a year later, lasting one day.

THURSDAY, MAY 5, 2016

I represented the Wife. For most of the time this action was pending, the Husband represented himself.

I consider this case to be one of my most significant because of the sheer volume of work, time and effort involved. This case involved nearly every family law issue -- common law marriage; domestic violence; custody, with allegations of mental illness and alienation, requiring evaluations and testimony by experts as well as a lengthy and thorough investigation by a Guardian Ad Litem; support, with issues of imputation of income; non marital and marital property, with assets of different types, including stocks, trusts, closely held business (requiring valuation by an expert), real estate (in South Carolina and in a foreign country), insurance policies, annuities, stocks, investment accounts; attorney's fees, with experts retained on issues of custody and valuation of assets.

Although the Husband represented himself for much of the action, he filed numerous and voluminous motions with the Court, seeking relief and making allegations which required constant efforts to protect my client's interests as well as those of the minor child in my client's custody. From the time of filing to the conclusion of the Final Hearing, the Husband filed over 50 pro se Motions, Oppositions or Contempt actions, which were denied or dismissed by the Family Court. He also attempted to appeal a Temporary Order to the South Carolina and United States Supreme Courts. My client, staff and I had to constantly monitor assets which were in the Husband's name and under his control to try and prevent the Husband from disposing of assets in violation of temporary restraining orders that were in place. We were able to intervene before some assets were liquidated, but unfortunately the Husband did succeed in disposing of others. During the 2 and 1/2 years before the Final Hearing began in this matter, there was scarcely a day when I did not have to devote some time to this case. After the first installment of the Final Hearing, when final custody was awarded to my client and final child support was assessed, the Husband left the country, but continued to file motions from overseas.

The Husband did not appear at the conclusion of the Final Hearing. But after the Final Order was issued (which was over 100 pages long, and included an award of attorney's fees and litigation costs against the Husband as well as findings of contempt), the Husband initiated an appeal to the South Carolina Court of Appeals which was dismissed because the Husband refused to comply with the

THURSDAY, MAY 5, 2016

Appellate Court Rules requiring him to pay for the costs of the transcript. The Husband then attempted to seek a “Writ of Review” with the South Carolina Supreme Court, which was denied. My partners and I represented the Wife during both appellate actions, which lasted for nearly a year.

It was during this case that I felt that I truly embraced my role as an advocate for my client, providing her with the protection and help she needed, without regard for the time or cost (or fees that would take years for my client to pay). When the Husband’s behavior made me concerned for my own welfare, my partners stepped in to assist me without a moment’s hesitation. I was touched and humbled by their willingness to share in my responsibilities despite their own heavy caseloads.

(d) Jane Roe and John Roe v. Craig Reeves, Victoria Addis and Baby Boy, an infant, 2009-DR-23-0975

I was appointed as guardian ad litem for Baby Boy in this action, which was filed by adoptive parents seeking to adopt Baby Boy, who was the biological child of Mr. Reeves and Ms. Addis.

Mr. Reeves contested the adoption, and sought custody of Baby Boy. Although Ms. Addis signed a Relinquishment of Parental Rights and Consent for the Roes to adopt Baby Boy prior to the filing of the action, she initially supported Mr. Reeves’ claims for custody of Baby Boy. The Family Court awarded temporary custody of Baby Boy to the Roes but also awarded visitation privileges to Mr. Reeves and required him to pay child support for Baby Boy while the action was pending.

I conducted an extensive investigation on behalf of Baby Boy, who was born just days before this action was filed and who was 8 and 1/2 months old at the time of the Final Hearing. My investigation included several interviews with the parties; visits to both parties’ homes; interviews of numerous witnesses; reviewing transcripts of depositions taken; reviewing medical and other records; observing visitation exchanges; reviewing the statutes and case law pertaining to adoption; preparing a lengthy report detailing my investigation and its findings; and attending, participating in and testifying at the 2 day Final Hearing.

The Family Court found that Mr. Reeves’ consent was required in order for the Roes to adopt Baby Boy; that Mr. Reeves did not consent to the adoption; denied the Roes’ request for adoption, and awarded custody of Baby Boy to Mr. Reeves. When Mr. Reeves

THURSDAY, MAY 5, 2016

assumed custody of Baby Boy, Baby Boy had just celebrated his first birthday.

The Roes appealed the Family Court's Order to the Court of Appeals. The Supreme Court of South Carolina took certiorari and issued an opinion in May of 2011 (when Baby Boy was 2 years old) reversing the Family Court's decision, finding that Mr. Reeves' consent to adopt was not required and ordering Baby Boy returned to the custody of the Roes. Mr. Reeves petitioned for rehearing and later for Writ of Certiorari from the United States Supreme Court, both of which were denied.

I had served as guardian ad litem many times before this case, and had always done my best to fulfill my obligations in conducting my investigations; preparing my reports and representing the best interests of each one of my wards. But it was in this case that I felt, more than I ever had before, the weight of my responsibility as a guardian ad litem. I also realized how crucial it was for a guardian ad litem to fully and diligently comply with her obligations and to actively participate in the Final Hearing by cross examining witnesses and being prepared to testify (and submit to cross examination) regarding her investigation, observations and recommendations. Although the Family Court denied Baby Boy's adoption against my recommendation, I felt confident that I had fully and thoroughly represented my ward's interest. Further, when the Supreme Court reversed the Family Court, based in part on information I had presented in my report, I was grateful that I had taken the time and effort (and detailed notes) in my investigation.

(e) Sari L. Farrell v. Sean Farrell, 2009-DR-23-2900

I represented the Husband in this action, which involved a relatively brief marriage. Although issues were raised as to divorce, property division, alimony and attorney's fees, the primary issue was custody of the parties' special needs child, who suffered from Down's Syndrome as well as a number of other medical, physical and behavioral issues. At the time the case was filed, the child was 3 years old. The case was pending for nearly 3 years, and at the time of the Final Hearing in July of 2012, the child was 6 years old.

I consider this case to be the most significant custody action I have handled. The custody issue (which is difficult enough by itself), was complicated by the special needs of the child (which required an enormous amount of research and preparation on the child's

THURSDAY, MAY 5, 2016

medical, educational, therapeutic and living needs, and the parties' access to resources and abilities to meet these needs). The custody issue was made even more difficult by the geographic distance between the parties (the Wife lived in South Carolina, the Husband in Virginia), and the circumstances that arose during the 3 years the action was pending. A guardian ad litem was appointed who conducted a lengthy and very detailed investigation.

The Wife was represented by three different attorneys in the action. While the action was pending, the Wife claimed she had been diagnosed with and was being treated for cancer. She used this as a basis for delaying mediation but then refused to answer discovery requests inquiring about her medical conditions. At the request of the guardian ad litem, the parties submitted to forensic psychological and custody evaluations by a mental health expert. Both parties were deposed and literally volumes of medical and educational records for the minor child were compiled and exchanged in discovery.

The parties were awarded temporary joint custody, with primary placement remaining with the Wife, and Husband receiving specific placement privileges 1 to 2 times per month and more extended placement on holidays and during summers. The Husband did not initially seek sole custody, hoping that the issue could be resolved amicably. But while the action was pending, the Husband became concerned about the Wife's behavior toward him as well as toward the child (who had excessive absences from school and therapy), and he decided to seek primary custody of the parties' child.

The Final Hearing was scheduled and continued two times before it was finally heard in June of 2012, over a period of four days. The final hearing involved lengthy testimony by both parties, the examination and cross examination of mental health experts, the guardian ad litem as well as third party witnesses. Over 70 exhibits were entered into evidence. The Family Court awarded the Husband (who lived in Virginia) primary placement of the parties' child (who had been in the temporary primary placement of the Wife in South Carolina for nearly 3 years) and adopted the parenting plan proposed by the Husband. I prepared the Final Order, which was nearly 50 pages long (excluding exhibits and attachments).

This case required years of patience and diligence, not only from me but also from my client whose primary concern the entire time

THURSDAY, MAY 5, 2016

was the health, safety and well-being of his child. I am proud to have represented this client and to have been a part of helping him secure his child's medical, educational and physical care.

The following is Mrs. Tiffany's account of five civil appeals she has personally handled:

(a) Elaine (Nutting) Greene v. Jackson Edward Greene, et al., 569 S.E.2d 393 (Ct. App. 2002). Opinion Issued August 5, 2002.

I was co-counsel with my partner, Thomas Traxler, for Mr. Greene in the underlying action before the Family Court. Mr. Greene retained us to represent him in the appeal as well. I was largely responsible for preparing the brief(s) submitted on behalf of Mr. Greene. Mr. Traxler attended the oral argument before the Court of Appeals.

(b) South Carolina Department of Social Services v. Sandra Ivester and Michael Truitt, 603 S.E.2d 867 (Ct. App. 2004). Opinion Issued October 11, 2004.

I was counsel of record for Defendant/Appellant Michael Truitt, appointed by Rule 608 in the underlying Family Court action. At my client's request (who was incarcerated at the time) I filed a Notice of Intent to Appeal and handled the appeal, including review of the (very lengthy) transcript, preparation of the briefs, preparation of the Record on Appeal and the oral argument before the Court of Appeals.

(c) Lesle Dean Long Cobin/Respondent v. John Macarewich Cobin/Appellant, 2006-DR-23-4325. In the South Carolina Supreme Court, Appeal from the Greenville County Family Court, Supplemental Temporary Order of Timothy L. Brown dated April 2, 2007. Order Dismissing Appeal issued by the South Carolina Supreme Court on August 24, 2007. Order Requiring payment of Attorney's fees by Husband/Appellant to Wife/Respondent issued on October 17, 2007.

Tom Traxler and I were both listed as counsel of record. I was primarily responsible for the preparation of correspondence and submissions to the Supreme Court.

(d) Lesle Dean Long Cobin/Respondent v. John Macarewich Cobin/Appellant, 2006-DR-23-4325. In the South Carolina Court of Appeals, Appeal from the Greenville County Family Court, Final Order of William J. Wylie, dated May 14, 2009. Order(s) Dismissing Appeal and denying Motion to Reconsider issued by the South Carolina Court of Appeals on October 5, 2009; November 12, 2009; and December 8, 2009.

THURSDAY, MAY 5, 2016

Tom Traxler and I were both listed as counsel of record. I was primarily responsible for the preparation of correspondence and submissions to the Court of Appeals.

(e) Lesle Dean Long Cobin/Respondent v. John Macarewich Cobin/Appellant, 2006-DR-23-4325. In the South Carolina Supreme Court, Petition for Writ of Review(Certiorari). Order denying Petition for Writ of Review issued on March 8, 2010.

Tom Traxler and I were both listed as counsel of record. I was primarily responsible for the preparation of correspondence and submissions to the Supreme Court.

Mrs. Tiffany reported she has not personally handled any criminal appeals.

Mrs. Tiffany further reported the following regarding unsuccessful candidacies:

(a) I applied for Family Court, At-Large Seat 4 in August of 2012. I was found Qualified and Nominated for the position by the Judicial Merit Selection Commission. The Honorable Monet Pincus was elected to the position in January of 2013.

(b) I applied for Family Court, Thirteenth Judicial Circuit, Seat 5 in August of 2013. I was found Qualified and Nominated for the position by the Judicial Merit Selection Commission. The Honorable Tarita Dunbar was elected to the position in February of 2014.

(9) Judicial Temperament:

The Commission believes that Mrs. Tiffany's temperament would be excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Mrs. Tiffany to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament, and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Mrs. Tiffany is married to Peter Clifford Tiffany. She has two children.

Mrs. Tiffany reported that she was a member of the following Bar associations and professional associations:

(a) Greenville County Bar Association

(b) South Carolina Bar Association

Family Law Council, Member 2009 to present

Family Law Council, Secretary 2013-2014

THURSDAY, MAY 5, 2016

Family Law Council, Vice Chair 2014-2015

Family Law Council, Chair Elect 2015-2016

Mrs. Tiffany provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

(a) Paris Elementary School Improvement Council, 2007-2012

(b) Paris Elementary PTA
Member 2006 to present
Red Ribbon Week Coordinator 2007 to Present

(c) St. James Episcopal Church
Member 2000 to present
Vacation Bible School Volunteer 2010 and 2011
Nursery Volunteer 2010 - 2011
Children's Church Leader 2012 - present

(c) Leukemia and Lymphoma Society "Team in Training" Program

Fund Raiser/Participant in 2011 Savannah Rock 'n' Roll Half Marathon

Raised over \$4,000, trained for and completed Half Marathon course

Mrs. Tiffany further reported:

I have practiced almost exclusively as a Family Court lawyer for 20 years. My partners and I have set high standards for each other and our practice that I have strived to attain. I have tried to improve my knowledge and experience by tackling difficult issues in litigation and by researching and presenting on novel legal issues at CLE's.

I intend to bring to the bench the same drive and eagerness to learn that I have applied to my 20 years of private practice. If I have the honor of serving as a Family Court Judge, I plan to devote myself to my responsibilities for as long as I am nominated and elected to serve.

(11) Commission Members' Comments:

The Commission found that Mrs. Tiffany has extensive experience in Family Court, particularly in handling complex, contested matters. The Commission found that she is well-spoken and exhibits an excellent temperament. The Commission additionally found that Mrs. Tiffany performed exceptionally well on the practice and procedure test.

THURSDAY, MAY 5, 2016

(12) Conclusion:

The Commission found Mrs. Tiffany qualified and nominated her for election to the Family Court.

James Crayton Alexander

Family Court, Thirteenth Judicial Circuit, Seat 4

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Alexander meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Alexander was born in 1949. He is 67 years old and a resident of Marietta, South Carolina. Mr. Alexander provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1974.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Alexander.

Mr. Alexander demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Alexander reported that he has made approximately \$90.00 in campaign expenditures for business cards and name badges.

Mr. Alexander testified he has not:

(a) sought or received the pledge of any legislator prior to screening;

(b) sought or been offered a conditional pledge of support by a legislator;

(c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Alexander testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Alexander to be intelligent and knowledgeable. His performance on the Commission's practice and procedure questions met expectations.

THURSDAY, MAY 5, 2016

Mr. Alexander described his continuing legal or judicial education during the past five years as follows:

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Social Security Disability	08/27/2010;
(b) Annual Title Seminar (TIPS)	11/15/2010;
(c) Annual TIPS Seminar	11/07/2011;
(d) Everything You Need to Know about Ethics	01/13/2012;
(e) I have been exempt from CLE requirements since 2012.	

Mr. Alexander reported that he has taught the following law-related courses:

- (a) I taught an off campus business law class while I was in the Air Force in Valdosta, Georgia in approximately 1976 for Troy University for one or two years.
- (b) I taught an on campus night business law class at Southern Wesleyan University in Central, South Carolina from approximately 2002 until 2004.

(4) Character:

The Commission's investigation of Mr. Alexander did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Alexander did not indicate any evidence of a troubled financial status. Mr. Alexander has handled his financial affairs responsibly.

The Commission also noted that Mr. Alexander was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Alexander reported that his rating by a legal rating organization, Martindale-Hubbell, Peer Review Rating, is:

I did not participate in legal rating organizations. However, I checked Martindale-Hubbell and there is one rating from a client of Preeminent 5.0 out of 5.

Mr. Alexander reported the following military service:

Yes, I served in the United States Air Force on active duty from 1974–1978. The highest rank attained was Captain and I received an honorable discharge.

THURSDAY, MAY 5, 2016

(6) Physical Health:

Mr. Alexander appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Alexander appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Alexander was admitted to the South Carolina Bar in 1974.

He gave the following account of his legal experience since graduation from law school:

(a) I served in the Judge Advocate General's Department of the US Air Force from 1974-1978. I advised the base commander on military legal issues, advised military personnel on civil issues, and served as a prosecutor for military courtmartials. I served as an area defense counsel representing airmen who were charged with violations of the Uniform code of Military Justice.

(b) I joined the Law Office of John Bolt Culbertson in Greenville, SC in 1978 as an associate attorney. Eventually, this arrangement was changed to a partnership of Culbertson, Christian, Moorhead, and Alexander, and I was one of the partners. This firm was a general practice law firm. I represented clients in the Family Court for domestic litigation and juvenile adjudications, handled civil cases involving auto accidents, workers compensation accidents, and other general civil litigation, and defended clients charged with criminal offenses in General Sessions Court. The partnership ended in 1983.

(c) I formed a partnership with Capers Bouton in 1983 in Greenville, SC, and we practiced as Bouton, Bouton, and Alexander. My law practice continued to be substantially the same. This partnership ended in 1987 and I accepted an offer to join a firm in Pickens, South Carolina.

(d) I joined the firm of Coyle and Hughes in 1987, practicing with Redmond Coyle and Murray Hughes. This firm was involved in Family Court litigation, Social Security litigation, personal injury litigation, criminal defense work, and real estate closings. My primary areas of practice were in Family Court domestic relations cases, personal injury cases in Common Pleas Court, and

THURSDAY, MAY 5, 2016

assisting Mr. Coyle as the Pickens County Public Defender. In that capacity, I primarily represented appointed clients in juvenile adjudications in the Family Court. This firm ended in 1991 and I formed a partnership with Mr. Coyle in 1991.

(e) Mr. Coyle and I practiced as Coyle and Alexander until 2002, with my areas of work being substantially the same, with the addition of some real estate work. After Mr. Coyle resigned as public defender, I continued to handle General Sessions cases and juvenile adjudications in Family Court.

(f) I practiced as a sole practitioner from 2002 until my son, Steven L. Alexander, joined the firm in 2003. During 2002-2003, I handled the same type of cases that I previously handled, and added social security disability work and became a licensed Title Insurance agent. I also began working as the City Attorney for the City of Liberty, SC.

After Steven L. Alexander joined the firm in 2003, my practice was substantially the same with the exception of General Sessions cases which Steven handled. I no longer represent defendants in DSS cases as Steven is the contract attorney for the volunteer Guardian program in Pickens County. I do handle DSS cases representing defendants on occasion if I already represent a client on another matter, and Steven would be conflicted out of the case anyway. I represent the volunteer guardians in DSS cases when Steven has a scheduling conflict. We now practice as The Alexander law Firm, LLC.

Mr. Alexander further reported regarding his experience with the Family Court practice area:

I have practiced in the Family Court on a regular basis since 1978. I have handled many contested cases involving divorce, child custody, visitation and placement, equitable division of marital property and debts, abuse and neglect cases involving DSS, and juvenile adjudication. Handling cases in the Family Court has always been a substantial part of my practice. I estimate that up to 40% of my practice in any given year involves Family Court cases, and most of these cases have contested issues. During my partnership with Mr. Coyle, I handled many juvenile adjudications, although now my son handles those types of cases as that is one of his interests. I have had a lot of experience in

THURSDAY, MAY 5, 2016

practically every type of situation that can come into the Family Court. I have been in cases involving DSS throughout my career, appointed and privately retained. My son is the attorney for the volunteer guardian program in Pickens County and I will substitute for him representing the guardians and have been able to keep up with that area of the Family Court. I have an extensive background in the Family Court in all types of cases and I believe that this experience has prepared me to deal with any issues as a Judge.

Mr. Alexander reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: Handled one case in Federal District Court and that case settled and did not involve a Court Appearance. I appear in front of Social Security Administrative Law Judges for social security disability cases on an average of 20-25 times per year.
- (b) State: I have an active trial practice and I am in the Family Court or Common Pleas Court an average of one to two times per week.

Mr. Alexander reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 40%;
- (b) Criminal: 0%;
- (c) Domestic: 40%;
- (d) Other: 20%.

Mr. Alexander reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 10%;
- (b) Non-jury: 90%.

Mr. Alexander provided that he most often served as sole counsel.

The following is Mr. Alexander's account of his five most significant litigated matters:

- (a) Childers vs. Childers (Anderson County Family Court, citation unknown): The parties were divorced and the mother received custody of two children. Subsequent to the divorce proceeding, I represented the father in bringing a substantial change of circumstances action as to custody of the youngest child who was a teenage. Numerous contested hearings over a long period of time were held. Settlement negotiations were very difficult because of the extreme personality differences of the parties. One party was extremely strong willed and the other party

THURSDAY, MAY 5, 2016

was very submissive. However, the case was eventually settled by an agreement. The lawyers had developed a good and amicable relationship during the case and this helped with reaching a settlement. The lawyers would not give up and negotiated a settlement, not just that the parties could live with, but that actually satisfied both parties. The significance is that this is an example that a case has a much better chance of being settled by agreement if the lawyers involved act professional and with courtesy and have a good working relationship with each other.

(b) Dodgens vs. Duke Energy 2011-CP-39-1097: This case involved litigation over the location and number of docks on one piece of lake front property on Lake Keowee and the right of Duke Energy to regulate these matters. Lake Keowee is a manmade lake and is publicly regulated by Duke Energy. By its very nature, lake front property owners and Duke Energy are often involved in emotional and contentious issues, particularly if the land has been handed down through a family who owned land prior to the creation of the lake. In Pickens and Oconee counties some families still believe they were unjustly deprived of their land when the lake was created and still harbor deep emotional animosity toward Duke Energy. My client had three docks on their lakefront property and Duke Energy wanted this one tract of property divided into three separate tracts, which would substantially increase their taxes. This was a contentious case. Issues of recusal of the trial Judge came up but the case was eventually tried non-jury and an order was issued that essentially gave some relief to each party, which did not satisfy either party.

There are two significant points for this case. Throughout this emotional and contentious litigation between the parties, the other lawyer and I developed a good working relationship and we did not allow the emotionally contentious nature of the litigation to get between us or affect us. Both of us handled this case from a professional standpoint and we both treated all lawyers, litigants, and witnesses with the courtesy required. This good working relationship was important to a successful resolution of this case. After the order was issued, both sides filed motions for reconsideration. While the trial judge was considering both motions, the other lawyer and I were able to schedule a settlement conference and we were able to settle this case and reach an agreement with which my clients were completely satisfied and that allowed them to get on with their lives in a positive way. This

THURSDAY, MAY 5, 2016

agreement was only possible because of the good relationship developed by the two lawyers. This is a lesson that I learned early in my practice and it has always proven to be true. Lawyers can disagree without being disagreeable and when lawyers act in a professional and courteous manner, they do their clients a great service. A second significant point is that I was able to be involved in a case where a potential conflict of interest for the trial judge came up and I was able to experience how that potential conflict was involved. This experience will assist me in resolving similar future situations.

(c) Young vs. Young 2004-DR-39-832: The Court had issued a final divorce order that divided marital property. A contempt action was filed against my client in 2009 which involved his actions as to the marital property distribution. My client was retired and this case involved substantial monetary amounts. The Court on its own raised a jurisdictional issue because the case involved a division of marital property in a prior final order. The Court found that it was without jurisdiction, even though the other party did not raise this issue, that it could not consider or determine his claims, found him in willful violation of the prior order, and imposed a significant penalty and sanctions. A notice of intent to appeal was filed. Subsequently, an agreement was reached at a settlement conference between the parties and attorneys and the appeal was dismissed. This is another case where the lawyers worked well together and shows that hard cases can be settled if lawyers get along with each other and do their job properly. Also, this case allowed me the opportunity to deal with a jurisdictional issue, not raised by the other party, but by the trial judge.

(d) First Citizens vs Chappell, 2009-CP-39-1144: A bank sued my client for a deficiency balance due on a loan in his name for a car that had been purchased for his ex-wife while they were married. The issue involved the interpretation of sections of the Uniform Commercial Code as to whether the contract was only a financing agreement (client's position) or whether it was a hybrid document that also included a sales agreement (bank's position). The statute of limitations was either 6 years (bank wins) or 3 years (client wins because the bank waited 5 years to file). This was a case of first impression in South Carolina on the issue presented as neither lawyer could find any South Carolina cases on point. The case was tried non-jury in Common Pleas Court and resulted in judgment in favor of my client. The bank chose not file an appeal.

THURSDAY, MAY 5, 2016

This case allowed me to be involved in a case of first impression on a legal issue and obtain some experience in how a trial Judge handles that issue.

(e) Moroney vs. Moroney, 2014-DR-39-90: This Family Court case involved two parties who had prior marriages with both having significant property at the time of this marriage. The issues involved identifying the marital property and debts to be divided, transmutation of pre-marital property into marital property, and other like issues. There was a lot of personal property of substantial value and real issues as to what was marital. The case did not settle at mediation but did settle on the day of trial when the lawyers and the 2 parties held a joint settlement conference and the 2 parties essentially resolved the remaining issues and settled the case. This case is significant because it shows that some cases have a better chance to settle if the parties sit down together and talk to one another. Most mediation sessions are done without the parties ever talking to one another and being in separate rooms because that just sometimes makes a bad situation worse. This procedure works in most cases but there are some cases, such as this one, where the parties themselves are better able to settle a case and we as lawyers need to be able to recognize those situations, and get out of the way. The other significance is that both lawyers were well prepared for a trial and this showed me once again what I already knew, that good trial preparation facilitates good settlements.

The following is Mr. Alexander's account of four civil appeals he has personally handled:

(a) OHC Properties, LLC vs. Dewey E. and Starr Pajela, 2007-CP-39-1067. I represented the Pajelas in Pickens County and filed an appeal on their behalf when the Trial Judge granted summary Judgment to plaintiff. After I filed appellant's Initial Brief and Designation of Matter to be Included in The Record on Appeal, the plaintiff conceded that the order of the trial Judge should be vacated and the case should be remanded for trial. The Trial Judge approved this agreement and the case was remanded. Eventually, the case settled.

(b) The Cliffs at Keowee Community Association, Inc. vs. Roger L. and Lynne O'Donald and Cornerstone National Bank, 2001-CP-39-1808. I represented the O'Donalds and a motion for summary judgment was granted in favor of the plaintiff and defendant O'Donald appealed. The Court of Appeals upheld the Trial Court in an unpublished opinion, citation unknown.

THURSDAY, MAY 5, 2016

(c) Ed Frierson, IV, Virginia Frierson, and Allie S. Frierson vs. David L and Patricia Watson and Carolina First Bank, 2002-CP-39-1808. I represent the Friersons and my Motion for Summary Judgment was granted by the trial Judge and defendants Watson appealed. The Court of Appeals upheld the trial Court in a published opinion, 271 S.C. 60 (S.C.App. 2006).

(d) Matthew H. Willimon and Elizabeth Willimon vs. Jake Gilstrap, Thomas R. Gilstrap, Sr., John Gilstrap, Yvonne G. Smith, Jason A. Smith, and Patricia Gilstrap, 2012-CP-39-144, Op. No. 2016-UP-202 (S.C.Ct.App. filed January 20, 2016) . I represented the plaintiffs in a right of way issue. After a bench trial, the Judge issued an order which granted certain relief to both parties. Plaintiffs appealed and the Court of Appeals affirmed in an unpublished opinion.

Mr. Alexander reported he has not personally handled any criminal appeals.

Mr. Alexander further reported the following regarding unsuccessful candidacies:

- (a) Yes, I was a candidate for seat 5 of the Family Court, Thirteenth Judicial Circuit, 2013-2014.
- (b) I was a candidate for seat 1 of the Circuit Court, Thirteenth Judicial Circuit, 2014-2015.

(9) Judicial Temperament:

The Commission believes that Mr. Alexander's temperament would be excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Mr. Alexander to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament, and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Mr. Alexander is married to Linda Sue Whitlock Alexander. He has three children.

Mr. Alexander reported that he was a member of the following Bar associations and professional associations:

- (a) I belong to the South Carolina Bar Association.
- (b) I belong to the American Bar Association.

Mr. Alexander provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) I am a member of First Baptist Church of Pickens.

THURSDAY, MAY 5, 2016

Mr. Alexander further reported:

I have been involved and worked with people in many ways, including through my Church and civic organizations. I am a member of Pickens First Baptist Church and have served as a deacon, member of many committees, and as a Sunday School Teacher. I have taught an adult Sunday School class for many years. One committee, on which I served, is the Benevolence committee which involved me in a part of society in a personal way whereby I saw families in need and which in many cases involved dysfunctional families. This experience has given me much insight into the dynamics of family relationships. I served on the Pickens Recreation Commission which oversees all youth programs in the Pickens area, and I have coached many youth sports teams. Seeing and dealing with the problems of children and parents in youth sports was challenging but rewarding, and eye opening. These experiences were and still are invaluable in helping me deal with people on a personal level and has helped me relate better to my clients and their legal problems.

(11) Commission Members' Comments:

The Commission commented that Mr. Alexander is articulate and would exhibit a good judicial temperament. The Commission further noted that Mr. Alexander has extensive Family Court experience.

(12) Conclusion:

The Commission found Mr. Alexander qualified and nominated him for election to the Family Court.

Karen Sanchez Roper

Family Court, Thirteenth Judicial Circuit, Seat 4

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mrs. Roper meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mrs. Roper was born in 1969. She is 46 years old and a resident of Pickens, South Carolina. Mrs. Roper provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1994.

THURSDAY, MAY 5, 2016

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mrs. Roper.

Mrs. Roper demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mrs. Roper reported that she has made \$166.49 in campaign expenditures for postage, name tags, and cards.

Mrs. Roper testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mrs. Roper testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mrs. Roper to be intelligent and knowledgeable. Her performance on the Commission's practice and procedure questions met expectations.

Mrs. Roper described her continuing legal or judicial education during the past five years as follows:

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Greenville County Bar Year End CLE	02/12/16;
(b) SC Family Court Bench/Bar	12/04/15;
(c) Representing Defendant Parents in DSS Abuse/Neglect	09/18/15;
(d) Pickens County Bar Ethics Seminar	08/20/15;
(e) Divorce Litigation from Start to Finish	08/17/15;
(f) Identifying Representation Issues: Strategizing Solutions	05/01/15;
(g) Greenville County Bar Year End CLE	02/13/15;
(h) OID Abuse & Neglect Contract Attorneys	09/05/14;
(i) OID Abuse & Neglect Contract Attorneys	02/21/14;
(j) 60 Tips for Small Firm Lawyers	02/17/14;
(k) Family Court Bench/Bar	12/06/13;
(l) SC Local Government Attorneys Institute	11/22/13;
(m) Cellphone Forensics: Call Me	02/18/13;

THURSDAY, MAY 5, 2016

- (n) Cellphone Forensics: Using Protection for Cell Phones 02/18/13;
- (o) Estate Administration Procedures 12/17/12;
- (p) SC Local Government Attorneys Institute 12/07/12;
- (q) Dollars & Sense in Family Court 02/08/12;
- (r) SC Local Government Attorneys 12/09/11;
- (s) Lawyer Mentoring Second Pilot Program 04/13/11;
- (t) Hot Tips for the Solo/Small Firm Practitioner 02/15/11;
- (u) Legal Ethics: Hot Topics 12/13/10;
- (v) 2010 Hot Tips from the Coolest Domestic Practitioners 10/01/10.

Mrs. Roper reported that she has taught the following law-related courses:

- (a) I have given presentations on Identifying Representation Issues, Representing Defendant Parents in DSS Abuse and Neglect Actions, and Strategizing Solutions, at CLEs sponsored by the Children's Law Center for attorneys representing DSS, guardians ad litem, and Defendant parents.
- (b) I have given a presentation on the Trial of a Divorce Case in a Divorce Litigation from Start to Finish seminar sponsored by National Business Institute.
- (c) I have given a presentation on Debt Collections Law in a seminar sponsored by National Business Institute.
- (d) I taught a six-week legal education course for students enrolled in a paralegal studies program in the 1990s, but I do not recall the name of the sponsoring entity.

Mrs. Roper reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Mrs. Roper did not reveal evidence of any founded grievances made against her. The Commission's investigation of Mrs. Roper did not indicate any evidence of a troubled financial status. Mrs. Roper has handled her financial affairs responsibly.

The Commission also noted that Mrs. Roper was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Mrs. Roper reported that she is not rated by any legal rating organization.

THURSDAY, MAY 5, 2016

- (6) Physical Health:
Mrs. Roper appears to be physically capable of performing the duties of the office she seeks.
- (7) Mental Stability:
Mrs. Roper appears to be mentally capable of performing the duties of the office she seeks.
- (8) Experience:
Mrs. Roper was admitted to the South Carolina Bar in 1994.

She gave the following account of her legal experience since graduation from law school:

- (a) Associate, Laddaga, Crout & Drachman, P.A., Charleston, South Carolina, 1994-1997. Handled general civil litigation, primarily focused on debt collection and domestic litigation.
- (b) Owner/Partner, Roper Law Firm, LLC, 1997 – present. I handle primarily domestic litigation, probate matters, and local government representation.

Mrs. Roper further reported regarding her experience with the Family Court practice area:

1. Divorce and Equitable Division of Property: Over my years of practice, I have handled numerous divorce actions involving the equitable division of property. I have represented clients in contested divorce cases based upon the statutory grounds of adultery, physical cruelty, habitual drunkenness/drug abuse, and continuous separation for more than one year. I have experience preparing clients and other witnesses for the necessary testimony to establish grounds for divorce. I have also handled contested actions to establish a marriage by common law prior to seeking a divorce and equitable division of property. I have prepared numerous financial declarations for Family Court, and am familiar with reviewing tax returns and other financial documents necessary to establish accurate financial information where my client believed a spouse was attempting to hide income or other assets. I have successfully obtained alimony for clients, including periodic and lump sum alimony, as well as successfully defended clients who sought to preclude an award of alimony. I have prepared multiple Qualified Domestic Relations Orders (QDROs) regarding the division of retirement accounts, as well as handled cases involving military pensions. I have also drafted numerous marital settlement agreements detailing the terms of equitable division agreed upon by the parties and prepared any

THURSDAY, MAY 5, 2016

accompanying deeds or other legal documents necessary to accomplish the division of property as contemplated in the agreement.

2. Child Custody: I have handled contested custody litigation on behalf of parents, as well as served as guardian ad litem for children in contested custody matters. I have experience preparing a parent's testimony for direct and cross examination at trial. After the onset of mandatory mediation in Family Court, most of my contested custody cases are now able to resolve prior to trial. I became a Certified Family Court Mediator in 2006, and am an enthusiastic advocate of mediation. I believe that resolution through mediation, while not perfect, is usually preferable to a contested custody trial. I always advise my clients that mediation allows the client to decide what he or she can live with; but in a trial, the Family Court judge will decide what my client must live with. I have experience drafting detailed custody and visitation agreements addressing child support, insurance coverages, day care or after school care, educational expenses, restrictions on parental conduct, and many other terms. My approach is to tailor agreement terms specifically to the needs of the family involved, rather than a one-size-fits-all approach. Custody and visitation orders often need to incorporate flexibility that will accommodate changes as the child grows older. A visitation schedule that works well when a child is an infant may become impractical when the child is a teenager. In any custody or visitation matter, each family is unique, and the goal is to achieve a resolution that will serve the long term needs of that family.

3. Adoption: I have handled many adoption actions on behalf of step-parents and other relatives, including termination of parental rights actions. I have prosecuted contested termination and adoption actions on behalf of private parties and DSS, and I have also defended these actions on behalf of biological parents. I have prepared many relinquishments of parental rights and am familiar with the process of obtaining an informed, voluntary relinquishment from a biological parent for the purpose of adoption. I am familiar with the statutory requirements for adoption and our state's policy regarding achieving permanency for the child.

4. Abuse and Neglect. I have extensive experience handling cases of abuse and neglect through the varied perspectives of a defense attorney, a prosecuting attorney, and a guardian ad litem.

THURSDAY, MAY 5, 2016

Since beginning to practice law, I have actively practiced in this area. As an associate at Laddaga, Crout, & Drachman, P.A., I handled all of the abuse and neglect appointments for the firm, as well as served as appointed guardian ad litem in these cases. I worked as a contract attorney with Berkeley County DSS and Greenville County DSS, handling emergency hearings, abuse and neglect hearings, and termination of parental rights hearings. I now focus my practice on defending parents involved in DSS actions, and work as contract attorney for the SC Commission on Indigent Defense. I regularly handle a large number of abuse and neglect cases on the Pickens County docket each week. These experiences have given me a strong knowledge base regarding the statutory requirements in abuse and neglect cases, as well as a familiarity with some of the challenges facing our court system in trying to administer these cases in a timely manner.

5. Juvenile Justice: I have handled juvenile justice cases, but have not found a large client base seeking privately retained attorneys in these matters. Most of the juvenile cases in Pickens County are handled by the public defender's office. I do have experience handling a juvenile case through trial, where I was able to obtain a directed verdict on behalf of my client. The remaining juvenile cases I handled were successfully resolved through a juvenile diversion program. I have handled several DSS cases that arose out of an initial DJJ action; therefore, I am familiar with relevant statutes and DJJ policies and procedures. Through my representation of the School District of Pickens County, I also frequently deal with various juvenile issues related to expulsion hearings and truancy matters.

Mrs. Roper reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: 0;
- (b) State: 1-3 times per week.

Mrs. Roper reported the percentage of her practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 0%;
- (b) Criminal: 0%;
- (c) Domestic: 70%;
- (d) Other: 30%.

Mrs. Roper reported the percentage of her practice in trial court during the past five years as follows:

THURSDAY, MAY 5, 2016

- (a) Jury: 0%;
- (b) Non-jury: 100%.

Mrs. Roper provided that she most often served as sole counsel.

The following is Mrs. Roper's account of her five most significant litigated matters:

(a) Galloway, et. al., v. SCDSS, et. al., Case No. 2003-CP-39-959: This was initiated as a probate case for the purpose of bringing a wrongful death and survival action on behalf of the grandmother of a child who died while in the custody of SCDSS from injuries inflicted by the foster mother. This case presented the issue of whether a grandmother had standing to seek appointment as Personal Representative of her grandchild's estate, when the grandchild's parents had their parental rights terminated prior to the child's death, but without a final order of adoption. I filed the initial action in Pickens County Probate Court, seeking appointment of the grandmother as Personal Representative. DSS opposed the appointment, and after a contested hearing in Probate Court, the judge agreed with my client and found that the grandmother's right to serve as Personal Representative was not extinguished by the termination of the parents' rights. My client was appointed as Personal Representative of her granddaughter's estate, and I filed suit in the Court of Common Pleas for the Thirteenth Judicial Circuit. The case proceeded through a protracted discovery phase, which included depositions of DSS employees and medical personnel. My client settled the portion of the case against the foster parents, one of whom had pled guilty to homicide by child abuse and was serving a prison sentence. The case against DSS was unable to settle and proceeded to jury trial in 2005. Due to the application of the SC Tort Claims Act, we faced a high burden of proof at trial, and would be unable to recover any damages against DSS unless we could prove gross negligence. Despite the evidence of escalating injuries to the child prior to her death, the jury decided that the gross negligence standard was not met. Although not successful, this case was an extremely important learning experience for me in conducting extensive discovery, deposing DSS witnesses, becoming informed on the DSS policies and procedures for the approval of foster parents, and preparing and presenting a case to the jury.

(b) Southern v. Mitchell, 1997-DR-10-0870: This was a domestic action filed by my client (wife) seeking establishment of a common law marriage, divorce on the ground of adultery,

THURSDAY, MAY 5, 2016

custody, child support, alimony, and equitable division of assets and debts. The parties lived together for many years, had children together, and started a business together. At the temporary hearing, my client obtained custody and child support, and the remaining issues were bifurcated for trial. A contested trial was held solely on the establishment of marriage by common law, where we presented evidence that husband previously testified by deposition in a personal injury lawsuit that he considered himself married to wife. The Court found that a common law marriage had been established, and a final hearing was scheduled on the divorce and related relief. The final hearing involved complex issues surrounding the valuation and division of the family business, as well as multiple tracts of real property, including property that husband received by inheritance but that wife argued had transmuted into marital property. These issues were complicated by obstacles presented in the discovery process, eventually necessitating an Order to Compel Discovery. After the final hearing, my client was awarded a divorce, custody, child support, and an equitable share of the marital assets. This case was significant because it was my first experience proving a marriage by common law and the transmutation of non-marital property into marital property. In addition, I gained knowledge on the unique issues sometimes presented by the valuation and division of a family business. Finally, this case was also a valuable learning experience in how to navigate challenging issues with opposing counsel to obtain answers to our discovery requests.

(c) SCDSS v. Shepherd, 2005-DR-39-434 & -0115: This was an action by Pickens County DSS against my client, the mother of two children. The children had been removed from the mother and placed in foster care due to my client's substance abuse issues. My client was serving a prison term and sought to have her children moved from foster care to the home of relatives. DSS approved the relatives for custody, but this placement was inexplicably delayed for 15 months, while the children remained in foster care. During this time, the foster parents decided that they wanted to adopt the children. The foster parents filed a Motion to Intervene and Complaint for Termination of Parental Rights and Adoption on the grounds of diagnosable condition, failure to remedy the conditions that caused removal, failure to visit, and failure to support. The actions were consolidated and a two-day trial was held. In the intervening time, my client was released from prison and was

THURSDAY, MAY 5, 2016

complying with treatment services. Multiple witnesses, including an expert witness, testified regarding the custodial arrangement that would serve the best interest of the children. At the conclusion of trial, the court required all parties to submit post-trial briefs on the issues. Ultimately, the court determined that although the foster parents did prove sufficient grounds for termination of parental rights, the best interest of the children would be served by placement with the relatives, rather than adoption. The court ordered a gradual transition to the relatives' custody, with counseling for the children to aid in the transition. The court's decision also addressed the importance of ensuring that guardians ad litem conduct a balanced investigation before making recommendations regarding custody. This case was significant because it involved multiple witnesses, including the DSS caseworker, the guardian ad litem, the expert witness, and the relatives, all having conflicting opinions as to the best interest of the children. This case also underscored the importance of achieving a timely permanent plan for children, as delays in the system can have a significant impact on the children's lives.

(d) Joplin v. Joplin, 2012-DR-39-1192: This was an action for divorce brought by the wife against my client, the husband. Wife sought a divorce on the ground of adultery, custody, child support, alimony, a share of husband's retirement account, award of the marital home, equitable share of other real properties, restraining order, and attorney's fees. This was a contentious situation between the parties, due to the adultery allegations and the vastly different opinions on husband's amount of income derived from self-employment and commissions. A contested temporary hearing was held, with multiple affidavits submitted by each party. The court determined that the parties would share joint custody, with primary placement to wife and secondary placement to husband. We were successful in persuading the court to accept husband's income as stated on his Financial Declaration and deny wife's request for temporary alimony. The case then proceeded to the discovery phase, where the attorneys attempted to achieve an amicable resolution for our clients; however, the adultery allegations and other volatile situations between the parties continued to thwart our efforts. However, when we mediated the case with the Honorable Stephen Bartlett, we were able to successfully resolve all issues. We were able to negotiate a joint custodial arrangement, equitable division of the real property, with

THURSDAY, MAY 5, 2016

waivers of claims to alimony or retirement accounts. This case was significant because both parties were active, engaged parents who were determined to keep custody of their children. I do not think we would have resolved this case without mandatory mediation. With the assistance of the mediator, both parties realized that they could set aside their differences and reach an acceptable resolution that would keep both parents actively involved in their children's lives. Once the custody issue was resolved, all other issues resolved rather quickly.

(e) SCDSS v. Hitt, et al, 2015-DR-39-545 & 2014-DR-39-862: This was initially a removal action brought by DSS based upon allegations of physical neglect to three children. The parents had a volatile marital history, including mutual accusations of violence and drug abuse, and separated shortly after the children were placed in foster care. At some point after the children were placed in foster care, one of the children (4 years old) allegedly disclosed past sexual abuse to the foster parents. DSS arranged for the child to undergo a forensic interview, during which the child denied any abuse occurred. Several weeks later, DSS arranged for a second forensic interview, where the child then repeated the abuse allegations and named the father as the perpetrator. DSS filed a second action based upon the allegations of sexual abuse, and I was appointed to represent the father. The father also faced pending criminal charges. My client adamantly denied the allegations. At trial, DSS sought to present the child's out-of-court statements through hearsay witnesses as provided under S.C. Code §19-1-180; namely, the forensic interviewer and the child's counselor, both of whom were licensed as Master Social Workers. We filed a motion to exclude this testimony because the parents were separated at the time the statements were made, and §19-1-180 provides that these statements are admissible only if made to "a licensed family counselor or therapist." We argued that according to SC LLR, the licensure requirements of a Master Social Worker are separate and distinct from the licensure requirements of a Professional Counselor or Marriage and Family Therapist, and as such, a Master Social Worker would not qualify as "a licensed family counselor or therapist" under the statute. We also sought to exclude the statements because they did not contain "particularized guarantees of trustworthiness" under the statute. After viewing both forensic interviews of the child, it appeared that DSS selectively offered only offered those statements that were

THURSDAY, MAY 5, 2016

consistent with the abuse allegations in its Complaint and disregarded multiple statements that denied the abuse allegations. In addition, the use of suggestive and leading questions in the child's interview also cast doubt upon trustworthiness of the statements. After arguments on the motion, the trial judge disagreed and ruled that as long as a witness holds a license with SC LLR and also conducts counseling, that witness should be considered "a licensed family counselor or therapist" under §19-1-180, and that the statements did have sufficient guarantees of trustworthiness to present at trial. During trial, we focused on pointing out the inconsistencies in the child's statements, as well as deficiencies in the forensic interviewer's process. However, at the conclusion, the Court found that DSS did prove the allegations by a preponderance of the evidence, and a finding of sexual abuse was entered against my client. Despite the finding, my client continued to maintain his innocence and directed that I file an appeal. Since I do not normally handle appellate work, after filing my client's notice of appeal I arranged to substitute an appellate attorney with the Office of Indigent Defense, and his appeal is still pending. This case was significant for me not only because of the sensitive subject matter, but also because it required significant research into the current protocol and recommended techniques for interviewing children. Forensic interviews can present many challenges, several of which were present in this case – the young age of the child, the ability to distinguish between reality and fantasy, the presence of speech impediments, etc. I also consider this case significant because of the challenges presented by my own client. Unfortunately, he had negative experiences with DSS, law enforcement, court personnel, and even the previous lawyers appointed to represent him. I undertook this representation knowing that it would be essential to earn his trust in order to represent him effectively. During the course of my representation, I found that his past behaviors resulted from his feeling that no one in the system was listening to him or treating him with respect. We had a very respectful attorney/client relationship, and even though I did not win his case, he has repeatedly written me letters thanking me and stating that he was proud to have me as his lawyer. This was a valuable experience in diffusing a potentially volatile situation simply by listening to someone and treating them with respect.

[HJ]

THURSDAY, MAY 5, 2016

The following is Mrs. Roper's account of the civil appeal she has personally handled:

- (a) SCDSS, Respondent, v. Hitt, Appellant, Appellate Case No. 2015-002333, SC Court of Appeals. I filed the Notice of Appeal on behalf of my client, and an Order of Substitution was entered on 12/04/15, substituting Melinda Inman Butler as attorney for the Appellant.

Mrs. Roper reported that she has not personally handled any criminal appeals.

(9) Judicial Temperament:

The Commission believes that Mrs. Roper's temperament would be excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Mrs. Roper to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience and judicial temperament, and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Mrs. Roper is married to Kenneth Scott Roper. She has two children.

Mrs. Roper reported that she was a member of the following Bar associations and professional associations:

- (a) South Carolina Bar
- (b) Pickens County Bar
- (c) Family Law Section of SC Bar
- (d) SC Lawyer Mentoring Program

Mrs. Roper provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Pickens Presbyterian Church, member 2002-present
 - Trustee, 2016 – present
 - Elder, 2006 – present
 - Clerk of Session, 2007 - 2009
 - Session, 2006 – 2009
 - Youth Leader, 2010 – 2015
 - Co-chair, Christian Outreach Committee, 2007 – 2009
 - Co-chair, Christian Education Committee, 2006 – 2007
 - Foothills Presbytery Disaster Assistance Team, 2005
 - Habitat for Humanity team, 2009
 - CROP Hunger Walk coordinator, 2008
 - Co-chair, Vacation Bible School, 2002 – 2005
 - Sunday School teacher

THURSDAY, MAY 5, 2016

- (b) Pickens Women's Association, member 2002-present
 - President, 2011 - 2012; 2005 - 2006
 - Vice-President, 2010 - 2011, 2004 - 2005
 - Treasurer, 2008 – 2010
 - Chair, Scholarship and Benevolence Committee, 2014 - present
 - Co-chair, Azalea Festival Race Committee, 2013
- (b) Cannon Memorial Hospital Foundation Board, 2011 – present
 - Investments Committee, 2013 - 2015
- (c) Anderson-Oconee-Pickens Mental Health Center Board, appointed by Governor Haley, 2014 – present
 - Programs Committee, 2014 - present
- (d) Pickens Chamber of Commerce, member 2015 – present
- (e) Liberty Chamber of Commerce, member 2001 – 2011
 - Board member, 2009 – 2010
 - Business of the Year, 2005
 - Nominee for Pickens County Businesswoman of the Year, 2003
- (f) Leadership Pickens County, graduate 2004
 - Board of Regents, 2005
- (g) Pickens County First Steps Board, 2005 – 2006
- (f) Prevent Child Abuse Pickens County Board, 2002 - 2006

Mrs. Roper further reported:

I applied to law school with the intention of pursuing a career in family law. My life-long passion for issues surrounding children and families motivated me to seek a career in this area. Since my graduation from law school, I have intentionally focused my legal work and my community activities in areas that I feel have the most impact on children and families, whether through serving on boards for Prevent Child Abuse Pickens County and Pickens County First Steps, volunteering in children and youth programs at Pickens Presbyterian Church, or representing parents involved in a custody dispute. Through my representation of the School District of Pickens County over the past 10 years, I frequently consult with school personnel on student disciplinary matters and other issues that have a great impact on our children. My representation of indigent parents through the SC Commission of Indigent Defense has raised my awareness about the dire situation of many of the families in our community. My current service on the boards of Anderson-Oconee-Pickens Mental Health Center

THURSDAY, MAY 5, 2016

and Cannon Memorial Hospital Foundation has given me the opportunity to advocate for the health services that are necessary for so many of our families to raise healthy, well-adjusted children. As a result of these experiences, I would welcome the opportunity to further my involvement in children's and family's issues through service on the Family Court bench.

For most people, Family Court is their first introduction to our judicial system. Most of our citizens will have only limited experience with courts of General Session or Common Pleas; but even if an individual has not personally gone through a divorce, most likely each of us has a parent, child, or sibling involved in a Family Court case at some point in their lives. Family Court deals with extremely personal issues and as a result, the emotions in the courtroom can run very high. I have witnessed attorneys, and occasionally judges, fall into the trap of reflecting these emotions and unintentionally intensifying the anger and resentment that sometimes accompanies the dissolution of a marriage or the custodial arrangements for a child. I have seen litigants leave the courtroom feeling their position was ignored or disrespected. When litigants leave our courtrooms feeling overlooked and dissatisfied with the process, we lose an opportunity for the court's ruling to bring long term peace and resolution for that family.

In this highly charged atmosphere of Family Court, I believe it is vitally important to provide clear rules, clear boundaries, and clear expectations. Our adherence to the Rules of Evidence and the statutes set by the General Assembly establishes clear rules that can eliminate much of the "unknown" for parties entering the courtroom. Uniformly enforcing these rules and requiring persons to conduct themselves with decorum helps establish clear boundaries for all parties. Assuring litigants that each will have the opportunity to be heard, that all parties and witnesses will be treated with dignity and respect, and that all parties will have equal access to their rights and rules under our court system, will set clear expectations for the hearing. I firmly believe that if we abide by clear rules, boundaries, and expectations, we will see better long term outcomes for our litigants, higher job satisfaction among lawyers and courthouse staff, and most importantly, better public perception of our judicial system as a whole.

(11) Commission Members' Comments:

The Commission commented that Mrs. Roper is articulate and would exhibit a good judicial temperament. The Commission

THURSDAY, MAY 5, 2016

further noted that Mrs. Roper has extensive Family Court experience.

- (12) Conclusion:
The Commission found Mrs. Roper qualified and nominated her for election to the Family Court.

QUALIFIED, BUT NOT NOMINATED

Kimberly Boan Howard

Family Court, Thirteenth Judicial Circuit, Seat 3

**Commission's Findings: QUALIFIED, BUT NOT
NOMINATED**

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Mrs. Howard meets the qualifications prescribed by law for judicial service as a Family Court judge.
Mrs. Howard was born in 1979. She is 37 years old and a resident of Greenville, South Carolina. Mrs. Howard provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2005.

- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Mrs. Howard.
Mrs. Howard demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.
Mrs. Howard reported that she has made \$10.00 in campaign expenditures.

Mrs. Howard testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mrs. Howard testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

THURSDAY, MAY 5, 2016

(3) Professional and Academic Ability:

The Commission found Mrs. Howard to be intelligent and knowledgeable. Her performance on the Commission's practice and procedure questions met expectations.

Mrs. Howard described her continuing legal or judicial education during the past five years as follows:

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Greenville County Year End CLE (incl. Family Law Course)	02/12/2016;
(b) In the Best Interests of the Child: Guardian ad Litem Training	01/29/2016;
(c) SC Bar Convention, Family Law Section	01/22/2016;
(d) 2015 South Carolina Solicitors' Association Conference	09/20/2015-09/23/2015;
(e) 2014 South Carolina Solicitors' Association Conference	09/21/2014-09/24/2014;
(f) Extraditions in South Carolina: A Step-by-Step	08/22/2014;
(g) Meth: The Real 'Breaking Bad' in South Carolina	07/18/2014;
(h) In House CLE for Prosecutors	05/01/2014;
(i) Gangs in SC: What You Need to Know	11/15/2013;
(j) 2013 South Carolina Solicitors' Association Conference	09/22/2013-09/25/2013;
(k) Practical Tips to Being a Better Prosecutor	04/19/2013;
(l) 2012 South Carolina Solicitors' Association Conference	09/23/2012-09/26/2012;
(m) Using One to Show the Other	05/10/2012;
(n) 2011 Children's Law Conference	11/04/2011;
(o) 2011 South Carolina Solicitors Association Conference	09/25/2011-09/28/2011;
(p) Prosecuting Cases in Family Court	08/19/2011;
(q) Trial Advocacy	06/16/2011;
(r) Effective Communication with the Defense Bar	02/18/2011;
(s) Greenville County Year End CLE	02/11/2011;
(t) Ethics for Prosecutors	11/18/2010;
(u) Solicitor's Office Annual Retreat	05/02/2010.

THURSDAY, MAY 5, 2016

Mrs. Howard reported that she has taught the following law related courses:

(a) Meth & Drug Endangered Children, October 2015

This training was a webinar funded by the Department of Justice and organized by the United States Attorney's Office. I provided the legal education and the practical applications for investigating cases under South Carolina's methamphetamine laws. This webinar is now a statewide training course for law enforcement.

(b) Prosecuting Meth Labs, March 2015, January 2015, August 2014

This training is a legal outline for defining a "meth lab" and investigating and prosecuting methamphetamine cases in South Carolina. I have tailored the training twice for SLED as part of its recertification course for agents and once for the Circuit Court judges at their annual conference.

(c) Meth: The Real 'Breaking Bad' in South Carolina, July 2014

This course was organized by the South Carolina Prosecution Commission. My portion of the training covered the applicable laws and known defenses related to methamphetamine prosecutions.

(d) The Law on Search & Seizure- Know It or Blow It, June 2014

This lecture was given to local law enforcement, and it gave a general overview of the search & seizure laws as it relates to drug investigations.

(e) Primer on First Year Practice in SC, Charleston School of Law, June 2013

I was asked by the Honorable Letitia Verdin to be a guest speaker for a summer course she was teaching at the Charleston School of Law. My portion of the lecture covered topics such as starting your practice of law, how to negotiate with other parties, and how to be effective in those negotiations. Mrs. Howard reported that she has not published any books and/or articles.

(4) Character:

The Commission's investigation of Mrs. Howard did not reveal evidence of any founded grievances. The Commission's investigation of Mrs. Howard did not indicate any evidence of a troubled financial status. Mrs. Howard has handled her financial affairs responsibly.

The Commission also noted that Mrs. Howard was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

THURSDAY, MAY 5, 2016

- (5) Reputation:
Mrs. Howard reported that she is not rated by any legal rating organization.
- (6) Physical Health:
Mrs. Howard appears to be physically capable of performing the duties of the office she seeks.
- (7) Mental Stability:
Mrs. Howard appears to be mentally capable of performing the duties of the office she seeks.
- (8) Experience:
Mrs. Howard was admitted to the South Carolina Bar in 2005.

She gave the following account of her legal experience since graduation from law school:

I have worked as an Assistant Solicitor with the Thirteenth Circuit Solicitor's Office from September of 2005 to the present. Throughout my career, I have worked on various types of cases-violent crimes, domestic violence, drug crimes, crimes involving the abuse & neglect of children, and juvenile crimes.

- (a) From 2005 to early 2010, I primarily handled the prosecutions of drug crimes, general crimes, and domestic violence.
- (b) From early 2010 to late 2012, I was the managing attorney of our Family Court/Juvenile Justice Unit. From 2013 to the present, I have focused on drug and violent crime prosecutions, as well as continuing to assist in juvenile justice matters.
- (c) In 2013, I became the training coordinator for the annual Solicitors' Association conference, and I still continue in this role.
- (d) In 2015, in addition to the caseload and duties listed above, I began handling cases in our newly-formed Domestic Violence Court.

Mrs. Howard further reported regarding her experience with the Family Court practice area:

- (a) Divorce/ Equitable Division of Property.
- (i) I have not handled any divorce cases.
- (ii) I have recently attended two legal education courses related to divorce and family law.
- (b) Child custody.

THURSDAY, MAY 5, 2016

- (i) I have not handled any child custody cases.
- (ii) I have recently completed a Guardian Ad Litem training course.
- (c) Adoption.
- (i) I have not handled any adoption cases.
- (d) Abuse and Neglect.
- (i) In my capacity as a prosecutor, I have dealt with numerous cases, in both juvenile and General Sessions court, that involve the abuse and neglect of children and vulnerable adults. During the prosecution of these cases, I have worked with DSS to in finding resolutions that best protect the child or vulnerable adult involved.
- (ii) I have also attended and observed many hearings in Family Court where DSS matters were at issues. To ensure that I was current with DSS legal standards, timelines, and procedures, I recently consulted with the DSS legal department.
- (e) Juvenile justice
 - (i) I ran the juvenile justice unit for the Thirteenth Circuit Solicitor's Office, Greenville and Pickens counties, for close to three years, and I continue to assist in the resolution of those cases. I handled waiver cases, trials and pleas. I coordinated with DJJ on many issues, including the resolution of cases, the community resources available to juveniles, the referral process, and the creation of the new juvenile facility in Greenville County. I also helped oversee the implementation of a new juvenile arbitration program and a reorganization of the Youth Court program in our circuit.

Mrs. Howard reported the frequency of her court appearances during the past five years as follows:

THURSDAY, MAY 5, 2016

- (a) Federal: None;
- (b) State: approximately three appearances a month, however, when solely in Family Court, the number of appearances was three times a week.

Mrs. Howard reported the percentage of her practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 0%;
- (b) Criminal: 100%;
- (c) Domestic: 0%.

Mrs. Howard reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 10%;
- (b) Non-jury: 90%.

Mrs. Howard provided she most often served as sole counsel.

The following are Mrs. Howard's account of her five most significant litigated matters:

- (a) State vs. Sabrina Campbell 2013-GS-23-10687, et al.

This case involved a string of crimes that spanned over a year in time and involved twelve codefendants. The crimes ranged from armed robbery and conspiracy to manufacturing methamphetamine and abuse of a vulnerable adult. Sabrina Campbell was the main defendant, and at the time of her arrest, she was known as one of the biggest meth cooks in Greenville County. Resolution of this case required a clear strategic plan, one which involved coordinating the investigations of multiple law enforcement agencies, negotiations with twelve defense attorneys, and deferred sentences for cooperating witnesses.

State vs P.S 2015

The defendant in this case was charged with two counts of manufacturing methamphetamine, and with his prior record and the mandatory minimums associated with the charges, he was faced with significant jail time. The defendant admitted to being a user and through his defense attorney, expressed the desire to get clean and off of drugs. I made the decision to allow him to go into our Drug Court program. The Drug Court program in the Thirteenth Circuit is a rigorous and time-consuming program, but one that has rehabilitation of the defendant as its main goal. Because of Drug Court, P.S. is now a small business owner and is one of the certified recovery coaches with FAVOR ("Faces and Voice of Recovery") of Greenville. I believe that Drug Court and other diversionary programs are very important pieces of our

THURSDAY, MAY 5, 2016

justice system and it is always significant to me when the actions of those enrolled in the program(s) validates this importance.

State vs. C.G, a Juvenile 2011-JU-23-155

This case involved the murder of a homeless man by two adults and one juvenile codefendant. The juvenile defendant was fourteen years old at the time of the murder. Once this juvenile was charged, I filed a motion to transfer jurisdiction to General Sessions court. At the waiver hearing, I outlined the State's case using the eight Kent factors, and argued that waiver was appropriate. The transfer of jurisdiction was ultimately denied by the Family Court judge, but seeing the process from start to finish was insightful and educational. The transfer of a juvenile from Family Court to General Sessions is the most serious of hearings that a juvenile can face, and because the stakes are so high, I believe it is important for a Family Court judge to be familiar with this process.

(d) State vs. Wallace Evatt 2009-GS-23-09628

This was a murder/ domestic violence case that resulted in a conviction after a four day trial in General Sessions court. The defendant was the victim's live-in boyfriend at the time of the murder. The evidence in the case was purely circumstantial and the outcome rested heavily on the results of the forensic testing. DNA, gunshot residue, blood spatter, and ballistics were all utilized in the investigation and prosecution of this case. Preparation for this trial began weeks in advance of the trial date and it required research on multiple issues of law.

(e) State vs. Travis Jackson 2006-GS-23-02438

This case involved an eighteen year old defendant who was charged at school with Threatening the Life of a Public Official. He was having problems at school with behavior and failing grades, but he had a supportive mother at home. I made the decision to let him enter the pre-trial intervention program ("PTI") and he successfully completed the program. While Mr. Jackson was finishing up his PTI, his mother reached out to thank me for allowing her son to enter the program, telling me that as a result of being in the program, he was drug-free and doing well in school. It was a good reminder early in my career that even if similar in facts, each case is different, and each case deserves careful consideration as to what would be a fair and just resolution.

Mrs. Howard reported that she has not handled any civil or criminal appeals.

THURSDAY, MAY 5, 2016

(9) Judicial Temperament:

The Commission believes that Mrs. Howard's temperament would be excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Mrs. Howard to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and judicial temperament, and "Qualified" in the remaining evaluative criteria of experience, constitutional qualifications, physical health, and mental stability. In summary, the Committee stated: "This candidate has not had experience participating in divorce cases in Family Court. This is the only reason the Committee did not find her Well Qualified."

Mrs. Howard is married to Willie Mears Howard. She has two children.

Mrs. Howard reported that she was a member of the following Bar associations and professional associations:

- (a) South Carolina Bar Association;
- (b) Greenville Bar Association;
- (c) South Carolina Women Lawyers Association;
- (d) Greenville Bar Association Executive Committee 2012-2014;
- (e) Greenville Young Lawyers, Executive Committee 2006-2008.

Mrs. Howard provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Grace Church, Sunday School teacher;
- (b) Project Host Soup Kitchen & Culinary School, Board Member;
- (c) Augusta Circle Elementary School PTA;
- (d) Augusta Circle Elementary School PTA, Executive Board elect, 2016-2017;
- (e) Augusta Circle Elementary School, Red Ribbon Week Co-Chairman, 2015-2016;
- (d) Junior League of Greenville, Advisor Board, 2012-2015;
- (e) The Circle of the Children's Museum;
- (f) Meals on Wheels;
- (g) Greenville Country Club;
- (h) Commodore Dance Club;
- (i) Carolina Alumni Association.

THURSDAY, MAY 5, 2016

Mrs. Howard further reported:

I have been married to my husband Billy for nine years. He and I have two girls, a seven and a five year old. I work very hard to maintain a work life-home life balance, and my husband is supportive of me in both my career and in our parenting.

I am not aware of any situation that would reflect negatively on my candidacy.

(11) Commission Members' Comments:

The Commission found Mrs. Howard to have performed very well on the test and has a good temperament with a very articulate, good demeanor.

(12) Conclusion:

The Commission found Mrs. Howard qualified, but not nominated for election to the Family Court.

**Kimaka Nichols-Graham
Family Court, Thirteenth Judicial Circuit, Seat 3**

**Commission's Findings: QUALIFIED, BUT NOT
NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mrs. Nichols-Graham meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mrs. Nichols-Graham was born in 1972. She is 44 years old and a resident of Greenville, South Carolina. Mrs. Nichols-Graham provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1998.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mrs. Nichols-Graham.

Mrs. Nichols-Graham demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mrs. Nichols-Graham reported that she has not made any campaign expenditures.

Mrs. Nichols-Graham testified she has not:

THURSDAY, MAY 5, 2016

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mrs. Nichols-Graham testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mrs. Nichols-Graham to be intelligent and knowledgeable. Her performance on the Commission's practice and procedure questions met expectations.

Mrs. Nichols-Graham described her continuing legal or judicial education during the past five years as follows:

- (a) South Carolina Bar Convention (family and children's law) 1/22/2016;
- (b) South Carolina Legal Services Statewide Conference 11/18/2015;
- (c) ABA Lead Law 10/23/2015;
- (d) 2015 South Carolina Public Defender Conference 9/21/2015;
- (e) South Carolina Black Lawyers Association 13th Annual Retreat 9/17/2015;
- (f) Stress Management – Avoiding Unhealthy Consequences Of Stress 8/31/2015;
- (g) South Carolina Legal Services Statewide Conference 12/10/2014;
- (h) South Carolina Black Lawyers Association Annual Retreat 9/19/2014;
- (i) South Carolina Bar Education Law 8/8/2014;
- (j) Using LinkedIn as a Professional & Organizational Tool Without Violating the Rules of Professional Conduct 4/24/2014;
- (k) Social Security Disability 2014: From Administrative Proceedings to Federal Practice 3/28/2014;
- (l) Greenville Bar Association Annual "Year End" CLE 2/14/2014;
- (m) South Carolina Bar Foundation Greenville Grantee Gathering 12/10/2013;
- (n) South Carolina Legal Services Statewide Conference 11/21/2013;

THURSDAY, MAY 5, 2016

- (o) South Carolina Black Lawyers Association Annual Retreat 9/26/2013;
- (p) Ethical Lessons from the Bench 9/25/2013;
- (q) Greenville County Bar Year End CLE 2/15/2013;
- (r) SC Bar Foundation Grantee Gathering 12/1/2012;
- (s) SCLS Seminar for DSS/Child Support Enforcement Attorneys 11/2/2012;
- (t) South Carolina Black Lawyers Association Annual Retreat 9/27/2012;
- (u) SCALJ Connecting Students with Tools for School 3/9/2012;
- (v) Managing Ethical Issues for Day to Day Practice 12/6/2011;
- (w) South Carolina Legal Services Statewide Meeting 11/8/2011;
- (x) South Carolina Black Lawyers Association Annual Retreat 10/4/2011;
- (y) Children Coping with Divorce Trans-parenting for Professionals 9/30/2011;
- (z) Judicial Ethics for Lawyers 8/17/2011;
- (aa) 2011 Due Process Hearing Officer Training 6/20/2011;
- (bb) Spring Special Education Administrators Training and Hearing Officer Update 3/23/2011.

Mrs. Nichols-Graham reported that she has taught the following law-related courses:

- (a) I presented a session on representing low income students and parents in school law to legal services agencies for South Carolina Appleseed Legal Justice Center on October 11, 2001;
- (b) I presented a session on representing low income families in school law at the South Eastern Project Directors Association for directors of legal service agencies on July 15, 2002;
- (c) I presented a session on monitoring re-segregation and protecting the poor for legal service lawyers at the National Legal Aid and Public Defender Substantive Law Conference on July 25, 2002;
- (d) I presented a session on the overview of a school law practice to legal services and pro bono attorneys for South Carolina Appleseed Legal Justice Center on August 12, 2004;
- (e) I presented a session on DSS Court Appointments and Defense Pointers to lawyers at the South Carolina Black Lawyers Association Retreat on October 22, 2004;

THURSDAY, MAY 5, 2016

- (f) I presented a session on parent rights in school discipline procedures to legal services and pro bono attorneys for South Carolina Appleseed Legal Justice Center on February 24, 2006;
- (g) I presented a session on school discipline and special education discipline to lawyers in the Nelson Mullins Riley & Scarborough Education Pro Bono Project Training on August 10, 2006;
- (h) I presented a session on students still having due process rights to school administrators, professors, and attorneys at the Education Law Association's Annual Conference on October 22, 2009;
- (i) I have presented several sessions to attorneys and staff on education law at SC Legal Services' Statewide Meetings and in house education task force meetings;
- (j) I presented a session on working with students experiencing bullying to attorneys at the South Carolina Appleseed Legal Justice Center's Education Law Training on March 9, 2012;
- (k) I presented a session called balancing the scales of justice on representing students in education law cases for the South Carolina Bar on August 8, 2011;
- (l) I presented a session called expulsion case pointers to provide practice tips for South Carolina Appleseed Legal Justice Center in October of 2014;
- (m) I presented a session on school discipline law at the South Carolina Bar Convention on January 24, 2015;
- (n) I presented a legal education session on adding school law to your private law practice at the South Carolina Black Lawyers Association Conference on September 18, 2015;
- (o) I presented a session on education law updates and developments at the South Carolina Legal Services Conference on November 19, 2015;
- (p) I presented a session on the school to prison pipeline at the South Carolina Public Defender Association on November 23, 2015;
- (q) I presented a session on forming partnerships to achieve equal educational opportunities for the South Carolina Appleseed Legal Justice Center on January 15, 2016;
- (r) I presented at session at the South Carolina Bar Convention on the rights of single fathers in adoption cases on January 23, 2016.

THURSDAY, MAY 5, 2016

Mrs. Nichols-Graham reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Mrs. Nichols-Graham did not reveal evidence of any founded grievances or criminal allegations made against her. The Commission's investigation of Mrs. Nichols-Graham did not indicate any evidence of a troubled financial status. Mrs. Nichols-Graham has handled her financial affairs responsibly.

The Commission also noted that Mrs. Nichols-Graham was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Mrs. Nichols-Graham reported that she is not rated by any legal rating organization.

(6) Physical Health:

Mrs. Nichols-Graham appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Mrs. Nichols-Graham appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Mrs. Nichols-Graham was admitted to the South Carolina Bar in 1998.

She gave the following account of her legal experience since graduation from law school:

Legal Services Agency of Western Carolina, Inc. Greenville, South Carolina.

Staff Attorney. Provided general law practice and community education in housing, probate, and family law cases. November 1998 to September 1999.

Children's Law Attorney. Practiced law for low income children by focusing primarily on adoptions, children's social security cases, special education advocacy, and school discipline cases. September 1999 until December 31, 2001.

South Carolina Legal Services. Greenville, South Carolina.

Staff Attorney II. Practices law in cases in Greenville County that includes divorce, custody, school discipline, special education, special needs relative adoptions, bankruptcy, credit card defense, and children social security appeals. Appears in Magistrate's

THURSDAY, MAY 5, 2016

Court, Family Court, the Court of Common Pleas, Court of Appeals, and the U. S. Bankruptcy Court in various cases. January 1, 2002 to present.

Education Unit Head. Leads the education unit, seeks local funding when possible, trains legal service attorneys across the state in representing students in the public education system, teaches parents how to advocate for children, responds to requests for training from community groups, and operated the Greenville County United Way's Securing Public School Opportunities Program. Education cases include special education, school discipline, 504 accommodation plans, school enrollment, and homeless student education cases throughout South Carolina providing representation before local hearing officers, School Boards, the South Carolina Department of Education, the United States Department of Education, the Court of Common Pleas, and the South Carolina Court of Appeals. March 2003 to present.

Acting Managing Attorney. Supervised six attorneys, two paralegals, and three support staff. Assigned cases, supervised legal work, handled personnel issues, and participated on management team while the Managing Attorney was on extended leave. September 24, 2007 through December 31, 2007.

Acting Managing Attorney. Supervised five full time attorneys, three contract attorneys, one volunteer attorney, three support staff employees, and a satellite office. Reviewed emergency intakes, assigned cases, supervised legal work, handled personnel issues, and provided other managerial duties while the Managing Attorney was on extended leave. August 26, 2009 through November 24, 2009.

Interim Managing Attorney. Ensures the efficient operation of the Greenville Office and maintains a caseload primarily in family court. The Greenville Office serves Greenville, Anderson, Pickens, and Oconee counties. Reviews, accepts and assigns or denies applicants. Reviews all cases for quality and compliance. Supervises the legal work of attorneys, several support staff, and the financial accounts. Addresses human resource issues. Prepares grant reports. Participates in the statewide management team. April 1, 2013 to present.

Managing Attorney (Greenville). Responsible for the provision of civil legal services in Anderson, Greenville, Pickens, and Oconee counties, the quality of legal services provided, and maintaining connections with the community and private bar. Reviews

THURSDAY, MAY 5, 2016

applications for legal services. Assigns cases and provides case load management. Provides employee evaluations for support staff and attorneys. Provides human resource management and addresses grievances. Provides guidance and training. Manages client trust and petty cash accounts. Assures compliance with grants, policies, and procedures. Maintains a case load in the service area. Participates in grant writing. Permanent Position from June 1, 2013 to present.

Interim Managing Attorney (Low Income Taxpayer Clinic). Supervises and manages the Clinic Director, paralegal, and attorneys that assist with tax cases for South Carolina Legal Services in all counties. Provides case load management, monitors the quality of legal services provided, facilitates assigning cases, denies applicants, provides human resource management, and reviews grant applications and reports. January 2015 to present.

Mrs. Nichols-Graham reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: 3%;
- (b) State: 97%;
- (c) Other: 0%.

Mrs. Nichols-Graham reported the percentage of her practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 47%;
- (b) Criminal: 0%;
- (c) Domestic: 53%;
- (d) Other: 0%.

Mrs. Nichols-Graham reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 0%;
- (b) Non-jury: 100%.

Mrs. Nichols-Graham provided that she most often served as sole counsel.

The following is Mrs. Nichols-Graham's account of her five most significant litigated matters:

- (a) (Sealed File). John Row, et al. vs. John Doe, et al. This case was significant because a single father registered on the responsible father registry before his child was placed with an out of state couple for adoption. We reviewed adoption practices and were able to prevail by using the due process provisions already codified but often overlooked in practice. The litigation strategy

THURSDAY, MAY 5, 2016

was shared at a few legal education trainings. ABC Nightline News also aired a follow up story with the single father regarding the responsible father registry while protecting the identity of the Plaintiffs.

(b) Jane Doe, A High School Student in Richland County School District Two and her Parent, Mary Doe, vs. Richland County School District Two. Case Number: 2006-CP-40-6545.

This case was significant to me because I represented a student that was expelled from school and accused of committing sexual offenses without any evidence. The parent unsuccessfully appealed to the board after simply stating persuasive legal grounds but she needed legal services to appeal to the court system. We prevailed in circuit court but the school district appealed the decision to the court of appeals. This case is evidence that things do not always work themselves out and there are times that the indigent need civil legal services to secure basic opportunities. Decided March 25, 2009. 382 S.C. 656; 677 S.E.2d 610.

(c) Martha Sue Payne vs. Mary and Ray Patterson, William Scott McFadden. Case Number 2005-DR-23-3223. This case was significant because I successfully defended a change of custody action among relatives for children that were previously abused and neglected. I also represented the third party in the previous contested abuse and neglect case. The court granted my motion an involuntary dismissal at the conclusion of the Plaintiff's case.

(d) Martha Sue Payne vs. Mary Patterson. Case Number: 2006-DR-23-4112. This case was significant to me because I was unsuccessful in appealing a visitation contempt case. It is important for people to have access to the legal system but the legal system should not be involved in every family dispute.

(e) Darla Yates vs. Eddie Crooks. Case Number: 2005-DR-39-418. This case was significant to me because I represented a client in a visitation Rule to Show Cause. There was an allegation of a history of abuse in a prior case that prevented my client from being able to represent herself.

The following is Mrs. Nichols-Graham's account of two civil appeals she has personally handled:

(a) Jane Doe, A High School Student in Richland County School District Two and her Parent, Mary Doe, vs. Richland County School District Two. South Carolina Court of Appeals. Decided March 25, 2009. 382 S.C. 656; 677 S.E.2d 610.

THURSDAY, MAY 5, 2016

(b) Unpublished Opinion. Martha Sue Payne vs. Mary Patterson. South Carolina Court of Appeals. Decided April 26, 2010.

Mrs. Nichols-Graham reported she has not personally handled any criminal appeals.

Mrs. Nichols-Graham further reported the following regarding unsuccessful candidacies:

I applied for Family Court Judge, At-Large, Seat 4, in the Fall of 2012. I was found qualified, but I did not receive a nomination. I applied for Family Court Judge, Thirteenth Judicial Circuit, Seat 5, in Fall of 2013. I was found qualified, but I did not receive a nomination.

(9) Judicial Temperament:

The Commission believes that Mrs. Nichols-Graham's temperament would be excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Mrs. Nichols-Graham to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament, and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Mrs. Nichols-Graham is married to Hakim Rahman Graham. She has one child.

Mrs. Nichols-Graham reported that she was a member of the following Bar associations and professional associations:

- (a) South Carolina Bar, Young Lawyers Division, Executive Council 2002-2003;
- (b) South Carolina Bar Children's Law Committee;
- (c) South Carolina Supreme Court CLE & Specialization Commissioner, June 2003-July 2009;
- (d) Council of Parent Attorneys and Advocates;
- (e) South Carolina Black Lawyers Association. Assistant Secretary. 2013 to present;
- (f) Greenville County Bar Association;
- (g) South Carolina Bar, Education Law Committee. General Public Information Subcommittee Chair 2014-2015.

Mrs. Nichols-Graham provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Young Lawyer of the Year Award. South Carolina Bar. 2001-2002.

THURSDAY, MAY 5, 2016

- (b) Center for Educational Equity, Advisory Board of Directors (2001 to present) and Parent Reconnect Program Coordinator (2001 to 2008).
- (c) Protection and Advocacy for People with Disabilities, Board of Directors, Grievance Committee (first term), Chair of the Personnel Committee (current term).
- (d) United Way of Greenville County. Graduate Greenville Student Enrichment Committee. (2006-2007).
- (e) Bethlehem Baptist Church. Summer Bible Institute Instructor. June 2011
- (f) Delta Sigma Theta Sorority Incorporated. Greenville (SC) Alumnae Chapter.
- (g) Springfield Baptist Church. Unsung Heroine Award. March 24, 2013.
- (h) Pro Parents of South Carolina. Board of Directors.
- (i) The Ellen Hines Smith Legal Services Attorney of the Year 2015.
- (j) The Riley Institute Diversity Leadership. Fall 2015. Upstate.

Mrs. Nichols-Graham further reported:

Family and school law have always been natural interests of mine. Family relationships and educational experiences play an important role in everyone's development. My formal education was driven by a curiosity and desire to learn more about those relationships and to help others with those relationships and experiences. I blindly pursued a legal career to help and to serve the public. This does not mean that I am more susceptible to bribery than others. It is evidence to the contrary. Values like sound character, integrity, honesty, fairness, respect, and a dedication to public service are my family's business and they shaped my life experiences well before I began expressing personal opinions.

As a child, my family attended Nazarene Baptist Church in Mullins, South Carolina and everyone in my family was actively involved in our church. I quickly learned the difference between good and evil and right and wrong. Of course, growing up in a safe rural community with relatively stable families also helped.

A family courtroom was the first courtroom I observed when I was interested in going to law school. Judge Timothy Pogue allowed me to volunteer in his law firm because I wanted to go to law school but I did not know a lawyer. Judge Pogue had the juvenile

THURSDAY, MAY 5, 2016

defender contract and he was the Marion County DSS attorney so I learned a lot about family court before I went to law school.

I assisted with the administration of justice in family court when I volunteered to help complete Order of Protection paperwork while I was a college student at Winthrop. This experience gave me insight into part of the pro se process in family court.

When I was in law school I spent a lot of time in family court working for the Richland County Guardian ad Litem program. I became familiar with abuse and neglect and termination of parent rights cases as well as the role of the Guardian ad litem in and outside of court. I observed judges, lawyers, and Guardian ad Litem in many abuse and neglect and termination of parental rights trials. There were several family court judges in Richland County so I got to observe different judges addressing issues in and weighing concerns in many cases.

The first day I walked into a courtroom to represent a client as a member of the Bar, I was in a family court courtroom in a DSS vulnerable adult case before Judge Robert Jenkins. As a legal services attorney most of my courtroom experience has been overwhelmingly in family court.

Many of my significant cases are confidential and closed matters to protect the identity of minor children but I achieved a lot in publicly reported cases. I have also had the privilege of consulting with many legal service attorneys in numerous cases, court appearances, and appellate work.

I believe my personal and professional experiences will continue to serve the public well if I am a successful candidate for Family Court.

(11) Commission Members' Comments:

The Commission commented on Mrs. Nichols-Graham's extensive experience in Family Court. They also noted that she had only positive comments from the Ballot Box surveys about her demeanor and her work ethic.

(12) Conclusion:

The Commission found Mrs. Nichols-Graham qualified, but not nominated to serve as a Family Court judge.

CONCLUSION

The Judicial Merit Screening Commission found the following candidates QUALIFIED AND NOMINATED:

THURSDAY, MAY 5, 2016

SUPREME COURT

SUPREME COURT, CHIEF JUSTICE

The Honorable Donald Wayne Beatty

SUPREME COURT, SEAT 2

The Honorable John Cannon Few

COURT OF APPEALS

COURT OF APPEALS, CHIEF JUDGE, SEAT 5

The Honorable James Edward Lockemy

The Honorable Paula H. Thomas

CIRCUIT COURT

FOURTH JUDICIAL CIRCUIT, SEAT 1

The Honorable Paul Michael Burch

FAMILY COURT

THIRTEENTH JUDICIAL CIRCUIT, SEAT 3

Wanda L. Adams

Thomas Tredway Hodges

Katherine Hall Tiffany

THIRTEENTH JUDICIAL CIRCUIT, SEAT 4

James Crayton Alexander

Karen Sanchez Roper

Respectfully submitted,

/s/Sen. Larry A. Martin

/s/Sen. George E. Campsen III

/s/Sen. Gerald Malloy

/s/Ms. Susan Taylor Wall

/s/Mr. Robert M. Wilcox

/s/Rep. Bruce W. Bannister

/s/Rep. Murrell Smith

/s/Rep. J. Todd Rutherford

/s/Ms. Kristian C. Bell

/s/Mr. Michael Hitchcock

APPENDIX

**Report from the South Carolina Bar Judicial Qualifications
Committee**

THURSDAY, MAY 5, 2016

**The Honorable Donald Wayne Beatty, Spartanburg, SC
Supreme Court, Chief Justice**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Justice Beatty's candidacy for Supreme Court, Chief Justice is as follows:

Overall	Well Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

**The Honorable John Cannon Few, Greenville, SC
Supreme Court, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee, based upon its previous investigation of Justice Few's candidacy for Supreme Court, reports that the collective opinion of those Bar members surveyed regarding his candidacy for Supreme Court, Seat 2 is as follows:

Overall	Well Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional Academic Ability	Well Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

THURSDAY, MAY 5, 2016

**The Honorable James Edward Lockemy, Dillon, SC
Court of Appeals, Chief Judge, Seat 5**

The South Carolina Bar's Judicial Qualifications Committee reports that, based upon its previous investigation of Judge Lockemy's candidacy for Court of Appeals, the collective opinion of those Bar members surveyed regarding his candidacy for Court of Appeals, Chief Judge, Seat 5 is as follows:

Overall	Well Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

**The Honorable Paula H. Thomas, Georgetown, SC
Court of Appeals, Chief Judge, Seat 5**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Thomas' candidacy for Court of Appeals, Chief Judge, Seat 5 is as follows:

Overall	Well Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

THURSDAY, MAY 5, 2016

**The Honorable Paul M. Burch, Pageland, SC
Circuit Court, 4th Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Burch's candidacy for Circuit Court, 4th Circuit, Seat 1 is as follows:

Overall	Well Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**Wanda L. Adams, Mauldin, SC
Family Court, 13th Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Adams candidacy for Family Court, 13th Circuit, Seat 3 is as follows:

Overall	Well Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

THURSDAY, MAY 5, 2016

**Thomas Tredway Hodges, Greenville, SC
Family Court, 13th Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Hodges' candidacy for Family Court, 13th Circuit, Seat 3 is as follows:

Overall	Well Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

**Katherine Hall Tiffany, Greenville, SC
Family Court, 13th Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Tiffany's candidacy for Family Court, 13th Circuit, Seat 3 is as follows:

Overall	Well Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

THURSDAY, MAY 5, 2016

James Crayton Alexander, Pickens, SC
Family Court, 13th Circuit, Seat 4

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Alexander's candidacy for Family Court, 13th Circuit, Seat 4 is as follows:

Overall	Well Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

Karen Sanchez Roper, Pickens, SC
Family Court, 13th Circuit, Seat 4

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Roper's candidacy for Family Court, 13th Circuit, Seat 4 is as follows:

Overall	Well Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

*Committee was unable to reach goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary effort.

THURSDAY, MAY 5, 2016

**Kimberly Boan Howard, Greenville, SC
Family Court, 13th Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Howard's candidacy for Family Court, 13th Circuit, Seat 3 is as follows:

Overall	Well Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

**Kimaka Nichols-Graham, Greenville, SC
Family Court, 13th Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Nichols-Graham's candidacy for Family Court, 13th Circuit, Seat 3 is as follows:

Overall	Well Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Qualified
Reputation	Well Qualified
Experience	Qualified
Judicial Temperament	Well Qualified

THURSDAY, MAY 5, 2016

*Committee was unable to reach goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary effort.

Received as information.

ROLL CALL

The roll call of the House of Representatives was taken resulting as follows:

Alexander	Allison	Anthony
Bales	Ballentine	Bedingfield
Bingham	Bowers	Bradley
Brannon	G. A. Brown	R. L. Brown
Burns	Chumley	Clary
Clemmons	Clyburn	Cobb-Hunter
Cole	Collins	H. A. Crawford
Crosby	Daning	Delleney
Douglas	Duckworth	Erickson
Felder	Finlay	Forrester
Fry	Funderburk	Gagnon
Gambrell	George	Goldfinch
Govan	Hamilton	Hardee
Hart	Hayes	Henderson
Henegan	Herbkersman	Hill
Hiott	Hixon	Hodges
Hosey	Huggins	Jefferson
Johnson	Jordan	King
Kirby	Knight	Loftis
Long	Lowe	Lucas
Mack	McEachern	W. J. McLeod
Mitchell	D. C. Moss	Nanney
Newton	Norman	Ott
Parks	Pitts	Pope
Ridgeway	Riley	Rivers
Robinson-Simpson	Ryhal	Sandifer
Simrill	G. M. Smith	J. E. Smith
Sottile	Spires	Tallon
Thayer	Tinkler	Toole
Weeks	Whitmire	Williams
Willis	Yow	

THURSDAY, MAY 5, 2016

STATEMENT OF ATTENDANCE

I came in after the roll call and was present for the Session on Thursday, May 5.

Carl Anderson	Beth Bernstein
Christopher A. Corley	Donna Hicks
Leon Howard	Ralph Kennedy
H. B. "Chip" Limehouse	Peter McCoy, Jr.
Cezar McKnight	Mia S. McLeod
James Merrill	Joseph Neal
Richard "Rick" Quinn	Todd Rutherford
Garry R. Smith	Leon Stavrinakis
Tommy Stringer	William "Bill" Taylor
Don Wells	Jackson "Seth" Whipper
Brian White	Mandy Powers Norrell

Total Present--114

STATEMENT OF ATTENDANCE

Rep. RUTHERFORD signed a statement with the Clerk that he came in after the roll call of the House and was present for the Session on Wednesday, May 4.

LEAVE OF ABSENCE

The SPEAKER granted Rep. HORNE a leave of absence for the day.

LEAVE OF ABSENCE

The SPEAKER granted Rep. V. S. MOSS a leave of absence for the day.

SPECIAL PRESENTATION

Reps. FUNDERBURK and BALES presented to the House the Lugoff-Elgin Middle School Wrestling Team, coaches, and other school officials.

SPECIAL PRESENTATION

Rep. LOWE presented to the House the Lamar High School Football Team, coaches, and other school officials.

ACTING SPEAKER ALLISON IN CHAIR

[HJ]

THURSDAY, MAY 5, 2016

CO-SPONSORS ADDED

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee."

CO-SPONSOR ADDED

Bill Number: H. 3716
Date: ADD:
05/05/16 HUGGINS

CO-SPONSOR ADDED

Bill Number: H. 5299
Date: ADD:
05/05/16 R. L. BROWN

SPEAKER IN CHAIR

LEAVE OF ABSENCE

The SPEAKER granted Rep. ERICKSON a leave of absence for the remainder of the day.

LEAVE OF ABSENCE

The SPEAKER granted Rep. D. C. MOSS a leave of absence for the remainder of the day.

THURSDAY, MAY 5, 2016

SENT TO THE SENATE

The following Bill was taken up, read the third time, and ordered sent to the Senate:

H. 5195 -- Reps. R. L. Brown, Gilliard and Tinkler: A BILL TO AMEND ACT 340 OF 1967, AS AMENDED, RELATING TO THE GOVERNANCE OF THE CHARLESTON COUNTY SCHOOL DISTRICT, SO AS TO PROVIDE THOSE PROCEDURES WHICH THE DISTRICT BOARD OF TRUSTEES MUST FOLLOW TO CLOSE A RURAL SCHOOL, TO DEFINE "RURAL SCHOOL", TO REQUIRE THE BOARD TO DOCUMENT THAT ANY SUCH CLOSING MUST RESULT IN A REDUCTION IN THE OPERATING EXPENSES OF THE DISTRICT TRANSLATED INTO AN ESTIMATED PROPERTY TAX MILLAGE REDUCTION THAT MUST BE REFLECTED BEGINNING FOR THE FIRST PROPERTY TAX YEAR AFTER THE CLOSING DATE, TO REQUIRE THE BOARD TO CONDUCT THREE PUBLIC HEARINGS IN THE AFFECTED COMMUNITY TO RECEIVE PUBLIC COMMENTS, TO SPECIFY OTHER CONSIDERATIONS RELATING TO TRAVEL TIME AND ADDITIONAL TRAVEL EXPENSES AND THE OVERALL BENEFIT TO STUDENTS AND THE DISTRICT FROM CLOSING THE SCHOOL, TO REQUIRE THE BOARD TO PREPARE A COMPREHENSIVE REPORT ON THESE ISSUES BEFORE MAKING A DECISION ON THE CLOSING AND REQUIRE THIS REPORT, ON COMPLETION, TO BE FORWARDED TO EACH MEMBER OF THE LEGISLATIVE DELEGATION REPRESENTING THE CHARLESTON COUNTY SCHOOL DISTRICT.

ORDERED ENROLLED FOR RATIFICATION

The following Joint Resolution was read the third time, passed and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification:

S. 1272 -- Senator Hayes: A JOINT RESOLUTION TO AUTHORIZE THE DEPARTMENT OF EDUCATION TO CARRY FORWARD CERTAIN FUNDS APPROPRIATED IN THE 2015-2016 GENERAL APPROPRIATIONS ACT REGARDING SUPPLEMENTAL SUPPORT OF PROGRAMS AND SERVICES FOR STUDENTS WITH DISABILITIES SO AS TO MEET THE

THURSDAY, MAY 5, 2016

ESTIMATED MAINTENANCE OF EFFORT FOR THE INDIVIDUALS WITH DISABILITIES ACT (IDEA).

S. 916--DEBATE ADJOURNED

The following Bill was taken up:

S. 916 -- Senators Malloy, Fair and M. B. Matthews: A BILL TO AMEND SECTION 63-19-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JUVENILE JUSTICE CODE DEFINITIONS, SO AS TO PROVIDE THAT A "CHILD" OR "JUVENILE" MEANS A PERSON LESS THAN EIGHTEEN YEARS OF AGE, DOES NOT MEAN A PERSON SEVENTEEN YEARS OF AGE OR OLDER WHO IS CHARGED WITH A VIOLENT CRIME, AND THAT A PERSON SIXTEEN YEARS OF AGE WHO IS CHARGED WITH A CLASS A, B, C, OR D FELONY OR A FELONY WHICH PROVIDES FOR A MAXIMUM TERM OF IMPRISONMENT OF FIFTEEN YEARS OR MORE MUST BE PROVIDED THE RIGHT TO HAVE THE CASE REMANDED TO FAMILY COURT; AND TO AMEND SECTION 63-19-1210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JURISDICTION OVER A CASE INVOLVING A CHILD, SO AS TO PROVIDE THAT IF A CHILD WAS UNDER THE AGE OF EIGHTEEN YEARS AT THE TIME OF COMMITTING AN ALLEGED OFFENSE, THE CIRCUIT COURT SHALL TRANSFER THE CASE TO FAMILY COURT, THAT IF A CHILD BELOW EIGHTEEN YEARS OF AGE IS CHARGED WITH AN OFFENSE WHICH, IF COMMITTED BY AN ADULT, WOULD BE A VIOLENT CRIME, THE COURT MAY RETAIN JURISDICTION, AND THAT IF A CHILD UNDER THE AGE OF EIGHTEEN IS CHARGED WITH CERTAIN OFFENSES, THE COURT MAY BIND OVER THE CHILD TO A COURT WHICH WOULD HAVE TRIAL JURISDICTION OF THE OFFENSES IF COMMITTED BY AN ADULT.

Rep. BRANNON moved to adjourn debate on the Bill, which was adopted.

RECURRENCE TO THE MORNING HOUR

Rep. HODGES moved that the House recur to the morning hour, which was agreed to.

[HJ]

THURSDAY, MAY 5, 2016

**S. 916--RETURNED TO THE SENATE WITH
AMENDMENTS**

The following Bill was taken up:

S. 916 -- Senators Malloy, Fair and M. B. Matthews: A BILL TO AMEND SECTION 63-19-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JUVENILE JUSTICE CODE DEFINITIONS, SO AS TO PROVIDE THAT A "CHILD" OR "JUVENILE" MEANS A PERSON LESS THAN EIGHTEEN YEARS OF AGE, DOES NOT MEAN A PERSON SEVENTEEN YEARS OF AGE OR OLDER WHO IS CHARGED WITH A VIOLENT CRIME, AND THAT A PERSON SIXTEEN YEARS OF AGE WHO IS CHARGED WITH A CLASS A, B, C, OR D FELONY OR A FELONY WHICH PROVIDES FOR A MAXIMUM TERM OF IMPRISONMENT OF FIFTEEN YEARS OR MORE MUST BE PROVIDED THE RIGHT TO HAVE THE CASE REMANDED TO FAMILY COURT; AND TO AMEND SECTION 63-19-1210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JURISDICTION OVER A CASE INVOLVING A CHILD, SO AS TO PROVIDE THAT IF A CHILD WAS UNDER THE AGE OF EIGHTEEN YEARS AT THE TIME OF COMMITTING AN ALLEGED OFFENSE, THE CIRCUIT COURT SHALL TRANSFER THE CASE TO FAMILY COURT, THAT IF A CHILD BELOW EIGHTEEN YEARS OF AGE IS CHARGED WITH AN OFFENSE WHICH, IF COMMITTED BY AN ADULT, WOULD BE A VIOLENT CRIME, THE COURT MAY RETAIN JURISDICTION, AND THAT IF A CHILD UNDER THE AGE OF EIGHTEEN IS CHARGED WITH CERTAIN OFFENSES, THE COURT MAY BIND OVER THE CHILD TO A COURT WHICH WOULD HAVE TRIAL JURISDICTION OF THE OFFENSES IF COMMITTED BY AN ADULT.

Rep. GOVAN proposed the following Amendment No. 2 to S. 916 (COUNCIL\DKA\916C001.DKA.SA16), which was ruled out of order:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION __. Section 59-65-10(A) of the 1976 Code, as last amended by Act 163 of 2012, is further amended to read:

“(A) A parent or guardian shall require his or her child to attend regularly a public or private school or kindergarten of this State which has been approved by the State Board of Education, a member school of the South Carolina Independent Schools’ Association, a member school

THURSDAY, MAY 5, 2016

of the South Carolina Association of Christian Schools, or some similar organization, or a parochial, denominational, or church-related school, or other programs which have been approved by the State Board of Education from the school year in which the child is five years of age before September first until the child attains his ~~seventeenth~~ eighteenth birthday or graduates from high school. A parent or guardian whose child is not six years of age on or before the first day of September of a particular school year may elect for ~~their~~ his or her child or ward not to attend kindergarten. For this purpose, the parent or guardian shall sign a written document making the election with the governing body of the school district in which the parent or guardian resides. The form of this written document must be prescribed by regulation of the Department of Education. Upon the written election being executed, that child is not required to attend kindergarten.” /

Renumber sections to conform.

Amend title to conform.

Rep. GOVAN explained the amendment.

POINT OF ORDER

Rep. TALLON raised the Point of Order under Rule 9.3 that Amendment No. 2 to S. 916 was not germane. Rep. TALLON stated that the Bill concerned the age for trying persons as adults, and the amendment dealt with mandatory attendance of 18 year olds in public school.

Rep. GOVAN spoke against the Point.

The SPEAKER sustained the Point of Order and ruled Amendment No. 2 to be non-germane.

The Bill was read the third time and ordered returned to the Senate with amendments.

S. 229--REQUESTS FOR DEBATE AND POINT OF ORDER

The following Bill was taken up:

S. 229 -- Senators Campbell and Turner: A BILL TO AMEND SECTION 48-1-90 OF THE 1976 CODE, RELATING TO REMEDIES FOR CAUSING OR PERMITTING POLLUTION OF THE ENVIRONMENT, TO CLARIFY THAT PERSONS WHO MAY FILE A PETITION WITH THE DEPARTMENT DOES NOT INCLUDE A DEPARTMENT, AGENCY, COMMISSION, DEPARTMENT, OR

[HJ]

THURSDAY, MAY 5, 2016

POLITICAL SUBDIVISION OF THE STATE, AND TO PROVIDE FOR DEPARTMENT DECISIONS THAT ARE NOT SUBJECT TO JUDICIAL REVIEW IN A CIVIL PROCEEDING; TO AMEND SECTION 6 OF ACT 198 OF 2012, RELATING TO THE SAVINGS CLAUSE, TO PROVIDE THAT THE SAVINGS CLAUSE OF ACT 198 APPLIES ONLY TO CASES FILED BEFORE JUNE 6, 2012, AND ANY FEDERAL PROJECT FOR WHICH A FINAL ENVIRONMENTAL IMPACT STATEMENT WAS ISSUED PRIOR TO JUNE 6, 2012, BUT NO RECORD OF DECISION WAS ISSUED PRIOR TO JUNE 6, 2012.

Reps. BRANNON and HIOTT requested debate on the Bill.

POINT OF ORDER

Rep. J. E. SMITH made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

H. 3133--DEBATE ADJOURNED

The following Bill was taken up:

H. 3133 -- Reps. Rutherford, G. R. Smith and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-3-462 SO AS TO PROVIDE THAT A COUNTY SOLICITOR MUST PETITION THE FAMILY COURT TO REQUIRE A PERSON TO CONTINUE TO REGISTER AS A SEX OFFENDER WHO IS A REGISTERED JUVENILE SEX OFFENDER, WHO IS AT LEAST TWENTY-ONE YEARS OF AGE, OR HAS BEEN RELEASED FROM THE CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE, TO PROVIDE THAT THE PERSON MUST CONTINUE TO REGISTER AS A SEX OFFENDER IF THE FAMILY COURT DETERMINES THAT HE IS LIKELY TO OR POSES AN ONGOING THREAT TO THE PUBLIC, AND TO PROVIDE THAT IF NO PETITION IS FILED WITHIN NINETY DAYS FOLLOWING THE TWENTY-FIRST BIRTHDAY OF THE PERSON OR THE DATE OF HIS RELEASE FROM CUSTODY, OR IF THE FAMILY COURT DETERMINES THAT THE PERSON IS NOT LIKELY TO OR DOES NOT POSE A THREAT TO THE PUBLIC, THEN THE PERSON IS NO LONGER REQUIRED TO REGISTER AS A SEX

[HJ]

THURSDAY, MAY 5, 2016

OFFENDER AND HIS INFORMATION MUST BE DELETED FROM THE SEX OFFENDER REGISTRY.

Rep. RUTHERFORD moved to adjourn debate on the Bill, which was adopted.

H. 5299--ORDERED TO THIRD READING

The following Bill was taken up:

H. 5299 -- Reps. G. M. Smith, J. E. Smith, Herbkersman, Huggins, Merrill, Anderson, Spires, McCoy, Limehouse, Collins, Stavrinakis, Bernstein, Riley, Bannister, Finlay, Weeks, Bingham, Rutherford, Kennedy, Newton, Horne, Cole, Jefferson, Williams and R. L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25-1-445 SO AS TO GIVE THE GOVERNOR AUTHORITY IN TIMES OF EMERGENCY TO MAKE CERTAIN ACCOMMODATIONS FOR A PERSON TRANSPORTING GOODS, AND TO PROVIDE FOR A CERTIFICATION SYSTEM.

Rep. G. M. SMITH explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 102; Nays 0

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Bales	Ballentine	Bedingfield
Bernstein	Bingham	Bowers
Bradley	Brannon	R. L. Brown
Burns	Chumley	Clary
Clemmons	Clyburn	Cobb-Hunter
Cole	Collins	Corley
H. A. Crawford	Crosby	Delleney
Douglas	Duckworth	Felder
Finlay	Forrester	Fry
Funderburk	Gagnon	Gambrell
George	Goldfinch	Govan
Hamilton	Hardee	Hart
Henderson	Henegan	Herbkersman
Hill	Hiott	Hixon

[HJ]

THURSDAY, MAY 5, 2016

Hodges	Hosey	Huggins
Jefferson	Johnson	Jordan
Kennedy	King	Kirby
Knight	Limehouse	Loftis
Long	Lowe	Lucas
Mack	McCoy	McEachern
McKnight	M. S. McLeod	W. J. McLeod
Merrill	Mitchell	Nanney
Newton	Norman	Norrell
Ott	Parks	Pitts
Pope	Ridgeway	Riley
Rivers	Robinson-Simpson	Ryhal
Sandifer	Simrill	G. M. Smith
G. R. Smith	J. E. Smith	Sottile
Spires	Stavrinakis	Stringer
Tallon	Taylor	Thayer
Tinkler	Toole	Weeks
Wells	White	Whitmire
Williams	Willis	Yow

Total--102

Those who voted in the negative are:

Total--0

So, the Bill was read the second time and ordered to third reading.

**H. 5299--ORDERED TO BE READ THIRD TIME
TOMORROW**

On motion of Rep. G. M. SMITH, with unanimous consent, it was ordered that H. 5299 be read the third time tomorrow.

H. 3767--REQUEST FOR DEBATE WITHDRAWN

Rep. W. J. MCLEOD withdrew his request for debate on H. 3767; however, other requests for debate remained on the Bill.

OBJECTION TO RECALL

Rep. HIOTT asked unanimous consent to recall S. 139 from the Committee on Judiciary.

Rep. J. E. SMITH objected.

[HJ]

THURSDAY, MAY 5, 2016

**S. 1233--RECALLED FROM COMMITTEE ON
WAYS AND MEANS**

On motion of Rep. WHITE, with unanimous consent, the following Bill was ordered recalled from the Committee on Ways and Means:

S. 1233 -- Senator Sheheen: A BILL TO AMEND SECTION 4-10-470, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COUNTIES IN WHICH THE EDUCATION CAPITAL IMPROVEMENTS SALES AND USE TAX MAY BE IMPOSED, SO AS TO REVISE THE CRITERIA APPLICABLE TO CERTAIN COUNTIES IN ORDER FOR THEM TO PLACE THE QUESTION OF IMPOSING THIS SALES AND USE TAX ON A REFERENDUM BALLOT.

OBJECTION TO RECALL

Rep. HART asked unanimous consent to recall H. 3364 from the Committee on Labor, Commerce and Industry.

Rep. TALLON objected.

OBJECTION TO RECALL

Rep. COBB-HUNTER asked unanimous consent to recall H. 3031 from the Committee on Labor, Commerce and Industry.

Rep. HILL objected.

RETURNED TO THE SENATE WITH AMENDMENTS

The following Bills were taken up, read the third time, and ordered returned to the Senate with amendments:

S. 338 -- Senators S. Martin and Bryant: A BILL TO AMEND ARTICLE 1, CHAPTER 13, TITLE 24 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS REGARDING PRISONERS, BY ADDING SECTION 24-13-180 TO PROVIDE THAT ANY PUBLIC, PRIVATE, OR NONPROFIT ENTITY WHICH IS ENGAGED IN HELPING TO REHABILITATE AND REINTRODUCE PAROLED PRISON INMATES INTO THE COMMUNITY AND WHICH AS A PART OF ITS PROGRAM PROVIDES RESIDENTIAL HOUSING IN THE COMMUNITY TO THESE PAROLEES MUST PROVIDE NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COMMUNITY OF THE ADDRESSES WHERE THESE RESIDENTIAL HOUSING FACILITIES WILL BE LOCATED, AND ALSO MUST CONDUCT

[HJ]

THURSDAY, MAY 5, 2016

A PUBLIC HEARING REGARDING THE PROGRAM AND THE LOCATION OF THESE RESIDENTIAL HOUSING FACILITIES IN THE COMMUNITY WHERE THEY WILL BE LOCATED.

S. 1035 -- Senators Cleary and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA TELEMEDICINE ACT" BY ADDING SECTION 40-47-37 SO AS TO FACILITATE THE USE OF TELEMEDICINE BY ESTABLISHING CERTAIN RECORDKEEPING REQUIREMENTS; TO AMEND SECTION 40-47-20, RELATING TO DEFINITIONS USED IN CHAPTER 47, TITLE 40, SO AS TO PROVIDE DEFINITIONS FOR "ASYNCHRONOUS STORE AND FORWARD TRANSFER" AND "TELEMEDICINE"; AND TO AMEND SECTION 40-47-113, RELATING TO THE REQUIREMENT OF A PHYSICIAN-PATIENT RELATIONSHIP BEFORE A PHYSICIAN MAY PRESCRIBE DRUGS FOR A PATIENT, SO AS TO ALLOW THE PRESCRIPTION OF DRUGS WHEN THE PHYSICIAN-PATIENT RELATIONSHIP IS ESTABLISHED BY TELEMEDICINE.

S. 277 -- Senators Alexander, Rankin and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "STATE TELECOM EQUITY IN FUNDING ACT" BY ADDING SECTION 58-9-2515 SO AS TO CLARIFY THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION OVER CERTAIN PROVIDERS REGARDING TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE; BY ADDING SECTION 58-9-2535 SO AS TO PROVIDE FOR THE MANNER OF ASSESSING AND COLLECTING DUAL PARTY RELAY CHARGES BY LOCAL EXCHANGE PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, AND VOICE OVER INTERNET PROTOCOL SERVICE PROVIDERS, AMONG OTHER THINGS; TO AMEND SECTION 58-9-10, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF TELEPHONE SERVICE, SO AS TO REVISE THE DEFINITIONS OF "BASIC LOCAL EXCHANGE TELEPHONE SERVICE" AND "CARRIER OF LAST RESORT"; TO AMEND SECTION 58-9-280, AS AMENDED, RELATING TO THE UNIVERSAL SERVICE FUND FOR CARRIERS OF LAST RESORT, SO AS TO PROVIDE FOR THE TRANSITION OF THE INTERIM LOCAL EXCHANGE CARRIER FUND INTO THE UNIVERSAL SERVICE FUND, TO LIMIT THE

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THURSDAY, MAY 5, 2016

SIZE OF THE UNIVERSAL SERVICE FUND, AND TO REQUIRE VOICE OVER INTERNET PROTOCOL PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, AND PREPAID WIRELESS SERVICE PROVIDERS TO CONTRIBUTE TO THE UNIVERSAL SERVICE FUND; TO AMEND SECTION 58-9-576, AS AMENDED, RELATING TO CERTAIN STAND-ALONE BASIC RESIDENTIAL LINE RATES, SO AS TO PROVIDE FOR THE TERMINATION OF THE RATES FIVE YEARS AFTER THEY BECOME EFFECTIVE; TO AMEND SECTION 58-9-2510, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE, SO AS TO REVISE THESE DEFINITIONS AND PROVIDE ADDITIONAL NECESSARY DEFINITIONS; TO AMEND SECTION 58-9-2530, AS AMENDED, RELATING TO THE OPERATING FUND FOR A SYSTEM OF DUAL PARTY RELAY DEVICES AND RELATED TELECOMMUNICATIONS DEVICES, SO AS TO IMPOSE CERTAIN UNIFORM-RELATED SURCHARGES ON LOCAL EXCHANGE PROVIDERS; AND TO REPEAL SECTION 58-9-2540 RELATING TO AN ADVISORY COMMITTEE CONCERNING STATEWIDE TELECOMMUNICATIONS RELAY ACCESS SERVICE.

S. 40--DEBATE ADJOURNED

The following Concurrent Resolution was taken up:

S. 40 -- Senators Bryant, Grooms, Davis, Campsen, Cleary, Alexander, Kimpson and Young: A CONCURRENT RESOLUTION TO JOIN THE SOUTH CAROLINA AND GEORGIA JOINT WATER CAUCUS TO ENCOURAGE STATE AGENCIES, IN CONJUNCTION WITH THE U.S. ARMY CORPS OF ENGINEERS, TO IMPLEMENT A WATER MANAGEMENT PROGRAM FOR THE SAVANNAH RIVER BASIN TO ENSURE CONTINUOUS OPTIMIZATION OF WATER QUALITY AND QUANTITY MANAGEMENT OF THE WATER RESOURCES SHARED BY SOUTH CAROLINA AND GEORGIA THROUGHOUT THE SAVANNAH RIVER BASIN.

Rep. HIOTT moved to adjourn debate on the Concurrent Resolution until Wednesday, May 18, which was agreed to.

[HJ]

THURSDAY, MAY 5, 2016

MOTION PERIOD

The motion period was dispensed with on motion of Rep. HIOTT.

H. 3868--DEBATE ADJOURNED

The following Bill was taken up:

H. 3868 -- Reps. Pitts, White, Goldfinch, Hardee, Bales, Gambrell and Gagnon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "WETLANDS CONSERVATION ACT"; TO AMEND SECTION 12-24-95, RELATING TO DEED RECORDING FEES, SO AS TO INCREASE THE PORTION OF A STATE DEED RECORDING FEE THAT MUST BE CREDITED TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND FROM TWENTY-FIVE CENTS TO THIRTY CENTS; TO AMEND SECTION 48-59-60, RELATING TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND, SO AS TO REQUIRE THAT ANY FUNDS COLLECTED BY THE SOUTH CAROLINA CONSERVATION BANK IN EXCESS OF THE AMOUNT AUTHORIZED IN THE ANNUAL APPROPRIATIONS BILL MUST BE TRANSFERRED TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 48-59-70, RELATING TO TRUST FUND GRANTS AND CONSERVATION CRITERIA, SO AS TO ADD ISOLATED WETLANDS AND CAROLINA BAYS TO THE CONSERVATION CRITERIA, TO ADD THE VALUE OF A PROPOSAL ON WILDLIFE MANAGEMENT AREAS OWNED AND MANAGED BY THE DEPARTMENT OF NATURAL RESOURCES TO THE CONSERVATION CRITERIA, AND TO ALLOW THE BOARD TO AUTHORIZE UP TO EIGHT AND THIRTY-THREE ONE HUNDREDTHS PERCENT OF THE MONIES CREDITED TO THE TRUST FUND TO APPLICATIONS THAT SOLELY MEET THE NEW CONSERVATION CRITERIA AND LIMIT THE AWARD OF MONEY TO APPLICATIONS FOR ACQUISITION OF INTERESTS IN LAND SOLELY FOR THE SITES OF HISTORICAL OR ARCHAEOLOGICAL SIGNIFICANCE; TO AMEND SECTION 48-59-75, RELATING TO RESTRICTIONS ON THE TRANSFER OF DEED RECORDING FEES TO THE TRUST FUND, SO AS TO PROVIDE THE TRANSFER OF RECORDING FEES AND OTHER APPROPRIATED FUNDS TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND MUST BE DECREASED BY TWICE THE AVERAGE PERCENTAGE REDUCTION OF

[HJ]

THURSDAY, MAY 5, 2016

APPROPRIATIONS TO EACH AGENCY AND DEPARTMENT IN A FISCAL YEAR WHEN THE GENERAL ASSEMBLY PROVIDES LESS APPROPRIATIONS THAN WHAT WAS PROVIDED FOR IN THE PREVIOUS YEAR TO AT LEAST ONE-HALF OF ALL STATE AGENCIES OR DEPARTMENTS.

Rep. PITTS moved to adjourn debate on the Bill until Tuesday, May 17, which was agreed to.

H. 3878--DEBATE ADJOURNED

The following Bill was taken up:

H. 3878 -- Reps. White, Pope, Clemmons, Duckworth, Goldfinch, Hardwick, Johnson, H. A. Crawford, George, Yow, Ryhal, Hardee, Hayes, Kirby, Bradley, Newton, Erickson and Long: A BILL TO AMEND SECTION 12-6-510, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS, SO AS TO INCREASE THE SIZE OF THE TAX BRACKETS FOR EACH TAX RATE; AND TO AMEND SECTION 12-6-520, RELATING TO THE ANNUAL ADJUSTMENT OF INCOME TAX BRACKETS, SO AS PROVIDE THE BRACKETS SHALL NOT BE ADJUSTED IN TAX YEARS 2016 AND 2017.

Rep. WHITE moved to adjourn debate on the Bill until Tuesday, May 17, which was agreed to.

H. 3767--DEBATE ADJOURNED

The following Bill was taken up:

H. 3767 -- Rep. White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-37-221 SO AS TO PROHIBIT THE LEVY OF CERTAIN PROPERTY TAXES ON REAL PROPERTY OWNED OR LEASED TO CERTAIN CHILDCARE PROVIDERS; TO AMEND SECTION 63-13-20, RELATING TO THE DEFINITION OF TERMS USED IN THE REGULATION OF CHILDCARE FACILITIES, SO AS TO CLARIFY THE TYPES OF DAYTIME PROGRAMS AND DAY CAMPS TO WHICH THE DEFINITION APPLIES; BY ADDING SECTION 63-13-220 SO AS TO PROHIBIT USE OF ABC VOUCHERS BY CERTAIN CHILDCARE FACILITIES AND TO REQUIRE THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS ANNUALLY;

[HJ]

THURSDAY, MAY 5, 2016

AND BY ADDING SECTION 63-13-470 SO AS TO PROVIDE FOR LICENSING AND APPROVAL REQUIREMENTS FOR PRIVATE CHILDCARE CENTERS AND GROUP CHILDCARE HOMES.

Rep. WHITE moved to adjourn debate on the Bill until Tuesday, May 17, which was agreed to.

S. 780--ORDERED TO THIRD READING

The following Bill was taken up:

S. 780 -- Senators McElveen and Campsen: A BILL TO AMEND SECTION 50-13-1630 (A) THROUGH (D) OF THE 1976 CODE, RELATING TO THE SALE AND TRAFFICKING IN FISH, TO PROVIDE THAT THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES MAY ISSUE PERMITS FOR THE RELEASE OR STOCKING OF STERILE WHITE AMUR, GRASS CARP, OR GRASS CARP HYBRIDS IN THIS STATE AND TO UPDATE NECESSARY TERMS.

Rep. LOWE spoke in favor of the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 101; Nays 0

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Bales	Ballentine	Bedingfield
Bernstein	Bingham	Bowers
Bradley	Brannon	G. A. Brown
R. L. Brown	Burns	Chumley
Clary	Clyburn	Cobb-Hunter
Cole	Collins	Corley
H. A. Crawford	Crosby	Daning
Delleney	Douglas	Duckworth
Felder	Finlay	Forrester
Fry	Funderburk	Gagnon
Gambrell	George	Goldfinch
Govan	Hamilton	Hart
Henderson	Henegan	Herbkersman

[HJ]

THURSDAY, MAY 5, 2016

Hicks	Hill	Hiott
Hixon	Hodges	Hosey
Huggins	Jefferson	Johnson
Jordan	Kennedy	King
Kirby	Knight	Loftis
Long	Lowe	Lucas
McEachern	M. S. McLeod	W. J. McLeod
Mitchell	Nanney	Neal
Newton	Norman	Norrell
Ott	Parks	Pitts
Pope	Quinn	Ridgeway
Riley	Rivers	Robinson-Simpson
Rutherford	Sandifer	Simrill
G. M. Smith	G. R. Smith	J. E. Smith
Sottile	Spires	Stavrinakis
Stringer	Tallon	Taylor
Thayer	Tinkler	Toole
Weeks	Wells	Whipper
White	Whitmire	Williams
Willis	Yow	

Total--101

Those who voted in the negative are:

Total--0

So, the Bill was read the second time and ordered to third reading.

S. 780--ORDERED TO BE READ THIRD TIME TOMORROW

On motion of Rep. HIXON, with unanimous consent, it was ordered that S. 780 be read the third time tomorrow.

**H. 3133--RECONSIDERED, AMENDED AND ORDERED TO
THIRD READING**

Rep. RUTHERFORD moved to reconsider the vote whereby debate was adjourned on the following Bill, which was agreed to:

H. 3133 -- Reps. Rutherford, G. R. Smith and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-3-462 SO AS TO PROVIDE THAT A

[HJ]

THURSDAY, MAY 5, 2016

COUNTY SOLICITOR MUST PETITION THE FAMILY COURT TO REQUIRE A PERSON TO CONTINUE TO REGISTER AS A SEX OFFENDER WHO IS A REGISTERED JUVENILE SEX OFFENDER, WHO IS AT LEAST TWENTY-ONE YEARS OF AGE, OR HAS BEEN RELEASED FROM THE CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE, TO PROVIDE THAT THE PERSON MUST CONTINUE TO REGISTER AS A SEX OFFENDER IF THE FAMILY COURT DETERMINES THAT HE IS LIKELY TO OR POSES AN ONGOING THREAT TO THE PUBLIC, AND TO PROVIDE THAT IF NO PETITION IS FILED WITHIN NINETY DAYS FOLLOWING THE TWENTY-FIRST BIRTHDAY OF THE PERSON OR THE DATE OF HIS RELEASE FROM CUSTODY, OR IF THE FAMILY COURT DETERMINES THAT THE PERSON IS NOT LIKELY TO OR DOES NOT POSE A THREAT TO THE PUBLIC, THEN THE PERSON IS NO LONGER REQUIRED TO REGISTER AS A SEX OFFENDER AND HIS INFORMATION MUST BE DELETED FROM THE SEX OFFENDER REGISTRY.

Rep. RUTHERFORD proposed the following Amendment No. 1A to H. 3133 (COUNCIL\BBM\3133C001.BBM.DG16), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

/ SECTION 1. Article 7, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23-3-462. (A) When a registered juvenile sex offender reaches twenty-one years of age and is released from the custody of the Department of Juvenile Justice, South Carolina Department of Corrections, or South Carolina Probation, Parole, and Pardon Services, the person may petition the family court to remove the person’s requirement to register as a sex offender. In the first year after this section takes effect, the Family Court is limited to hearing only one petition each month. If the Family Court determines at a hearing that the person who is registered as a juvenile sex offender is likely to or does pose an ongoing serious or aggressive threat to the public, the court shall order that the delinquent act be deemed an adult criminal conviction for the purpose of registration, notification, and public information access pursuant to Article 7, Chapter 3, Title 23. If the Family Court determines the person is not likely to or does not pose an ongoing serious or aggressive threat to the public, the juvenile is no longer required to register as a sex offender and his information must be deleted from the

THURSDAY, MAY 5, 2016

sex offender registry. The Attorney General or Circuit Solicitor shall have the right to be heard and the right to have the person assessed. The burden of proof is on the petitioner which must be proven by clear and convincing evidence. The court shall have the discretion to order treatment or any other relevant items as a condition of removal. The petitioner cannot reapply for three years if denied unless otherwise ordered by the court.

In considering the petition, the court shall consider:

- (1) the likelihood the petitioner will reoffend, based on a risk assessment or an evaluation by a mental health professional, the cost of which shall be borne by the petitioner unless the petitioner is indigent;
- (2) the age of the petitioner at the time of the offense;
- (3) mitigating factors, including whether the petitioner has completed any treatment programs;
- (4) aggravating factors including, but not limited to, use of force or weapons;
- (5) any assessments of the person performed at the request of the Attorney General or Circuit Solicitor; and
- (6) other factors the court considers relevant.

(B) Notwithstanding Section 23-3-430, a child thirteen years of age or older who has been adjudicated delinquent by a family court in this State for an offense described in Section 23-3-430, with the exception of Sections 16-3-652, 16-3-653, 16-3-654 and Section 16-3-656 when the assault was with the intent to commit, Sections 16-3-652, 16-3-653, and 16-3-654 which require mandatory sex offender registration, may be required to register pursuant to the provisions of this article. The family court shall use its discretion to determine whether a juvenile is placed on the sex offender registry and required to comply with registration requirements. The determination to place the juvenile on the sex offender registry may be after adjudication and held in abeyance until a sex offender treatment program is completed. In making this determination, the court shall consider:

- (1) the likelihood the juvenile will reoffend, based on a psycho-sexual risk assessment and evaluation by a licensed clinical psychologist or licensed psychiatrist employed by the Department of Juvenile Justice. The Circuit Solicitor's Office, Attorney General's Office, or the juvenile also may have an independent psycho-sexual risk assessment evaluation by a licensed psychologist or psychiatrist;
- (2) the age of the juvenile at the time of the offense;
- (3) mitigating factors;

THURSDAY, MAY 5, 2016

(4) aggravating factors including, but not limited to, use of force or weapons;

(5) prior adjudications; and

(6) other factors the court considers relevant.”

Renumber sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 67; Nays 30

Those who voted in the affirmative are:

Anderson	Anthony	Bales
Bernstein	Bowers	G. A. Brown
Burns	Clary	Clemmons
Clyburn	Cobb-Hunter	Cole
Collins	Delleney	Douglas
Duckworth	Felder	Finlay
Funderburk	George	Goldfinch
Hamilton	Hart	Henderson
Henegan	Herbkersman	Hicks
Hill	Hixon	Hodges
Hosey	Huggins	Jefferson
Johnson	Jordan	King
Kirby	Loftis	Long
Lucas	Mack	McKnight
M. S. McLeod	W. J. McLeod	Mitchell
Neal	Newton	Norman
Norrell	Parks	Pope
Ridgeway	Rivers	Robinson-Simpson
Rutherford	G. M. Smith	G. R. Smith
J. E. Smith	Spires	Taylor
Thayer	Tinkler	Weeks
Wells	Whipper	White
Williams		

Total--67

[HJ]

155

THURSDAY, MAY 5, 2016

Those who voted in the negative are:

Allison	Bedingfield	Bingham
Bradley	Chumley	Corley
Crosby	Forrester	Fry
Gagnon	Gambrell	Hiott
Kennedy	Knight	McEachern
Merrill	Nanney	Pitts
Quinn	Riley	Sandifer
Simrill	Sottile	Stavrinakis
Stringer	Tallon	Toole
Whitmire	Willis	Yow

Total--30

So, the Bill, as amended, was read the second time and ordered to third reading.

OBJECTION TO MOTION

Rep. RUTHERFORD asked unanimous consent that H. 3133 be read a third time tomorrow.

Rep. TALLON objected.

RECURRENCE TO THE MORNING HOUR

Rep. CLYBURN moved that the House recur to the morning hour, which was agreed to.

REPORTS OF STANDING COMMITTEES

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report with amendments on:

S. 652 -- Senator L. Martin: A BILL TO AMEND TITLE 34, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 45, SO AS TO AUTHORIZE FINANCIAL INSTITUTIONS THAT DO BUSINESS IN SOUTH CAROLINA TO CONDUCT SAVINGS PROMOTION CONTESTS FOR MEMBERS AND CUSTOMERS OF THE FINANCIAL INSTITUTIONS, SUBJECT TO CERTAIN REQUIREMENTS, AND TO AUTHORIZE THE APPROPRIATE FEDERAL OR STATE REGULATORY AGENCY OF EACH FINANCIAL INSTITUTION TO OVERSEE THE CONDUCT OF

THURSDAY, MAY 5, 2016

THE CONTESTS AND ISSUE CEASE AND DESIST ORDERS WHEN NECESSARY.

Ordered for consideration tomorrow.

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report on:

S. 693 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-27-475 SO AS TO REVISE THE INSURERS' REHABILITATION AND LIQUIDATION ACT BY ADDING PROVISIONS SPECIFIC TO FEDERAL HOME LOAN BANKS AND INSURER-MEMBERS OF THOSE BANKS IN DELINQUENCY PROCEEDINGS BROUGHT PURSUANT TO THE ACT; TO AMEND SECTION 38-27-50, RELATING TO DEFINITIONS CONCERNING THE ACT SO AS TO DEFINE ADDITIONAL TERMS; AND TO AMEND SECTION 38-27-70, RELATING TO INJUNCTIONS AND OTHER EQUITABLE REMEDIES AVAILABLE TO RECEIVERS APPOINTED IN DELINQUENCY PROCEEDINGS UNDER THE ACT, SO AS TO PROVIDE CIRCUMSTANCES IN WHICH FEDERAL HOME LOAN BANKS MAY EXERCISE THEIR RIGHTS REGARDING COLLATERAL PLEDGED BY ITS INSURER-MEMBERS INVOLVED IN DELINQUENCY PROCEEDINGS BROUGHT PURSUANT TO THE ACT.

Ordered for consideration tomorrow.

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report on:

S. 978 -- Senator Hayes: A BILL TO AMEND SECTION 38-9-330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RISK-BASED CAPITAL PLANS, SO AS TO INCREASE THE MULTIPLIER FOR A COMPANY ACTION LEVEL EVENT FOR A LIFE AND HEALTH INSURER FROM 2.5 TO 3.0; TO AMEND SECTION 38-87-30, RELATING TO THE CHARTERING OF A RISK RETENTION GROUP, SO AS TO DEFINE TERMS, TO PROVIDE THAT A MAJORITY OF A RISK RETENTION GROUPS' DIRECTORS MUST BE INDEPENDENT DIRECTORS, TO ESTABLISH THE MAXIMUM TERM OF ANY MATERIAL SERVICE PROVIDER CONTRACT, TO REQUIRE THE BOARD OF DIRECTORS TO ADOPT A WRITTEN POLICY, TO

THURSDAY, MAY 5, 2016

REQUIRE THE BOARD OF DIRECTORS TO ADOPT AND DISCLOSE ITS GOVERNANCE STANDARDS, TO REQUIRE THE BOARD TO ADOPT AND DISCLOSE A CODE OF BUSINESS CONDUCT AND ETHICS, TO REQUIRE A RISK RETENTION GROUP TO COMPLY WITH APPLICABLE REGULATIONS, TO ESTABLISH PROCEDURES FOR NONCOMPLIANCE, AND TO SET ESTABLISHED DATES FOR COMPLIANCE; TO AMEND SECTION 38-87-40, RELATING TO OUT-OF-STATE RISK RETENTION GROUPS, SO AS TO ALLOW AN OUT-OF-STATE RISK RETENTION GROUP TO SUBMIT REVISIONS TO ITS PLAN OF OPERATION WITHIN THIRTY DAYS OF APPROVAL BY THE STATE INSURANCE COMMISSION OR WITHIN THIRTY DAYS IF NO APPROVAL IS REQUIRED; AND TO AMEND SECTION 38-90-160, AS AMENDED, RELATING TO CAPTIVE INSURANCE COMPANIES, SO AS TO EXTEND THE PROVISIONS OF SECTION 38-87-30 TO A RISK RETENTION GROUP LICENSED AS A CAPTIVE INSURANCE COMPANY.

Ordered for consideration tomorrow.

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report on:

S. 653 -- Senator Scott: A BILL TO AMEND SECTION 38-63-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PAYMENT OF INDIVIDUAL LIFE INSURANCE POLICY BENEFIT PROCEEDS IN A LUMP SUM, SO AS TO PROVIDE THE INTEREST PAID MUST BE PAID AT A RATE NOT LESS THAN THE CURRENT RATE INTEREST PAID ON DEATH PROCEEDS LEFT ON DEPOSIT WITH THE INSURER; AND TO AMEND SECTION 38-65-120, RELATING TO PAYMENT OF GROUP LIFE INSURANCE POLICY BENEFIT PROCEEDS IN A LUMP SUM, SO AS TO CLARIFY THE REQUIREMENTS FOR CLAIMS SUBMISSIONS, AND TO PROVIDE INTEREST PAID ON LUMP SUM PAYMENTS MUST BE PAID AT A RATE NOT LESS THAN THE CURRENT RATE OF INTEREST PAID ON DEATH PROCEEDS LEFT ON DEPOSIT WITH THE INSURER.

Ordered for consideration tomorrow.

THURSDAY, MAY 5, 2016

Rep. BALES, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 5244 -- Reps. Alexander and Williams: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF PINE STREET (STATE ROAD S-21-1380) FROM ITS INTERSECTION WITH SOUTH CHURCH STREET TO ITS INTERSECTION WITH SOUTH JEFFORDS STREET IN THE CITY OF FLORENCE "EDWARD 'ED' ROBINSON WAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY CONTAINING THIS DESIGNATION.

Ordered for consideration tomorrow.

Rep. BALES, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

S. 1229 -- Senators Scott and Jackson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 321 IN RICHLAND COUNTY FROM ITS INTERSECTION WITH FRIENDLY WOODS ROAD TO ITS INTERSECTION WITH BLYTHEWOOD ROAD "PASTOR EDDIE W. DAVIS HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THIS DESIGNATION.

Ordered for consideration tomorrow.

HOUSE RESOLUTION

The following was introduced:

H. 5319 -- Reps. King, Parks, M. S. McLeod, Robinson-Simpson and Dillard: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR TALITHA A. THOMAS OF GREENVILLE COUNTY FOR HER SIGNIFICANT CONTRIBUTIONS TO THE FUNERAL SERVICES PROFESSION AND TO CONGRATULATE HER UPON BEING NAMED THE 2016 ROBERT H. MILLER PROFESSIONAL OF THE YEAR BY THE NATIONAL FUNERAL DIRECTORS & MORTICIANS ASSOCIATION.

The Resolution was adopted.

[HJ]

THURSDAY, MAY 5, 2016

CONCURRENT RESOLUTION

The following was introduced:

H. 5320 -- Rep. W. J. McLeod: A CONCURRENT RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF BENNIE D. BENNETT, SUPERINTENDENT FOR THE SCHOOL DISTRICT OF NEWBERRY COUNTY, AND TO EXTEND DEEPEST SYMPATHY TO HIS LOVING FAMILY AND MANY FRIENDS.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

CONCURRENT RESOLUTION

The following was introduced:

H. 5321 -- Reps. Fry and Goldfinch: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE MURRELLS INLET-GARDEN CITY FIRE DISTRICT ON THE OCCASION OF CELEBRATING ITS GOLDEN ANNIVERSARY, AND TO THANK THE DISTRICT FOR PROVIDING OUTSTANDING FIRE AND RESCUE SERVICES IN GEORGETOWN AND HORRY COUNTIES.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

MOTION ADOPTED

Rep. DELLENEY moved that when the House adjourn today, it stand adjourned to meet in Local Session on Friday, May 6, and to next meet in Statewide Session on Tuesday, May 17, at 12:00 noon, which was agreed to.

Rep. HIXON moved that the House do now adjourn, which was agreed to.

ADJOURNMENT

At 11:42 a.m. the House, in accordance with the motion of Rep. ERICKSON, adjourned in memory of Mikel Swinton, to meet at 10:00 a.m. tomorrow.

THURSDAY, MAY 5, 2016

H. 3031	146	S. 40	148
H. 3133 .. 143, 152, 153, 156		S. 139	145
H. 3364	146	S. 229	142
H. 3716	138	S. 277	147
H. 3767	145, 150	S. 338	146
H. 3868	149	S. 652	156
H. 3878	150	S. 653	158
H. 5195	139	S. 693	157
H. 5244	159	S. 780	151, 152
H. 5299	138, 144, 145	S. 916	140, 141, 142
H. 5319	159	S. 978	157
H. 5320	160	S. 1035	147
H. 5321	160	S. 1229	159
		S. 1233	146
		S. 1272	139