

Judicial Merit Selection Commission

Report of Candidate Qualifications 2024

Date Draft Report Issued: Monday, May 20, 2024

Date and Time

Final Report Issued: Noon, Wednesday, May 22, 2024

**Judicial candidates are not free to
seek or accept commitments until
Wednesday, May 22, 2024, at Noon.**

Judicial Merit Selection Commission

Sen. Luke A. Rankin, Chairman
Rep. Micajah P. "Micah" Caskey, IV, Vice-Chairman
Sen. Ronnie A. Sabb
Sen. Scott Talley
Rep. J. Todd Rutherford
Rep. Wallace H. "Jay" Jordan, Jr.
Hope Blackley
Lucy Grey McIver
Andrew N. Safran
J.P. "Pete" Strom Jr.



Erin B. Crawford, Chief Counsel
Kate Crater, Counsel

Post Office Box 142
Columbia, South Carolina 29202
(803) 212-6623

May 20, 2024

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'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 22, 2024.** 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 22, 2024.** In summary, no member of the General Assembly should, orally or in writing, communicate about a candidate's candidacy until this designated time after the 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 about this report, please contact Erin B. Crawford, Chief Counsel to the Commission, at (803) 212-6689.

Thank you for your attention to this matter.

Sincerely,

Senator Luke A. Rankin

Judicial Merit Selection Commission

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May 20, 2024

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 current 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 is to ensure that members of the General Assembly have 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 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 Erin B. Crawford, Chief Counsel to the Commission, at (803) 212-6689.

Sincerely,

Senator Luke A. Rankin
Chairman

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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.

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 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.

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 sent 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.

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 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 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.

SUPREME COURT QUALIFIED AND NOMINATED

The Honorable Blake A. Hewitt
Supreme Court, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Hewitt was born in 1978. He is 45 years old and a resident of Conway, South Carolina. Judge Hewitt 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 2005.

(2) Ethical Fitness:

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

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

Judge Hewitt 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 Hewitt 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 Hewitt to be intelligent and knowledgeable.

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

- (a) From January of 2018 to May of 2018 I was employed by the University of South Carolina Law School as an Adjunct Professor teaching Appellate Advocacy;
- (b) I lectured on techniques of oral advocacy at the 2016 "Prosecution Bootcamp" for new prosecutors, hosted by the Prosecution Coordination Commission. I delivered

- the same presentation at the Solicitor's Association's Annual Convention later that same year;
- (c) I presented on the topic of appellate practice at the Bridge the Gap programs in 2015 and 2016;
 - (d) I lectured on oral advocacy at the 2016 SC Bar "SC Lawyer's Guide to Appellate Practice" Program;
 - (e) I gave "case law update" presentations to all attendees at the Injured Workers' Advocates organization's Annual Conventions in 2010, 2011, 2013, 2014, 2015, 2016, and 2017. During the same 2016 and 2017 Annual Conventions I moderated a discussion about appellate practice with the appellate judges attending the conference;
 - (f) In 2015 I gave a presentation that dealt with issues surrounding the admission of forensic interviews in criminal sexual conduct cases as part of the SC Bar's annual "It's All A Game" seminar. I updated this presentation for the same seminar in 2021;
 - (g) I shared presentations on special filing procedures in professional negligence cases as a part of the annual Tort Law Update hosted by the SC Bar in 2014 and 2015;
 - (h) I lectured on error preservation and techniques of developing a record for an eventual appeal at the 2013 SC Bar Program "Introduction to Birth Injury Litigation;"
 - (i) I was a member of a panel discussion on indigent defense funding at the Charleston School of Law's symposium celebrating the 50th anniversary of the U.S. Supreme Court's decision in Gideon v. Wainwright;
 - (j) I gave speeches on effective legal writing at a local CLE Program, "What Every Lawyer should know to Enjoy (or Survive) the Practice of Law" in 2012 and 2013;
 - (k) I lectured on handling appeals effectively at the South Carolina Association for Justice's 2012 Annual Convention;
 - (l) I gave a "case law update" at the South Carolina Association for Justice's 2016 Annual Convention;
 - (m) I spoke about the strategy and method of working an appellate case as part of the "2018-2019 Appellate Practice Project" in November of 2018;
 - (n) I gave a family court "case law update" as part of the Horry County Family Court Bar's "Family Law Seminar" in February of 2020;
 - (o) I participated in a panel discussion explaining the process of running for judicial office as part of the 2021 SC Bar Convention;
 - (p) I participated in a Q & A about the appellate process for the SC Workers' Compensation Educational Association's Annual Conference in 2021;
 - (q) I participated in a panel discussion about the appellate process as part of the Injured Workers' Advocates Annual Convention in 2021;
 - (r) I participated in a panel discussion about the appellate process for the Coastal American Inn of Court in February of 2021;
 - (s) I participated in a panel discussion about written and oral advocacy for the SC School Board Association's Council of School Attorneys in May of 2022;
 - (t) I gave a presentation titled "Update from the Court of Appeals" at the Horry County Bar Association's annual CLE in October of 2022;

- (u) I participated in an oral argument demonstration as part of the SC Bar Association’s “Appellate Advocacy Workshop” in November of 2022;
- (v) I presented a program about how to challenge an expert’s qualifications as part of the Horry County Family Court Bar’s “Family Law Seminar” in February of 2023;
- (w) I moderated a panel discussion on criminal appeals as part of the SC Appellate Judges Conference in March of 2023.

Judge Hewitt reported that he has published the following:

- (a) Appellate Practice in South Carolina Jean Hoefer Toal et al. (SC Bar CLE 2016), Editorial Board.

(4) Character:

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

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

The Commission also noted that Judge Hewitt 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 Hewitt reported that his last available rating by a legal rating organization was Best Lawyer in the areas of Appellate Practice and Personal Injury Litigation - Plaintiffs.

Judge Hewitt reported the following military service:

From June of 2001 to August of 2001, I was an officer candidate in the United States Marine Corps. A week before the end of Officer Candidate School, I declined a commission as a Second Lieutenant and was released from my orders. To my knowledge, I did not have a rank or a serial number. The character of my discharge was “dropping on request.”

Judge Hewitt reported that he has never held public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Hewitt was admitted to the South Carolina Bar in 2005.

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

- (a) From August of 2005 to July of 2008, I served as a judicial law clerk and legislative liaison to the Honorable Jean H. Toal, Chief Justice of the Supreme Court of South Carolina.
- (b) From July of 2008 to August of 2009, I served as a judicial law clerk to the Honorable Joseph F. Anderson, Jr., United States District Judge for the District of South Carolina.
- (c) From August of 2009 until November of 2019, I was in private practice with the same law firm. When I joined the firm it was Bluestein Nichols Thompson & Delgado. When I left, it was Bluestein Thompson Sullivan. My primary area of practice was appellate litigation but I was routinely involved in work at the Circuit Court and District Court level as either lead counsel or consulting counsel.
- (d) From January of 2018 to May of 2018 I was employed by the University of South Carolina Law School as an Adjunct Professor teaching Appellate Advocacy.
- (e) From January of 2020 to the present time I have been honored to serve the people of South Carolina as a judge on the Court of Appeals.

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

- (a) Federal: Fairly infrequent. Five to ten percent of cases.
- (b) State: Regularly. Multiple oral arguments each year with various other in-court appearances.

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

- (a) Civil: 80%;
- (b) Criminal: 10%;
- (c) Domestic: 10%;
- (d) Other: 0%.

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

- (a) 30% settled prior to trial;
- (b) 2 cases went to trial and resulted in a verdict;
- (c) 8 cases went to trial and resolved after the plaintiff's or State's case;
- (d) 0 cases settled after a jury was selected, but prior to opening statements.

Judge Hewitt provided the following regarding the past five years prior to his service on the bench and counsel roles:

Most of my work in Circuit Court, District Court, and Administrative Agencies (specifically, the Workers' Compensation Commission) involved merits-based motions and hearings for which I had chief responsibility. Prior to being elected as a judge in 2019, my most recent criminal trial was as co-counsel in a murder case that was tried to a jury in January of 2014. My most recent civil trial was as co-counsel in a bench trial in June of 2017.

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

- (a) Marshall v. Dodds, 426 S.C. 453, 827 S.E.2d 570 (2019). This case analyzes how the statute of repose for medical malpractice actions applies in the situation where there are multiple breaches of the standard of care over an extensive period of time.
- (b) Rhame v. Charleston County Sch. Dist., 412 S.C. 273, 772 S.E.2d 159 (2015). This case holds that the Workers' Compensation Commission may entertain petitions for rehearing. It overrules three previous decisions that had incorrectly suggested otherwise and brings the comp commission's practice in line with that of other administrative agencies.
- (c) Ranucci v. Crain, 409 S.C. 493, 763 S.E.2d 189 (2014). This case correctly holds that the pre-suit notice of intent statute for medical malpractice cases (section 15-79-125) completely incorporates the affidavit statute from the Frivolous Civil Proceedings Sanctions Act (section 15-36-100), reversing a decision to the contrary by the Court of Appeals.
- (d) Bone v. U.S. Food Service, 404 S.C. 67, 744 S.E.2d 552 (2013). This case resolves a long-standing conflict between the Supreme Court and the Court of Appeals about immediate appealability in administrative cases. This conflict historically resulted in a substantial amount of waste for litigants and for the court system. The rule is not perfect, but Bone correctly forces everyone to examine appealability in administrative cases through the lens of the Administrative Procedures Act.
- (e) Ex Parte Brown, 393 S.C. 214, 711 S.E.2d 899 (2011). This case holds that when an attorney is appointed to represent an indigent defendant, the takings clause of the Constitution requires that the attorney receive reasonable compensation for his services. This was a break from prior precedent. I was deeply honored to represent the South Carolina Bar which filed a brief as a friend of the Court.

The following is Judge Hewitt's account of five civil appeals he has personally handled:

- (a) Traynum v. Scavens, 416 S.C. 197, 786 S.E.2d 115 (2016);
- (b) Roddey v. Wal-Mart, 415 S.C. 580, 784 S.E.2d 670 (2016);
- (c) McAlhaney v. McElveen, 413 S.C. 299, 775 S.E.2d 411 (Ct. App. 2015);
- (d) Skipper v. ACE Property & Casualty Ins. Co., 413 S.C. 33, 775 S.E.2d 37 (2015);
- (e) Lewis v. LB Dynasty, 411 S.C. 637, 770 S.E.2d 393 (2015).

The following is Judge Hewitt's account of five criminal appeals he has personally handled:

- (a) State v. Sims, 426 S.C. 115, 825 S.E.2d 731 (Ct. App. 2019);
- (b) State v. Torrence, Op. No. 2013-UP-152 (S.C. Ct. App. filed Apr. 10, 2013);
- (c) State v. Whitesides, 397 S.C. 313, 725 S.E.2d 487 (2012);
- (d) State v. Jennings, 394 S.C. 473, 716 S.E.2d 91 (2011);
- (e) Ex Parte Brown, 393 S.C. 214, 711 S.E.2d 899 (2011) (represented amicus curiae).

Judge Hewitt reported that he has held the following judicial office(s):

I was elected by the General Assembly to the Court of Appeals in February of 2019. I did not begin serving until after the Honorable Paul Short retired the following December. My service began in January of 2020. I have served continuously since that time and am grateful beyond words to the General Assembly for my reelection last year.

The Court of Appeals predominantly has appellate jurisdiction and performs the first stage of appellate review for the vast majority of appeals that are filed in the unified judicial system. The only exceptions are the seven categories of cases (the six listed in Rule 203, (d)(1)(A), SCACR, plus “certificate of need” cases pursuant to the recent amendments to that law) that skip the Court of Appeals and proceed directly to the Supreme Court. In addition to its appellate jurisdiction, the Court of Appeals hears pretrial motions to suppress wire, oral, or electronic communications under the “South Carolina Homeland Security Act” if there is a claim the communications were illegally intercepted.

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

- (a) Fairfield Waverly, LLC v. Dorchester Cnty. Assessor, 432 S.C. 287, 852 S.E.2d 739 (Ct. App. 2020);
- (b) Arcadia Lakes v. S.C. Dep’t of Health & Env’t Control, 433 S.C. 47, 855 S.E.2d 325 (Ct. App. 2021);
- (c) Est. of Jane Doe 202 v. City of N. Charleston, 433 S.C. 444, 858 S.E.2d 814 (Ct. App. 2021) affirmed in result 441 S.C. 131, 893 S.E.2d 319 (2023);
- (d) Encore Tech. Grp., LLC v. Trask, 436 S.C. 289, 871 S.E.2d 608 (Ct. App. 2021);
- (e) State v. Williams, 437 S.C. 100, 876 S.E.2d 324 (2022).

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

Judge Hewitt further reported the following regarding unsuccessful candidacies:

In 2012 I ran unsuccessfully for the South Carolina House of Representatives, District #105. For a brief period in May, I was the Republican nominee for this office, however I was disqualified as a candidate as a result of the Supreme Court of South Carolina’s decision in Florence County Democratic Party v. Florence County Republican Party, which invalidated the filing directions that the South Carolina Election Commission issued to all candidates. I pursued a petition candidacy following this decision and was certified by the Election Commission as a petition candidate for the November 2012 general election. I did not win the general election. I filed my final financial report in April of 2013.

In 2014 I ran unsuccessfully for the Court of Appeals, seat 7. This vacancy was created when Judge Danny Pieper retired. I was deeply honored to be found qualified and nominated by the JMSC. I withdrew from the race a week before the election, which Judge Stephanie McDonald won.

In 2017 I ran unsuccessfully for the Court of Appeals, seat 9. This vacancy was created by Judge James Lockemy’s elevation to Chief Judge. I was deeply honored to again be found qualified and nominated by the JMSC. I withdrew from the race the morning of the election, which then-Judge (now-Justice) Gary Hill won.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualification found Judge Hewitt to be “Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and “Well-Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee had no related or summary comments.

Judge Hewitt is married to Emma Catherine Hewitt. He has one child.

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

- (a) South Carolina Bar: Trial & Appellate Advocacy Section, Council Member (July 2010 - July 2013); Judicial Qualifications Committee, Committee Member (March 2011 - August 2012); Young Lawyers Division, Long-Range Planning Committee, Committee Member (July 2010 - July 2012); Young Lawyers Division, 15th Circuit Representative (July 2013 - July 2015); Young Lawyers Foundation Board, Board Member (November 2013 - July 2015).
- (b) Horry County Bar Association.
- (c) South Carolina Supreme Court Historical Society.
- (d) Injured Workers Advocates: Judicial Affairs Committee, Committee Member (March 2010 - Feb. 2019).
- (e) South Carolina Association for Justice: Legislative Steering Committee, Committee Member (November 2010 - Feb. 2019).
- (f) Coastal American Inn of Court: Community Service Chair (Jan. 2014 - Sept. 2019), Judicial Officer (Sept. 2019 - present).

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

- (a) Waccamaw Sertoma Club. Board Member (July 2013 - Aug. 2019), President (August 2016 - July 2017);
- (b) City of Conway Board of Zoning Appeals (April 2013 - Feb. 2019);
- (c) City of Conway Downtown Alive;
- (d) Compleat Lawyer Award (Silver), USC Law School.\

Judge Hewitt further reported:

I have written this before, but it remains true that any good qualities I possess are the result of the many strong and positive influences in my life. I was blessed to have parents who loved me and invested in me heavily. I was also fortunate to have several people outside of my immediate family show interest in me and help shape my development by serving as mentors. My greatest professional goal has always been to honor these wonderful individuals. I know that any success I experience will be the result of them lifting me on their shoulders.

We all draw from wells that we did not dig; we are all stewards of the investments that others made in us. I hope that I have gone about my service as a judge in a way that reflects the lessons of hard work and humility that so many people gave and modeled for me.

- (11) Commission Members' Comments:
The Commission continues to be impressed with Judge Hewitt's demeanor. In addition, his prior experience and outstanding reputation as an appellate lawyer, as well as his service on the Court of Appeals, would be beneficial should he ascend to the Supreme Court.
- (12) Conclusion:
The Commission found Judge Hewitt qualified, and nominated him for election to Supreme Court, Seat 3.

The Honorable Jocelyn Newman
Supreme Court, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Newman meets the qualifications prescribed by law for judicial service as a Supreme Court justice.

Judge Newman was born in 1977. She is 46 years old and a resident of Columbia, South Carolina. Judge Newman 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 2004.

- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Newman.

Judge Newman 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 Newman reported that she has not made any campaign expenditures.

Judge Newman 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.

Judge Newman 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 Newman to be intelligent and knowledgeable.

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

- (a) I “teach” an online, self-paced undergraduate course at Benedict College. Over a six-week period (March – April 2023 and March-April 2024), “Court Systems” outlines the differences between federal and state courts and their hierarchy, the roles and titles of those involved in the court system, and the basic differences between the types of cases heard by each of the courts.
- (b) In January 2024, my father and I were speakers for a “fireside chat” at the national meeting of the American Board of Trial Advocates in Biloxi, Mississippi. Our focus was our experiences serving on the bench together.
- (c) In September 2023, I spoke to a group of high school students at the South Carolina Statehouse as part of the James Otis Lecture Series hosted by the South Carolina Chapter of the American Board of Trial Advocates. This presentation celebrated Constitution Day.
- (d) In June 2023, I was the featured speaker for Project Serv, a lecture series hosted by North Carolina Central University. The program was entitled “Justice and Resilience: An Eagle Strong Listening Session with the Honorable Jocelyn Newman, South Carolina Circuit Court Judge” and concerned my experiences on the bench and advice for students considering entering the legal field.
- (e) In July 2022, I spoke at the Orientation School for Magistrates and Municipal Judges and gave advice to summary court judges on how to handle common occurrences in court for which there is no specific guidance via rule or statute.
- (f) In March 2022, I was one of several female judges who spoke on various topics for Women’s History Month. “Virtual Fireside Chats: Beyond the Robe” was presented by the South Carolina Bar Diversity Committee.
- (g) I made a presentation at the General Sessions Breakfast held by the South Carolina Bar’s Young Lawyers Division in October 2019.
- (h) In October 2019, I made a short presentation and acted as a mock trial judge for at a workshop held for young lawyers by the South Carolina Bar’s Trial and Appellate Advocacy Section.
- (i) In November 2018, I, along with several other Circuit Court judges, participated in a panel discussion about recent appellate decisions in criminal cases at the Solicitors’ Conference.
- (j) I gave brief introductory remarks to attorneys attending the Richland County Bar Association’s Annual Free Ethics Seminar in October 2017.
- (k) In July 2017, I spoke to a group of practicing attorneys as part of the Richland County Bar Association’s “Big Dogs” program.
- (l) At the Auntie Karen Foundation’s Young Entrepreneurs Conference in October 2016, I led a discussion panel regarding the practice of law.
- (m) In July 2016, I was a lecturer on evidence during the Orientation School for Magistrates and Municipal Judges, presented by South Carolina Court Administration.
- (n) I participated as a panelist at the South Carolina Bar’s Colors of Justice program for middle and high school students in February 2016.

Judge Newman reported that she has published the following:

- (a) “Standing Your Ground” in Civil Actions, The Defense Line (South Carolina Defense Trial Attorneys’ Association, Columbia, SC), Fall 2013, Author

- (b) C. Tyson Nettles, *Unsung Hero*, S.C. Young Lawyer, Aug. 2011, Author
- (c) Judicial Profile of The Honorable Clifton Newman, The Defense Line (South Carolina Defense Trial Attorneys' Association, Columbia, SC), Spring 2009, Author

(4) Character:

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

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

The Commission also noted that Judge Newman 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 Newman reported that she is not rated by any legal rating organization.

Judge Newman reported that she has not served in the military.

Judge Newman reported that she has never held public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Newman was admitted to the South Carolina Bar in 2004.

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

- (a) Judicial Law Clerk for the Honorable G. Thomas Cooper, Jr., 2004-05 – For approximately the first half of my clerkship year, Judge Cooper served as Chief Administrative Judge for the Court of General Sessions in the Fifth Judicial Circuit. Therefore, my job duties included conducting research on criminal and constitutional questions as well as observing a variety of criminal procedures. I also assisted with the evaluation, trial (which ultimately became a guilty plea), and sentencing in a death penalty matter. During the remainder of my time with Judge Cooper, he began to hear civil cases as well. I assisted him by preparing jury charges and verdict forms, researching important issues, preparing Orders, and communicating with counsel. While I handled certain administrative matters (such as scheduling), no financial management was involved.

- (b) Assistant Solicitor in Richland County, 2005-07 – I served under then-Solicitor W. “Barney” Giese, acting as lead (and often sole) prosecutor for a variety of misdemeanor and low-level felony crimes. I tried cases and presented guilty pleas in both Summary and Circuit Courts. I also participated as co-counsel in several serious and most serious felony cases, including murder, arson, and armed robbery. No financial management of any kind was involved.
- (c) Associate Attorney at Richardson Plowden & Robinson, P.A., 2007-2015 – From 2007 until mid-2008, I worked in the “Lobbying and Governmental Affairs” practice group as a registered lobbyist. I also represented both plaintiffs and defendants in litigation and administrative matters related to governmental regulation. Beginning in 2008, I moved to the firm’s litigation practice group and began doing insurance defense work. At that time, I represented defendants in matters concerning personal injury, construction defects, civil rights violations, and real property. I also did a limited amount of criminal defense work and served as appointed counsel in Family Court and Post-Conviction Relief actions. In this position, I did not handle administrative matters; and although I reviewed billing statements to be sent to clients, I did not participate in collection of monies or have any role with the firm’s finances.
- (d) Attorney at The DeQuincey Newman Law Firm / JT Newman, LLC), 2015-16 – During this time, I represented plaintiffs in personal injury actions as well as defendants in criminal matters, both in Summary and Circuit Courts across the State of South Carolina. This career move began as a joint venture but soon became a solo practice. During this time, I maintained a trust account and an operating account. Both accounts were open for approximately four months only and were closed soon after my election to the bench.
- (e) Circuit Court Judge, 2016-present – Since that time, I have served as Chief Judge for Administrative Purposes for General Sessions (2017) and for Common Pleas (2019, 2022, and July 2023-present). No financial duties are involved.

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

- (a) Federal: several times a year;
- (b) State: weekly.

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

- (a) Civil: 90%;
- (b) Criminal: 5%;
- (c) Domestic: 5%;
- (d) Other: 0%.

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

- (a) Jury: 50%;
- (b) Non-jury: 50%.

Judge Newman provided that during the past five years prior to her service on the bench she most often served as sole counsel.

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

- (a) King v. American General Finance, Inc., 386 S.C. 82 (2009) – In this case, I represented the plaintiffs, each of whom had obtained loans from Defendant American General Finance, Inc. Plaintiffs alleged that Defendant violated the “attorney preference statute” (S.C. Code § 37-10-102) by lending money but failing to determine the borrower's preference for legal counsel to be involved in the transaction at the time of the loan application. This case was significant in that it lent judicial interpretation to the “attorney preference statute” and established that the law requires that such preference be determined contemporaneously with the credit application. The appellate court also reversed the trial court's decertification of the case as a class action.
- (b) Kelly v. White, 2011 WL 939015 (not reported in F.Supp.2d) – In this action, I represented the defendants, all of whom are employees of the South Carolina Department of Corrections (“SCDC”). Plaintiff, an inmate, filed this action pursuant to 14 U.S.C. §1983, alleging that his civil rights were violated by the use of excessive force against him. This case is significant in that the court's decision turned on its determination of whether equitable tolling should apply to the statute of limitations. The court determined that where prisoners attempt to exhaust all available administrative remedies within SCDC, yet SCDC fails to respond to their written requests, the statute of limitations will be equitably tolled for only one hundred fourteen days – the total length of SCDC's internal grievance procedure when properly used. Thus, “the 114-day rule” was established in prisoners' civil rights actions involving SCDC.
- (c) State of South Carolina v. Alphonso Simmons (not reported) – I represented the State of South Carolina as an Assistant Solicitor in this action. The defendant was charged with approximately 60 offenses at the time, both in Richland and Kershaw Counties. We elected to try him on 14 of those offenses – 5 counts of armed robbery, 8 counts of kidnapping and 1 count of grand larceny. This case was significant in that there were significant disputes about the relevance, introduction, and suppression of certain evidence, all of which arose because the defendant was on a “crime spree” throughout Richland and Kershaw Counties. Therefore, much of the evidence related to the case being tried was discovered at other crime scenes, and the introduction of that evidence could potentially infringe on the defendant's presumption of innocence and his right to remain silent. Ultimately, the case was tried to jury, and a guilty verdict was rendered on all 14 charges.
- (d) Crusader v. Thomas Robinson, 2009-CP-18-2300 (not reported) – In this trial I represented the plaintiff, a rent-to-own company who filed a claim and delivery action against the defendant in Magistrate's Court. The defendant filed several counterclaims, which moved the case to Circuit Court. The case was tried over a seven-day period in the Dorchester County Court of Common Pleas. This action was significant to my legal career because I was able to win a directed verdict on my case-in-chief. In addition, the remainder of the trial involved a wide range of legal issues, including the authentication of evidence, impeachment of several witnesses, a witness's misconduct during trial, opposing counsel's absence from trial, opposing counsel's improper

statements during opening statements and closing arguments, and many, many other issues. The jury's verdict (in favor of the plaintiff on the defendant's counterclaims) rested on the distinction between liability and damages. Post-trial motions were filed and argued regarding the potential impropriety of the jury's findings and whether the court should grant an additur – all of which were denied.

- (e) Barnhill v. Barnold, 2007-CP-40-2358 (not reported) – In this case, I represented the defendant, a corporation owned by the ex-wife of the plaintiff. The plaintiff had done work for the company without pay since its inception in the 1980's. After the parties' divorce, the plaintiff sued for 25 years' worth of wages. This trial was significant in that it was an equitable matter tried in the Court of Common Pleas with an advisory jury – an uncommon occurrence in litigation. The advisory jury returned its verdict along with a note to the court explaining how they arrived at the verdict. Despite his request for the advisory jury, the plaintiff disagreed with its decision and petitioned the court for a judgment far more than that which was awarded by the jury. Ultimately, the court entered a judgment identical to the one advised by the jury.

The following is Judge Newman's account of the civil appeal she has personally handled: Herron v. Century BMW, 387 S.C. 525 (S.C. Sup. Ct. Apr. 19, 2010).

The following is Judge Newman's account of the criminal appeals she has personally handled:

I was employed as an Assistant Solicitor for the Fifth Judicial Circuit from 2005 to 2007. During that time, I represented the State of South Carolina in several appeals from the summary courts. I am unsure of the names of any of those cases and do not believe that any of them were reported.

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

I was elected to the Circuit Court, South Carolina's court of general jurisdiction, on February 3, 2016. I took the oath of office in February 2016 and have served continuously since that time.

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

- (a) Freddie Eugene Owens v. Bryan P. Stirling, No. 2021-CP-40-02306, Order Granting Declaratory and Injunctive Relief (Sep. 6, 2022) – In this matter, the Court heard significant testimony concerning the State's newly-enacted death penalty statute. I issued an order in which I found the subject manners of execution to be unconstitutional. This, in some respects, began a chain reaction which ended in the General Assembly passing important "shield law" legislation.
- (b) Robert Durden Inglis v. The South Carolina Republican Party, No. 2019-CP-40-05486, Order Denying Plaintiffs' Motion for Injunctive Relief (Dec. 11, 2019) – This case resolved the issue as to whether the South Carolina Republican Party was required to conduct a presidential preference primary when the party's nomination of Donald J. Trump was a foregone conclusion. I ruled that much like when the Democratic Party nominated Barack Obama without conducting a primary, the Republican Party was not required to.

- (c) State of South Carolina v. Hykeem Dontavious Golson, No. 2017-GS-40-01921 – In this matter, I accepted a guilty plea and imposed sentence on Defendant, who burned a puppy in a church parking lot, ultimately causing its death. This case drew the largest number of spectators of any case I have handled and was of particular interest to animal rights activists and media outlets even outside the State of South Carolina.
- (d) State of South Carolina v. Rickey Dean Tate, No. 2018-GS-46-03992 – I presided in the trial of this case, where Defendant was charged with several drug offenses. The forty-one-year-old was convicted only of possession with intent to distribute crack cocaine. However, that conviction was the third of “three strikes,” with both other convictions being drug offenses. This was the first and only time that I sentenced someone to serve life without the possibility of parole.
- (e) State of South Carolina v. William S. Crump, Jr., No. 2018-GS-24-00386 – I presided in the trial of this case, where Defendant was accused of sexually abusing and neglecting his minor children. Despite both children giving credible testimony, Defendant was acquitted of the sexual abuse charges. While speaking to the jurors afterwards, I learned of jurors’ strong need for forensic evidence and was reminded of the difficult undertaking that is jury duty.

Judge Newman reported the following regarding her employment while serving as a judge: Since March 2023, I have been employed as an adjunct professor at Benedict College. I have taught only one course, “The Court System,” an online, self-paced course for undergraduate students. Because of the nature of the course, my only responsibilities have been grading students’ assignments for approximately six weeks in Spring 2023 and another six weeks in Spring 2024. My direct supervisor is Lisa Taylor, Interim Chair of the Criminal Justice Administration and Social Sciences Department.

Judge Newman further reported the following regarding unsuccessful candidacies: In August 2012, I was a candidate for Circuit Court Judge. JMSC found me “qualified, but not nominated.” The same occurred when I ran for Circuit Court Judge in August 2014.

- (9) Judicial Temperament:
The Commission believes that Judge Newman’s temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualification found Judge Newman to be “Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and “Well-Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee had no related or summary comments.

Judge Newman is not married. She does not have any children.

Judge Newman reported that she was a member of the following Bar and professional associations:

- (a) South Carolina Bar, Member

- (b) John Belton O’Neill Inn of Court, Member
President, March 2024-present
President-Elect, 2022-2024
Treasurer, 2014-2016
- (c) American Bar Association, Member

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

- (a) Commission on Judicial Conduct
- (b) South Carolina Bar’s ADR Commission
- (c) South Carolina’s Criminal Justice Act Task Force
- (d) South Carolina Delegate for the National Courts and Sciences Institute
- (e) Alpha Kappa Alpha Sorority, Inc.
- (f) American Mensa

Judge Newman further reported:

My life has been enriched by my time on the Circuit Court bench, and I have grown in ways that I could not have imagined. I look forward to the opportunity to continue that growth and positive contribution to the South Carolina Judicial Branch.

(11) Commission Members’ Comments:

The Commission commented that Judge Newman has a wide range of experience from her time in private practice, in addition to her time serving as a Circuit Court judge. The Commission further commented that she is a rising star within the Judiciary.

One affidavit was filed against Judge Newman by Ms. Rhonda Meisner. The Commission thoroughly reviewed all documents while carefully considering the allegations and the nine evaluative criteria provided in statute. At the public hearing, the Commission heard testimony and questioned the complainant, and allowed Judge Newman to reply to the allegations.

After thoroughly reviewing the complaint and hearing testimony at the public hearing, the Commission does not find a failing on the part of Judge Newman in the nine evaluative criteria.

(12) Conclusion:

The Commission found Judge Newman qualified, and nominated her for election to Supreme Court, Seat 3.

**The Honorable Letitia H. Verdin
Supreme Court, Seat 3**

Commission’s Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Verdin was born in 1970. She is 53 years old and a resident of Greenville, South Carolina. Judge Verdin 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 1997.

(2) Ethical Fitness:

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

Judge Verdin 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 Verdin reported that she has made \$254.40 in campaign expenditures for postage, printed cards, and business cards.

Judge Verdin 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.

Judge Verdin 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 Verdin to be intelligent and knowledgeable.

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

- (a) I made a presentation on Children's Law to Furman Pre-Law Society in 2015.
- (b) I addressed the S.C. Women Lawyers Association in 2012 on the topic of running for judicial seats.
- (c) I addressed the S.C. Women Lawyers Association in 2012 on the topic of changes in the legal profession affecting women.
- (d) I addressed the Greenville Bar Association during its 2012 Law Week Luncheon concerning civility in the practice of law.
- (e) I addressed the Public Defenders Conference in 2012 on the topic "A View from the Bench."
- (f) I served on a Judicial Panel for the S.C. Defense Trial Attorneys Conference in 2012.
- (g) I spoke to the S.C. Bar in 2013 regarding the Essentials of Criminal Practice.
- (h) I addressed the S.C. Solicitor's Conference in 2013 on the topic of Mental Health Issues in General Sessions Court.
- (i) I addressed the S.C. Bar in 2014 at the 23rd Annual Criminal Practice in S.C.

- (j) I spoke to the S.C. Solicitor's Conference in 2014 with Tom Traxler on the Psychology of Persuasion.
- (k) I presented to the Women's Leadership Institute at Furman University in 2015 on the topic of Women in the Law.
- (l) I spoke at a S.C. Bar CLE in 2015 with Tom Traxler on the Psychology of Persuasion.
- (m) I addressed new lawyers in the S.C. Bar regarding Rule 403 requirements in 2015.
- (n) I served on a Judicial Panel addressing Updates in the Law at the 2015 S.C. Solicitor's Conference.
- (o) I served on a panel addressing Tips from the Bench at the 2015 S.C. Defense Trial Attorneys Association Women in Law Seminar.
- (p) I addressed the S.C. Bar at a CLE with Tom Traxler in 2016 on the topic of the Psychology of Persuasion.
- (q) I addressed the Greenville Bar End of Year CLE in 2017 on the topic of a View from the Bench.
- (r) I have taught a course at the Charleston School of Law. The course is entitled Primer on First Year Practice in S.C. I taught the course in 2013, 2014, 2015, 2016, and 2017.
- (s) I spoke at the Greenville Bar End of the Year CLE in 2019 on the topic of General Sessions Court in the Thirteenth Circuit.
- (t) I spoke at the Greenville Bar End of the Year CLE in 2021 on the topic of the Courts' Adjustment During COVID.
- (u) I spoke at the Greenville Bar End of the Year CLE in 2022 on the topic of Update on the Civil Court in the Thirteenth Circuit.
- (v) I addressed the South Carolina Defense Trial Lawyers Conference in 2021 on "A View from the Bench."
- (w) I have annually addressed the Circuit Court Judges School on the topic of Inherent Powers of the Court since 2019.
- (x) I addressed the South Carolina Appellate Judges Conference in 2018 on the topic of "A View from the Circuit Court Bench."
- (y) I spoke at the End of the Year CLE for the Greenville County Bar on Appellate and Civil Practice in 2024
- (z) I spoke at an Evidence seminar for the SC Bar in 2024.
- (aa) I moderated a panel on recent important criminal appellate decisions at the Criminal Law Seminar for the SC Bar in 2024.
- (bb) I spoke at the LEAPP seminar for the SC Bar in March 2024 on trial court ethics.

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

(4) Character:

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

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

The Commission also noted that Judge Verdin 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 Verdin reported that she is not rated by any legal rating organization.

Judge Verdin reported that she has not served in the military.

Judge Verdin reported that she has never held public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Verdin was admitted to the South Carolina Bar in 1997.

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

- (a) Office of the Thirteenth Circuit Solicitor, Assistant Solicitor, 1997-1998
Prosecuted cases in the Traffic Unit and General Crimes Unit
- (b) Office of the Eighth Circuit Solicitor, Assistant Solicitor, 1998
Prosecuted all juvenile cases in Family Court and prosecuted all General Sessions child abuse and neglect cases in Greenwood, Abbeville, Newberry, and Laurens Counties
- (c) Office of the Thirteenth Circuit Solicitor, Assistant Solicitor, 1999-2000
Prosecuted violent crimes, criminal domestic violence cases, and criminal child abuse and neglect cases; served as the Family Court Unit Head
- (d) Clarkson, Walsh, Rhoney & Turner, P.A., Associate Attorney, 2000-2005
Litigated cases in areas of government liability defense, insurance defense, and commercial litigation, criminal defense, and family law
- (e) Office of the Thirteenth Circuit Solicitor, Assistant Solicitor, 2005-2008
Prosecuted violent crimes, criminal domestic violence cases, and criminal child abuse and neglect cases

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

- (a) Federal: Occasionally
- (b) State: 1-2 times per week

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

- (a) Civil: 35%

- (b) Criminal: 50%
- (c) Domestic: 10%
- (d) Other: 5%

Judge Verdin reported her practice in trial court during the five years prior to her service on the bench as follows:

- (a) 100% , including those matters that settled prior to trial;
- (b) Approximately 15 cases went to trial and resulted in a verdict;
- (c) 1 case went to trial and resolved after the plaintiff's or State's case;
- (d) 0 cases settled after a jury was selected, but prior to opening statements.

Judge Verdin provided that during the past five years prior to her service on the bench she most often served as sole counsel.

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

- (a) State of South Carolina v. Patel and the companion divorce action, Patel v. Patel -This was a criminal defense matter in which I was involved while in private practice and its companion divorce action. The wife was charged with Arson and Assault and Battery with Intent to Kill for setting fire to her husband's hotel room while he was inside. I assisted in the criminal defense of the wife and represented her in the divorce action. She was sued for divorce on the ground of a single act of extreme physical cruelty. It was necessary that I protect her rights in the divorce action while ensuring that she did not jeopardize her criminal defense.
- (b) State of South Carolina v. Ricky Sanders – This defendant was charged with Criminal Sexual Conduct with a Minor 1st Degree for sexually abusing his girlfriend's daughter. This case was significant for me because it was the first time our office was successful in having a Forensic Interviewer qualified as an expert witness in the Court of General Sessions. The interviewer's testimony, coupled with the testimony of the child, was instrumental in securing a guilty plea from the defendant during trial.
- (c) Barnes v. Kevin Matheson, Anderson County Sheriff's Department, the City of Clayton Police Department, and the Rabun County Sheriff's Department – This was a case while I was in private practice. The case involved allegations of excessive use of force and other Section 1983 claims against law enforcement officials. I represented Deputy Kevin Matheson and the Anderson County Sheriff's Department. The case involved an escapee, who when eventually surrounded by officers, attempted to run over an officer. Deputy Matheson shot and killed the woman in order to save the officer's life. The case involved numerous constitutional law issues, including that of extra-jurisdictional pursuits. Our motion for summary judgment was granted as to all claims against Deputy Matheson and the Anderson County Sheriff's Department.
- (d) In re: R.M. – This was a case in which a juvenile shot and killed her uncle with whom she resided. Our office had a policy at that time of petitioning the Family Court for waiver to General Sessions in every murder case in order for full evaluation by the court. The juvenile had been abandoned by her mother, her father was deceased, and defense experts testified that they believed the child was the victim of sexual abuse by the uncle, a fact much later confirmed. The judge in this matter applied the Kent factors and determined that the juvenile was not appropriate for waiver to General Sessions

Court. This case is significant to me because it was at the beginning of my Family Court career and it illustrates the integrative and rehabilitative goals of juvenile justice. Though technically a loss for the prosecution, it was a win for the system. While the juvenile's crime was horrific, she spent the remainder of her adolescence and early adulthood in the Department of Juvenile Justice receiving intensive services, and after a transition period, it is my understanding that she has become a productive, law-abiding adult.

- (e) State of South Carolina v. Shad Shepherd – This was a case that I prosecuted in which the young father shook his four month old baby violently causing permanent brain damage and partial blindness. This matter was not only significant because of its facts, but also because it was one of the earlier shaken baby syndrome cases successfully prosecuted by our office. The case also necessitated very sophisticated medical evidence and expert testimony in order to establish that the child had not been accidentally dropped thereby causing her injuries.

The following is Judge Verdin's account of three civil appeals she has personally handled:

- (a) Cox and Rider v. City of Charleston, Rueben Greenberg, Joseph Riley, Captain Chin, Charleston Police Department, Officer Davis, City of Travelers Rest, Mann Batson, and Timothy Christy, Fourth Circuit Court of Appeals, July 26, 2005, 416 F.3d 281
- (b) North Greenville Fitness v. Daimler Chrysler, South Carolina Court of Appeals, Jan. 2, 2004, 2003-UP-00737
- (c) State Auto Property v. Wild Turkey Holdings, South Carolina Court of Appeals, dismissed on June 3, 2004 after briefs were filed pursuant to settlement

Judge Verdin reported that she has not personally handled any criminal appeals.

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

- (a) Elected to the Family Court, Thirteenth Judicial Circuit, 2008-2011
- (b) Elected to the Circuit Court, Thirteenth Judicial Circuit, 2011-2023
- (c) Elected to the Court of Appeals, 2023-present

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

- (a) Vista Del Mar Condo. Ass'n v. Vista Del Mar Condominiums, LLC, 441 S.C. 223, 892 S.E.2d 532 (Ct. App. 2023), cert. pending.

The Court of Appeals affirmed the circuit court's order quieting title to a 2.58 acre tract (the Property). The court of appeals held (1) the master deed of a horizontal property regime authorized the developer to remove unimproved property from the regime during what the deed termed the Transition Period; (2) the Transition Period had not ended when the developer removed the Property from the regime; and (3) the removal of the tract from the regime did not violate section 27 31 70 of the Horizontal Property Act because the Property had not vested in the unit owners at the time of the removal. The court also affirmed the circuit court's findings concerning an easement, citing the two issue rule.

- (b) Anderson v. State, Op. No. 6051 (S.C. Ct. App. filed February 21, 2024) (Howard Adv. Sh. No. 7 at 19).

The Court of Appeals reinstated the defendant's magistrate's court conviction of driving under the influence (DUI). The court clarified the corpus delicti rule as set forth in *State v. Osborne*, 335 S.C. 172, 516 S.E.2d 201 (1999), and held the State presented sufficient independent evidence to corroborate the defendant's statements to the police, and that independent evidence, taken together with the statements, allowed a reasonable inference that the crime of DUI was committed.

- (c) Woodruff Road SC, LLC v. S.C. Greenville Hwy 146, LLC, 2017 WL 74856 (Ct. App. 2017). This matter was before me on a declaratory judgment action to determine the scope of an easement granted to S.C. Greenville Hwy 146, LLC. I determined that S.C. Greenville Hwy. 146, LLC could use the easement as part of a drive-thru for one of its tenants, Starbucks. Woodruff Road SC, LLC appealed my decision, and the Court of Appeals affirmed my decision in an unpublished opinion.
- (d) Proctor v. Whitlark & Whitlark, Inc., 414 S.C 318 (2015). I sat as an Acting Justice with the South Carolina Supreme Court in this matter. We held that gambling statutes, and not the South Carolina Unfair Trade Practices Act, provide the exclusive remedy for a gambler seeking recovery of losses sustained by illegal gambling.
- (e) In re: Campbell, 379 S.C. 593 (2008). I sat as an Acting Justice with the South Carolina Supreme Court in this matter. This was an appeal that originated in the Probate Court wherein a daughter challenged the dismissal of a petition she filed for appointment as conservator of her mother's assets. We held that the statute governing court appointment of a physician to examine a person subject to a conservatorship action does not require that the physician be disinterested, only unbiased. We further held that the Court-appointed physicians who acted as the mother's expert witnesses were not unbiased.

Judge Verdin reported the following regarding her employment while serving as a judge: I taught a course at the Charleston School of Law each summer during the years 2013-2017. My employment as an Adjunct Professor was part-time and contractual. My supervisor was Andy Abrams, Dean of the Law School.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualification found Judge Verdin to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee stated in summary, "This candidate received the highest marks possible from the Committee. We received only glowing positive reports while interviewing others during the background investigation."

Judge Verdin is married to Charles S. Verdin, IV. She has two children.

Judge Verdin reported that she was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association
- (b) Greenville County Bar Association
- (c) Haynsworth Inn of Court
- (d) Liberty Fellowship
- (e) Circuit Judges' Advisory Committee
- (f) Advisory Committee on Standards of Judicial Conduct
Member, 2012-2021
Chairperson, 2019-2021
- (g) Circuit Judges' Association
Vice-President, 2019-2022
President, 2022-2023
- (h) Appellate Judges' Association

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

- (a) Trinity Presbyterian Church
 - 1) Elder
 - 2) Co-Chair of Personnel Committee
 - 3) Interim Youth Director
- (b) Green Valley Country Club
- (c) Liberty Fellowship

Judge Verdin further reported:

I have thoroughly enjoyed serving as a Family Court Judge, Circuit Court Judge, and Court of Appeals Judge for more than 15 years. I have found these positions challenging and rewarding. I was honored to serve as the Chairperson of the Advisory Committee on Standards of Judicial Conduct, on the Circuit Judges Advisory Committee, and as President of the Circuit Judges' Association. I have also had the opportunity to sit as an Acting Associate Justice of the South Carolina Supreme Court on several occasions.

When I was elected to the Circuit Court, I had mixed emotions. I was honored and excited to serve on the Circuit Court, but I knew that I would miss the Family Court greatly. I felt the same about leaving Circuit Court when I was elected to the Court of Appeals. I have enjoyed learning from and working with the other members of the Court of Appeals. If I were elected to the Supreme Court, I know I would miss the Court of Appeals. However, I would hope to bring to that new position the experience I have gained in both trial courts and the appellate court. I would approach the Supreme Court with the same enthusiasm I have had when serving on the Family Court, Circuit Court, and Court of Appeals and would always be mindful of the enormous trust the Legislature had placed in me.

(11) Commission Members' Comments:

The Commission consistently receives outstanding feedback on Judge Verdin from members of the SC Bar. Her reputation, character, and temperament are beyond reproach. In addition, the Commission noted her service and experience gained as a Family Court

judge, a Circuit Court judge, and a member of the Court of Appeals, and concluded that Judge Verdin would be well suited to ascend to the Supreme Court.

(12) Conclusion:

The Commission found Judge Verdin qualified, and nominated her for election to Supreme Court, Seat 3.

QUALIFIED, BUT NOT NOMINATED

The Honorable Ralph K. Anderson, III Supreme Court, Seat 3

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

(1) Constitutional Qualifications:

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

Judge Anderson was born in 1959. He is 64 years old and a resident of Columbia, South Carolina. Judge Anderson 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 1984.

(2) Ethical Fitness:

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

Judge Anderson 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 Anderson reported that he has made \$144.45 in campaign expenditures for stamps and envelopes.

Judge Anderson 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 Anderson 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 Anderson to be intelligent and knowledgeable.

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

- (a) USC School of Law Class (Jurisdiction before the ALC) on February 26, 2024.
- (b) SCAARLA (ALC Update) on February 2, 2024.
- (c) SC Bar Convention – "How the ALC is Involved in Regulation of Activity Along SC's Coast" on January 19, 2024.
- (d) USC School of Law Class (Jurisdiction before the ALC) on February 13, 2023.

- (e) SCAARLA (Administrative Law Court’s New E-Filing System) on February 10, 2023.
- (f) USC School of Law Class (Law Practice Workshop) on February 7, 2022.
- (g) Recorded CLE for SC Bar & SCAARLA (How to Craft an Order) on December 13, 2021.
- (h) Seminar sponsored by the ABA Judicial Division & Commission on Disability Rights as a panelist concerning “Living with a Disability in the Profession on October 27, 2021
- (i) SC Administrative Law Court (How to Craft an Order) on October 8, 2021.
- (j) How to Craft an Order (Pub. Serv. Comm’n) on June 8, 2021.
- (k) Recorded SC Judicial CLE (The Administrative Law Court: Overview and Judicial Considerations) on March 29, 2021.
- (l) USC School of Law Class (Jurisdiction before the ALC) on March 17, 2021.
- (m) USC School of Law Class (Law Practice Workshop) on February 8, 2021.
- (n) SC Bar Convention - Virtual CLE (Tales from Emails) on January 22, 2021.
- (o) Recorded CLE for SCAARLA (Appellate Jurisdiction before the ALC) on October 8, 2020.
- (p) SCAARLA (Tales from Emails) on February 21, 2020.
- (q) USC School of Law Class (Law Practice Workshop) on February 10, 2020.
- (r) SC Bar Convention (Case Law Update: Administrative Law) on January 24, 2020.
- (s) SC Bar Diversity Committee (Panel: How ____ can I be?) on January 7, 2020.
- (t) Central Panel Directors Conference (Asheville NC) - Report of the South Carolina ALC on November 1, 2019.
- (u) USC School of Law Class (Law Practice Workshop) on February 25, 2019.
- (v) SC Bar Convention (Case Law Update: Recent Supreme Court and Court of Appeals Cases from the ALC and Recent ALC Cases) on January 17-18, 2019.
- (w) USC School of Law Class (Law Practice Workshop) on February 26, 2018.
- (x) SCAAO Conference on October 6, 2017, concerning tax law cases and statutory construction.
- (y) USC School of Law Class (Law Practice Workshop) on April 3, 2017.
- (z) DHEC (What is Effective Regulation?) on October 28, 2016.
- (aa) Fifth Circuit’s Spring Courthouse Keys event on April 1, 2016.
- (bb) USC School of Law Class (Law Practice Workshop) on February 8, 2016.
- (cc) SC Bar Convention for the Regulatory and Administrative Law Section on January 22, 2016.
- (dd) SC Bar (Fifth Circuit Tips from the Bench) on January 8, 2016.
- (ee) USC School of Law Class (Law Practice Workshop) on February 9, 2015.
- (ff) A seminar for SC HHS Hearing Officers on April 13, 2015.
- (gg) An Administrative Law & Practice in S.C. Seminar on January 31, 2014.
- (hh) USC School of Law Class (Law Practice Workshop) on March 3, 2014.
- (ii) S.C. Bar Convention (Panel Discussion on Administrative Law) on January 25, 2013.
- (jj) A seminar for the Public Service Commission. (APA, Agency Decision & Ethics) on March 20, 2013.
- (kk) Two separate CLEs on Administrative Law on February 21 & 22, 2013.
- (ll) S.C. Bar CLE (Hot Topics in Administrative Law) on October 30, 2009.
- (mm) A panel discussion for the Judicial Merit Selection Commission CLE on July 31, 2009.

Judge Anderson reported that he has published the following:

(a) “A Survey on Attributes Considered Important for Presidential Candidates,” Carolina Undergraduate Sociology Symposium, April 17, 1980.

(b) “An Overview of Practice and Procedure Before the Administrative Law Judge Division,” South Carolina Trial Lawyer, Summer 1996.

(c) The Majesty of the Lord’s Prayer: An Analytical Review of Its Meaning and Implications (Murrels Inlet: Covenant Books, Inc., 2020).

(4) Character:

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

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

The Commission also noted that Judge Anderson 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 Anderson reported that his last available rating by a legal rating organization, Martindale-Hubbell, was AV Preeminent.

Judge Anderson reported that he has not served in the military.

Judge Anderson reported that he has held the following public office:

Appointed and served as an Assistant Attorney General 1985 to January 1995. I was not required to file with the State Ethics Commission in that capacity.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Anderson was admitted to the South Carolina Bar in 1984.

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

I began my legal career at the South Carolina Attorney General’s Office in September 1984. During my career at the AG’s office, I prosecuted numerous criminal cases of all types and handled a wide variety of civil litigation. My duties included:

(a) Statewide criminal prosecutor

- (b) Assisting in the implementation of the Statewide Grand Jury
- (c) Extradition hearing officer on behalf of the Governor of South Carolina
- (d) Counsel to the State Ethics Commission
- (e) Representing the State in a variety of civil litigation matters
- (f) Representing the State in post-conviction relief matters
- (g) Committee Attorney for the State Employee Grievance Committee
- (h) Prosecutor for the Engineering and Land Surveyor's Board

I also prosecuted Medical Board cases, wrote Attorney General Opinions and handled Criminal Appeals.

On May 25, 1994, I was elected to Administrative Law Judge Seat No. 6 and re-elected to that position in 1996, 2001 and 2006. Administrative Law Judges hear appellate, injunctive and trial cases in a broad range of administrative matters involving governmental agencies and private parties.

On May 13, 2009, I was elected Chief Administrative Law Judge and re-elected to this position February 5, 2014 and February 6, 2019.

As an Assistant Attorney General, I did not have any significant administrative and financial management. As an Administrative Law Judge, I did not have any legal obligation regarding administrative and financial management but was occasionally assigned those duties by the Chief Judge. As Chief Administrative Law Judge, I am responsible for the administration of the court, including budgetary matters, assignment of cases, and the administrative duties and responsibilities of the support staff. See S.C. Code Ann. § 1-23-570. Also, section 1-23-660 of the South Carolina Code (Supp. 2017) provides “The chief judge is solely responsible for the administration of the [Office of Motor Vehicle Hearings], the assignment of cases, and the administrative duties and responsibilities of the hearing officers and staff.

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

- (a) Federal: Infrequently;
- (b) State: At least 100 times during a five-year period.

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

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

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

Approximately 40% of his practice was in trial court, including matters that settled prior to trial.

Judge Anderson provided that during the past five years prior to his service on the bench he most often served as sole counsel.

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

- (a) State v. Dwight L. Bennett - This was a felony DUI case in which the victim lost the baby she was carrying and suffered horrible injuries. Although the defendant was convicted, this case was used as a legislative example as the need to increase the maximum felony DUI punishment.
- (b) Georgia v. Richard Daniel Starrett, aff'd., Richard Daniel Starrett v. William C. Wallace, - Starrett was convicted of several crimes in South Carolina. Afterwards, Georgia sought his extradition in an attempt to convict him under the death penalty. Starrett's challenge to the Attorney General's Office authority to hold extradition hearings was denied.
- (c) State v. Michael Goings - Goings was a notorious City of Cayce police officer charged with assault and battery of a high and aggravated nature.
- (d) State v. Herbert Pearson and Terrance Singleton - The Defendants in this case were accomplices in the armed robbery, attempted murder and murder of attendants at a gas station in Sumter, S.C.
- (e) State v. William Keith Victor - After the Defendant was convicted of murder and kidnapping, he was given the death penalty. His case was later reversed on appeal and I assumed the prosecution. The prosecution, under difficult circumstances, resulted in the Defendant's plea to murder, and the aggravating circumstance of kidnapping.

The following is Judge Anderson's account of five civil appeals he has personally handled:

- (a) Bergin Moses Mosteller v. James R. Metts, S.C. Supreme Court, Not known when this case was decided.
- (b) Dennis G. Mitchell v. State of S.C., S.C. Supreme Court, Not known when this case was decided.
- (c) Ex Parte, Bobby M. Stichert v. Carroll Heath, S.C. Supreme Court, Decided August 29, 1985 (286 S.C. 456, 334 S.E. 2d 282).
- (d) Patrick C. Lynn, et al. State of S.C., Supreme Court, Not known when this case was decided.
- (e) Paul David Tasker v. M.L. Brown, Jr., S.C. Supreme Court, Not known when this case was decided.

The following is Judge Anderson's account of the criminal appeals he has personally handled:

I handled several criminal appeals while serving as an Assistant Attorney General. However, my service with the Attorney General's Office ended in February 1995, when I began serving as an Administrative Law Judge. As a result of the passage of time since that date, the briefs and specific case captions are no longer available.

Judge Anderson reported that he has held the following judicial office(s):

I was elected by the General Assembly to serve as an Administrative Law Judge beginning February 1, 1995. On May 13, 2009, I was elected Chief Administrative Law Judge and have been serving continuously since that date.

Administrative Law Judges hear appellate, injunctive, and trial cases in a broad range of administrative matters involving governmental agencies and private parties.

The Administrative Law Court's appellate jurisdiction includes appeals involving Medicaid; driver's license revocations and suspensions; licensing decisions from boards/commissions under the Department of Labor, Licensing and Regulation; Budget and Control Board's Employee Insurance Program; AFDC benefits; operation of day care facilities and foster home licensing; food stamps; and revocations or suspensions of teachers' certificates. The Administrative Law Court also hears appeals from final decisions of the Department of Employment and Workforce; the Department of Corrections in "noncollateral" matters; and appeals from final decisions of the South Carolina Department of Probation, Parole and Pardon Services permanently denying parole eligibility.

The contested case litigation includes hearings involving environmental and health permitting; Certificates of Need; State Retirement Systems' disability determinations; Disadvantaged Business Enterprises; state and county tax matters; alcoholic beverage issues; and wage disputes.

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

- (a) Travelscape, LLC v. S.C. Dep't of Revenue, Docket No. 08-ALJ-17-0076-CC. Holding affirmed in Travelscape, LLC v. S. C. Dept. of Revenue, 391 S.C. 89, 705 S.E.2d 28 (2011)
- (b) Duke Energy Corp. v. S. C. Dep't of Revenue, Docket No. 10-ALJ-17-0270-CC. Holding affirmed in Duke Energy Corp. v. S.C. Dep't of Revenue 410 S.C. 415, 417, 764 S.E.2d 712, 713 (Ct. App. 2014), reh'g denied (Nov. 21, 2014), cert. granted (Apr. 9, 2015) and further affirmed by the Supreme Court in Duke Energy Corp. v. S. C. Dep't of Revenue, 415 S.C. 351, 782 S.E. 2d 590 (2016).
- (c) Kiawah Dev. Partners, II v. S.C. Dep't of Health and Env'tl. Control, Docket No. 09-ALJ-07-0029-CC and S.C. Coastal Conservation League v. S.C. Dept. of Health and Env'tl. Control, Docket No. 09-ALJ-07-0039-CC (February 26, 2010) (consolidated cases). Holding originally reversed by the Supreme Court, then affirmed and then reversed 3-2 in Kiawah Dev. Partners, II v. S.C. Dep't of Health & Env'tl. Control, 411 S.C. 16, 766 S.E.2d 707 (2014).
- (d) Amazon Servs., LLC v. S.C. Dep't of Revenue, No. 2019-001706, 2024 WL 252952 (S.C. Ct. App. Jan. 24, 2024).
- (e) Lexington Cty. Health Servs. Dist. Inc., d/b/a Lexington Med. Ctr. v. S.C. Dep't of Health and Env'tl. Control and Prisma Health-Midlands, Providence Hosp., LLC d/b/a Providence Health, Providence Health Northeast, Providence Health Fairfield, and Kershaw Hosp., LLC d/b/a KershawHealth Med. Ctr., Docket No. 20-ALJ-07-0108-CC (December 7, 2020) (Originally appealed to the Court of Appeals, appeal later withdrawn by parties)

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

Judge Anderson further reported the following regarding unsuccessful candidacies:

- (a) Administrative Law Judge, Seat 3 (February 23, 1994)
- (b) Fifth Judicial Circuit Court, Seat 3 (May 24, 2000) - Found qualified and nominated but withdrew prior to election.
- (c) Circuit Court, At-Large Seat 9 (January 16, 2003) - Found qualified but not nominated.

- (d) Court of Appeals, Seat 9 (March 10, 2008) - Found qualified but not nominated.
- (e) Supreme Court, Seat 2 (January 14, 2016) - Found qualified and nominated but withdrew prior to election.
- (f) Supreme Court, Seat 5 - Found qualified and nominated on November 15, 2016, but later found qualified and not nominated on December 5, 2016.
- (g) Supreme Court, Seat 4 - Found qualified but not nominated on January 17, 2023.
- (h) Supreme Court, Seat 4 (January 17, 2023) - Found qualified but not nominated.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualification found Judge Anderson to be “Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and “Well-Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. There were no related or summary comments.

Judge Anderson is married to Linda Corley Anderson. He does not have any children.

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

- (a) South Carolina Bar
- (b) Administration and Regulatory Law Committee of the SC Bar
- (c) South Carolina Administrative and Regulatory Law Association; President since 2009.

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

- (a) Shandon Baptist Church. I am a member of the church but have not held any office with the church.
- (b) South Carolina Administrative and Regulatory Law Association (SCAARLA). I became a member and board member of SCAARLA following its formation in 2002. In 2009, I was elected President of SCAARLA and have been serving in that capacity since that date.

(11) Commission Members’ Comments:

The Commission commented that Judge Anderson has a solid reputation of being knowledgeable, hard-working, and impartial as a judge on the Administrative Law Court.

(12) Conclusion:

The Commission found Judge Anderson qualified, but did not nominate him for election to Supreme Court, Seat 3.

The Honorable Deadra L. Jefferson
Supreme Court, Seat 3

Commission’s Findings: QUALIFIED, BUT NOT NOMINATED

(1) Constitutional Qualifications:

Based on the Commission’s investigation, Judge Jefferson meets the qualifications prescribed by law for judicial service as a Supreme Court justice.

Judge Jefferson was born in 1963. She is 60 years old and a resident of Charleston, South Carolina. Judge Jefferson 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 1989.

(2) Ethical Fitness:

The Commission’s investigation did not reveal any evidence of unethical conduct by Judge Jefferson.

Judge Jefferson 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 Jefferson reported that she has not made any campaign expenditures.

Judge Jefferson 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.

Judge Jefferson 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 Jefferson to be intelligent and knowledgeable.

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

- (a) Business Law Instructor, Trident Technical College Paralegal Program, 1993-1994 School Term;
- (b) “Rules, Rules, Rules” South Carolina Practice and Procedures Update, Presenter on the issue of Family Court Rules, SC Bar, March 20, 1998;
- (c) Speaker/Panel Participant Wiley A. Branton Symposium, National Bar Association, October 24, 1998;
- (d) “Current Issues in Attorney’s Fees,” Presenter, SC Bar Association, November 6, 1998;
- (e) Recent Developments in Family Law, “Six by Six” CLE Seminar, Presenter, Charleston County Bar Association, December 10, 1998;

- (f) “Adjudication Hearings”, Presenter and Contributor to Family Court Judges Juvenile Workbook, SC Association of Family Court Judges, May 20, 1999;
- (g) “Tips from the Bench”, Adoption, Presenter, S.C. Bar Association, February 25, 2000;
- (h) “The Role of the Judge and Guardian ad Litem in Abuse and Neglect Proceedings” Judges Panel, South Carolina Guardian ad Litem Conference, April 14, 2000;
- (i) “Women, Leadership and the Law,” Brown Bag Lunch Panel Participant, S.C. Women Lawyers Association and College of Charleston Women’s Studies Program, September 22, 2000;
- (j) Family Law Update and Tips from the Bench, Presenter, Charleston Lawyers Club, May 2, 2001;
- (k) “The Use of Psychological Evaluations in Juvenile Proceedings,” Panel, Children’s Law Center, May 18, 2001;
- (l) Judges Panel, 3rd Annual Children’s Law Conference, May, 2001;
- (m) Hot Tips III, “Appeals and Motions,” December 13, 2002;
- (n) Women Lawyers in the New Millennium, “Ethics Issues from Various Judicial Perspectives,” April 11, 2003;
- (o) National Judicial College, Advanced Evidence, Group Discussion Leader, November 15-19, 2004;
- (p) SCDTAA Trial Academy Judge, June 20, 2003;
- (q) 2004 Local Government Attorneys’ Institute, Administered Oath, December 2004;
- (r) 9th Annual Probate Court Seminar, Administered Oath, January 2005;
- (s) SCBLA, Judicial Selection in South Carolina, Judicial Panel, September 2005;
- (t) S.C. Solicitors’ Association Conference, Criminal Law Update, “Recent Court Decisions,” September 26, 2005;
- (u) Charleston School of Law Professionalism Series, “Civility and Ethics,” October 20, 2005;
- (v) SC Defense Trial Lawyers Ethics and Civility **In Trial unable to make the presentation, November 4, 2005;
- (w) Charleston School of Law Ethics & Professionalism presentation, February 15, 2006;
- (x) Charleston School of Law, Law Day, Panel Presentation “Judicial Selection in South Carolina,” May 1, 2006;
- (y) National Judicial College, Handling Capital Cases, Group Discussion Leader, June 10, 2006;
- (z) SCBLA, “Civil Practice,” September 29, 2006;
- (aa) Young Lawyers Division, New Admittees Reception, Presentation, November 16, 2006;
- (bb) Young Lawyers Division, “Tips for Young Lawyers in Circuit Court,” May 24, 2007;
- (cc) "Oath of Office" D. Ashley Pennington Chief Public Defender, January 3, 2008;
- (dd) "We Shape the World" Charleston School of Law, Minority Law Day, March 1, 2008;
- (ee) Women of Wisdom Expo 2008 "Daring to Embrace New Beginnings "Bible Way Church, Columbia, SC, March 8, 2008;

- (ff) National Association for Court Management, Mid-Year Conference, Welcome Address, March 10, 2008;
- (gg) Pro-Bono Legal Service Summer Intern Class, In-Court Seminar, June 11, 2008;
- (hh) "Governors' School of SC" Summer Class, June 12, 2008;
- (ii) Magistrate Seminar , July 29, 2008;
- (jj) Annual Judicial Conference, South Carolina Access to Justice Commission, Panelist, August 21, 2008;
- (kk) Young Lawyers Association Luncheon, December 9, 2008;
- (ll) Charleston School of Law Professionalism Series Lecture(Access to Justice), March 19, 2009;
- (mm) Young Lawyers Association Luncheon, December 9, 2008;
- (nn) Charleston School of Law Professionalism Series Lecture (Access to Justice), March 19, 2009;
- (oo) JCLE "Limitations on Questioning Judges under the Judicial Cannons," July 31, 2009;
- (pp) Charleston Lawyer's Club CLE" Advice from the Bench: Likes and Dislikes in Motion Practice, Briefs and Oral Argument," February 24, 2010;
- (qq) Stono Park Elementary Career Day, February 26, 2010;
- (rr) Junior Girls Day Out Community Project, March 10, 2010;
- (ss) Metanoia Freedom School "Read-A-Loud, Chicora Elementary, July 22, 2010;
- (tt) Merit Selection Panel for Magistrate Judges, August 17, 2010;
- (uu) "League of Women Voters of the Charleston Area" Women of Distinction; August 26, 2010;
- (vv) Charleston County School District; Swearing In, November 8, 2010;
- (ww) South Carolina Legal Services Statewide Conference, Panelist, November 19, 2010;
- (xx) Center for Heirs Property; Celebration, February 10, 2011;
- (yy) SEABOTA Annual Conference CLE; Panelist, April 29, 2011;
- (zz) S.C. Supreme Court Institute, Panelist, June 20, 2011;
- (aaa) Seminar " What Works for Me in Practice" ; "Practical tips from the Bench," July 22, 2011;
- (bbb) Charleston County School District; Swearing In, February 27, 2012;
- (ccc) Charleston Lion Club Luncheon Speaker, April 24, 2012;
- (ddd) "Seminar "What Works for Me in Practice" ; "Practical tips from the Bench," July 20, 2012;
- (eee) Berkeley County School District 8th Annual Junior Scholarship Institute, July 10, 2014;
- (fff) S.C. Solicitor's Association Fall Conference Panelist Covering "Significant Cases: 2013-2014," September 22, 2014;
- (ggg) Shabach Christian Church Fellowship Convocation, "Moving up in your Career," October 29, 2014;
- (hhh) Military Magnet Academy Law Enforcement Class, May 6, 2015;
- (iii) Swearing in of Chief Public Defender for the Ninth Judicial Circuit, 2016 Charleston County Bar Association, February 25, 2016;
- (jjj) Memminger Elementary 4th grade students, February 25, 2016;
- (kkk) Military Magnet Academy Law Enforcement Class, March 22, 2017;

- (lll) S.C. Young Lawyers Division Mock Trial of Gold E. Locks and the Three Bears Deer Park Middle School, November 3, 2017;
- (mmm) Charleston County Junior Scholars, June 22, 2017;
- (nnn) Charleston County Junior Scholars, June 28, 2017;
- (ooo) Converse College "Celebrating Courage and Charting the Future: Commemorating 50 years of Black Women at Converse" Panel, February 9, 2018;
- (ppp) S.C. Circuit Court Orientation for New Circuit Court Judges Moderator and Instructor, July 11, 2018, July 10, 2019, July 8, 2020, July 6, 2021, July 26, 2022, June 27, 2023;
- (qqq) COBRA 2018 Drum Major for Justice Luncheon Honoring Judge Richard E. Fields, February 17, 2018;
- (rrr) S.C. Bar Diversity Committee-Virtual Fireside Chat with Richard E. Fields, Women's Lawyers Presentation, March 25, 2021;
- (sss) Ninth Judicial Installation of Chief Public Defender, Swearing In, August 1, 2022.

Judge Jefferson reported that she has published the following:

- (a) Marital Litigation in SC, Roy T. Stuckey and F. Glenn Smith (SC Bar CLE 2001), Editorial Board.
- (b) The Law of Automobile Insurance in SC, Elizabeth Scott Moise (SC Bar CLE 2009), Editorial Board.
- (c) I have provided written seminar materials for the S.C. bar in conjunction with CLE Seminar presentations. These materials have been published by the S.C. Bar as a part of their published seminar materials. I have not published any books or articles.

(4) Character:

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

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

The Commission also noted that Judge Jefferson 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 Jefferson reported that she is not rated by any legal rating organization.

Judge Jefferson reported that she has not served in the military.

Judge Jefferson reported that she has never held public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:
Judge Jefferson appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:
Judge Jefferson was admitted to the South Carolina Bar in 1989.

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

- (a) Law Clerk to the Honorable Richard E. Fields, Ninth Judicial Circuit, Charleston, S.C., August 1989 through August 1990. Primary Responsibilities: legal research, preparation of jury charges, preparation of Orders, scheduling of motions, all tasks required to prepare the Judge and myself for trials/hearings during the term and all other daily tasks as required by the Judge that ensured the smooth operation of Court.
- (b) McFarland and Associates, Attorney, October 1990 through March 1996. Trial practice focusing on the following areas: Domestic Relations, Civil Litigation (all types), Probate Law, Real Estate Law, Business Law and Criminal Law.
- (c) Resident Family Court Judge, Ninth Judicial Circuit, Seat 5, elected to serve February 14, 1996 through June 2001.
- (d) Resident Circuit Court Judge, Ninth Judicial Circuit, Seat 1, elected to serve May 31, 2001 to the present.

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

- (a) Federal: approximately 15 times;
- (b) State: approximately 50-60 times.

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

- (a) Civil: 47%;
- (b) Criminal: 6%;
- (c) Domestic: 47%;
- (d) Other: 0%.

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

- (a) 70% was in trial court, including cases that settled prior to trial;
- (b) 25 cases went to trial and resulted in a trial;
- (c) 25-30 cases went to trial and resolved after the plaintiff's or State's case;
- (d) 0 cases settled after a jury was selected, but prior to opening statements.

Judge Jefferson provided that during the past five years prior to her service on the bench she most often served as sole counsel.

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

- (a) Blake v. County of Charleston. This case involved complex (federal) civil rights litigation. It was tried for two (2) weeks and involved many motions and other complex

- legal issues relating to evidence and the new federal rules. The case also resulted in a mistrial and was later tried a second time for one (1) week. I tried this case with two (2) other lawyers, both of whom had been practicing more than eighteen (18) years. During this process I was treated as an equal and an integral part of the litigation team. I was entrusted with a great deal of responsibility which included arguing motions, examination of witnesses, preparation of motions, and preparation of jury charges. This case challenged many current practices within the Charleston County Police Department. This case caused the Charleston County Police Department to evaluate and change many of their policies and practices.
- (b) Hymes v. Khoury. This case was a simple auto accident which I did not think would be successful. This case taught me the importance of the strategic application of the civil rules of procedure and case law. Although this case took one (1) day to try, the jury deliberated for two (2) days and returned a verdict in favor of my client.
 - (c) In Re: The Estate of Joseph J. White, Jr., et. al. This was a probate court case. The central issue in this case involved the paternity of a two (2) year old minor child of the victim of an automobile fatality. The case involved an intense three (3) day probate trial. The trial involved approximately forty (40) witnesses. It also involved a unique question of law concerning the jurisdictional conflict between the probate and family courts. A favorable ruling was returned by the Probate Judge and the Circuit Court on appeal. In addition, I handled the wrongful death cause of action on behalf of the minor which resulted in a substantial recovery for the minor.
 - (d) Ashby v. Ashby. In this case I represented the plaintiff/husband who sought custody of his three (3) children. The Court applied the primary caretaker doctrine in awarding custody to the father. The case also involved issues of equitable distribution, adultery, child support and attorney's fees.
 - (e) Thompson v. Polite. This case involved a hotly contested issue of visitation between the plaintiff/husband and his minor son. The defendant/wife was adamant in her refusal to allow visitation. My client was awarded reasonable visitation at the Temporary Hearing of this case. Prior to the Final Hearing the parties submitted to mediation. Through this process they were able to come to an amicable agreement regarding visitation and the rearing of their child. This case reinforced my belief in the value of alternative dispute resolution (mediation) as a method of improving the efficient use of court time and resources.

Judge Jefferson reported she has not personally handled any civil or criminal appeals.

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

- (a) Resident Family Court Judge, Ninth Judicial Circuit, Seat 5, elected February 14, 1996. April 1, 1996, through June 2001. Elected by the General Assembly. The Family Court is a statutory court of limited and specific jurisdiction. The jurisdiction of the Family Court is set forth in S.C. Code Annotated section 20-7-420, et seq. (i.e. divorce, custody, child support, name changes, juveniles, equitable distribution, adoptions, abuse and neglect, and as further set forth in the statute).
- (b) Resident Circuit Court Judge, Ninth Judicial Circuit, Seat 1, June 2001-present. Elected to this position by the General Assembly on May 30, 2001. The Circuit Court is South Carolina's Court of general jurisdiction. It has a civil court, the Court of Common

Pleas, and a criminal court, the Court of General Sessions. In addition to its general trial jurisdiction, the Circuit Court has limited appellate jurisdiction over appeals from the Probate Court, Magistrate's Court, and Municipal Court.

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

- (a) Beachfront Entertainment, Inc., et al. v. Town of Sullivan's Island, 379 SC 602, 666 S.E.2d 921 (2008)
- (b) Evening Post Publishing Company, et al. v. City of North Charleston, 357 S.C. 59, 591 S.E.2d 39 (Ct. App. 2003), 363 S.C. 452, 611 S.E.2d 496 (2005);
- (c) State v. Washington, 367 S.C. 76, 623 S.E.2d 836 (Ct. App. 2006);
- (d) State v. Stephen C. Stanko, 1999-GS-22-0918. 376 S.C. 571, 658 S.E.2d 94 (2008);
- (e) Donevant vs Town of Surfside Beach, 422 S.C. 264, 811 S.E.2d 744 (2018).

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

Judge Jefferson further reported the following regarding unsuccessful candidacies:
Candidate- Family Court of S.C., Ninth Judicial Circuit, Seat to be vacated by the Hon. Robert R. Mallard, January 1995 through March of 1995. I went through the screening process successfully and was found Qualified to hold judicial office. I voluntarily withdrew from the process prior to the election.

Candidate – Supreme Court of South Carolina, Seat 3, to be vacated by the Hon. Justice James E. Moore in September 2007. I went through the screening process successfully and was found Qualified to hold judicial office but not nominated.

Candidate- Supreme Court of South Carolina, Seat 4, to be vacated by the Hon. Justice John Henry Waller, Jr. in February 2009. I went through the screening process successfully and was found Qualified and Nominated.

- (9) Judicial Temperament:
The Commission believes that Judge Jefferson's temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Lowcountry Citizens Committee reported Judge Jefferson to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee commented:

"Judge Jefferson is imminently qualified to serve as an Associate Justice on the Supreme Court. She has over 25 years of experience, first as a family court judge and now as a circuit judge. In her expansive experience, she has dealt with every conceivable issue in family, civil, and criminal litigation, and is acquainted with all areas of the law. She has a keen intellect, being genuinely interested in the legal

issues before her. She is a “worker.” She is not predetermined on the matters that come before her and fully studies novel or unusual issues before ruling on them. She is fair and does not play favorites.

Judge Jefferson is innovative and takes initiative. To help alleviate the backlog of criminal cases caused by the pandemic, she made arrangements with the Sheriff for Charleston County for a temporary courtroom at the County jail, to hear bond matters. With this system, the detained did not need to be transported to the County courthouse but could be processed quickly and effectively.

She is well balanced and affable with the consummate judicial temperament. She is well regarded and liked by jurors and attorneys. She respects her peers on the bench and has positive professional relationships with them. Her exceedingly strong qualifications are accompanied by her wonderful disposition.

The opinions in her letters of recommendation are universally shared by the legal community and all that know her. For her entire career, she has generously and tirelessly given her time to improve the community, volunteering for various causes and her church.”

And:

“The Committee unanimously and enthusiastically supports her candidacy. She has every quality, professional and personal, to be an excellent Associate Justice. The Committee believes her experience and perspective would be invaluable in this position. The Committee has no doubt she would serve in a manner that would bring even more public admiration, appreciation, and trust to the Court as a whole.”

Judge Jefferson is not married. She does not have any children.

Judge Jefferson reported that she was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association;
- (b) Charleston County Bar Association;
- (c) S.C. Association of Circuit Court Judges; Secretary 2010-2012; Vice President 2012-2014; President 2014-2016;
- (d) S.C. Women Lawyers Association;
- (e) S.C. Black Lawyers;
- (f) S.C. Supreme Court Historical Society, Judicial Advisory Board;
- (g) American Inns of Court Foundation.

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

- (a) The Life Center Church, Charleston, S.C.
Trustee Ministry, 2001-present; Vision to Victory 2020-present;
- (a) Charleston, SC Chapter of the Links, Inc., 1998-present Co-Chair

Services to Youth

2000-2001; Corresponding Secretary 2004-2006; Recording Secretary 2006-2007; Chair Bylaws Committee 2006-2007; 2019-2023;2014- present; Vice President 2007- 2009; President 2009-2013;

- (c) Delta Sigma Theta Sorority, Inc., 1982-present;
- (d) The Post and Courier Feature Article August 6, 2001;
- (e) The Post and Courier “High Profile” Article May 7, 2005;
- (f) “The Heritage List, 9 Dazzling Women of Spirit and Humility” Celebrate Your Heritage Magazine, Spring 2005;
- (g) NAACP Lifetime Achievement Award 2003;
- (h) Greater Charleston YWCA Lifetime Achievement Award 2004;
- (i) Advisory Board Charleston School of Law 2002-present;
- (j) Converse College Board of Trustees; 2002-2010; 2011- 2020; Academic Affairs; Legal Affairs Sub-Committee; Enrollment & Marketing Committee; Student Affairs Committee; Investment Sub-Committee; Committee on Trustees;
- (k) Founder’s Day Speaker Converse College, April 24, 2003;
- (l) South Carolina Commission on Alternative Dispute Resolution 2002-2006, User Education Sub-Committee; 2018-present, Program and Technology Committee;
- (m) Co-Chair 9th Circuit Courthouse Security Commission August 4, 2006-present;
- (n) Associate Acting Justice South Carolina Supreme Court for the terms December 1, 2005 and June 10, 2004;
- (o) Associate Acting Judge South Carolina Court of Appeals for the term June 19-13, 2003 during this term I sat En Banc with the Court, authored two (2) opinions and participated on seven (7) other panels/opinions;
- (p) Designated as Chief Judge for Administrative Purposes for the 9th Circuit as follows: General Sessions July 1, 2002-January 5, 2003; Common Pleas January 6, 2003-January 3 2004; General Sessions January 4, 2004-July 3, 2004 and Common Pleas January 1, 2006-December 30, 2006;General Sessions, Jan. 1-July 31, 2008, Common Pleas January 1, 2009-December 31, 2009; General Sessions, January 2011-December 30, 2011; and Common Pleas, January 1, 2012-December 30, 2013; General Sessions, January 3, 2016-July 1, 2017; Common Pleas(Charleston) January 1, 2017-June 30, 2018; Chief Judge for Administrative Purposes for the 14th Circuit January 5, 2020-January 2, 2021; Chief Administrative Judge General Sessions 9th Circuit, July 4, 2021-December 31, 2022; December 31, 2023-present;
- (q) Assigned exclusive jurisdiction of the following cases by the Supreme Court: April 29, 2003 (2003-GS-47-000004) Statewide Grand Jury, State v. Bunker, et al.; December 2, 2003 (2001-CP-18-0074A) Boyd v. Nationwide; June 28, 2004 (2003-GS-38-02411-02413), State v. Levi Bing, Jr.; October 3, 2004 (2002-CP-15-00471 and 00494) Carter v. Steedley, et. al.; May 6, 2005 (2005-GS-22-00918) State v. Stephen C. Stanko; October 3, 2005 (1996-GS-32-30341) State v. Jeffrey L. Jones; March 7, 2006 (2004-CP-18-01951) Price v. Jones Ford, Inc.; October 5, 2007 State v. Broughton; (2006-GS-08-02164,02165,02182, 021830,2184 & 02185); September 20, 2010 (2004-CP-37-00834) Rhoades, et al.v. Kenyon, et al.; April 23, 2014, State vs Timothy D. Rogers (1993-GS-18-00101)

- (1993-GS-18-00101), Resentencing; May 20, 2016 (2016-GS-47-00002 and 2016-GS-47-00003) Statewide Grand Jury Case, State vs Emory Roberts, Justin Gordon Hunter, William Orlando Brown, Rosemary Quezada and Lassain Dixon Johnson; May 31, 2017 (1993-GS-10-00090,00091,00092) State vs Corey L. Sparkman; December 27, 2017 (2017-GS-47-00031 and 2017-GS-47-00050) Statewide Grand Jury Case, State vs Brantley D. Thomas, III (2018-GS-47-00031;2018-GS-47-00051;2018-GS-47-00027;2018-GS-47-00053;2018-GS-47-00054); March 1, 2024 1992-GS-10-01680 State vs Mark Hamilton;
- (r) Nominated for the inaugural class of the Lowcountry Diversity Leadership Academy developed by the American Institute for Managing Diversity and the Richard W. Riley Institute of Government, Politics and Public Leadership at Furman (had to decline due to the demands of the Court schedule), September 6, 2005;
 - (s) Nominated for the Lowcountry Diversity Leadership Academy (had to decline due to the demands of the Court Schedule), September 21, 2006;
 - (t) Invited by the National Judicial College to be a group discussion leader for the General Jurisdiction Course (had to decline due to the demands of the Court schedule, however, I have been asked to participate when the schedule will allow my participation), July 2006;
 - (u) Supreme Court Access to Justice Commission 2007-2016;
 - (v) S.C. Liberty Fellow-Class of 2009. 2007-present;
 - (w) Federal Court, Merit Selection Panel for Magistrate Judges, August 17, 2010;
 - (x) League of Women Voters of the Charleston Area Women of Distinction Award-August 26, 2010;
 - (y) Designated by Chief Justice Toal as state liaison to the National Consortium on Racial and Ethnic Fairness in the Courts, NCSC, 2003-present; Advisory Board 2013-2014; Board of Directors 2014-Present; Nominating Committee February 8, 2016-present;
 - (z) Supreme Court Docket Management Task Force, Common Pleas Reform Subcommittee, Rule 40/Status Conference Subcommittee, February 17, 2011-present;
 - (ee) Appointed to the Supreme Court to the General Sessions Docket Committee (Langford Committee), January 7, 2014-present;
 - (ff) Circuit Court Judges Advisory Committee, June 24, 2014-present; Chairperson 2019-present; Moderator and Presenter New Judges Orientation School 2018-present;
 - (gg) Converse College "Celebrating Courage and Charting the Future: Commemorating 50 years of Black Women at Converse," Panel, February 9, 2018;
 - (hh) S.C. Circuit Court Judges Association; Secretary, August 17, 2010-2012; Vice President, August 17, 2012- August 2014; President, August 2014-2016;
 - (ii) Access to Justice, Language Access Task Force of the South Carolina Access to Justice Commission, March 16, 2016;
 - (jj) 2024 CCJ/COSCA Southern Region Summit, Effective Criminal Case Management in Pos-Pandemic World: A Leadership Summit for Courts and their Communities Liason, June 5-7, 2004.

Judge Jefferson further reported:

I served as law clerk to the Hon. Richard E. Fields of the Circuit Courts of South Carolina. During my time with him I had the unique opportunity to observe and participate in dozens of trials and hearings and observe a “master jurist.” He taught me the importance of “people skills.” I learned the role of judge is central to the lawyers and the litigant's perception that the system afforded them a fair trial/hearing. In addition, my legal research and writing skills were refined during this process. These skills were further refined during my time on the bench. I count myself fortunate to have found my vocation in life and attempt to walk worthy of that vocation. It is a rare privilege to have been allowed to serve the citizens of South Carolina as a Family Court Judge and Circuit Court Judge for the past twenty-eight (28) years. The last twenty-eight (28) years have been enjoyable, rewarding and intellectually challenging. I have learned much about the law and human nature. I was taught that the position of a judge should be a continual growth process. I believe that I have continuously grown in my judicial perspective. I still have the same enjoyment for my work as the day I began twenty-eight (28) years ago. The Circuit Court has one of the largest caseloads within the judicial system with over approximately four thousand (4000) filings per judge. I believe that I have been a productive member of the Court. My potential election to the Supreme Court will create the opportunity for continued intellectual growth while allowing my continued contribution to the court system and the welfare of this state.

(11) Commission Members’ Comments:

The Commission commented that Judge Jefferson enjoys a reputation of being a hard working and diligent jurist who treats others with dignity and respect.

(12) Conclusion:

The Commission found Judge Jefferson qualified, but did not nominate her for election to Supreme Court, Seat 3.

The Honorable R. Keith Kelly
Supreme Court, Seat 3

Commission’s Findings: QUALIFIED, BUT NOT NOMINATED

(1) Constitutional Qualifications:

Based on the Commission’s investigation, Judge Kelly meets the qualifications prescribed by law for judicial service as a Supreme Court justice.

Judge Kelly was born in 1958. He is 65 years old and a resident of Spartanburg, South Carolina. Judge Kelly 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 Judge Kelly.

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

Judge Kelly 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 Kelly 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 Kelly to be intelligent and knowledgeable.

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

- (a) I have made a presentation on Ethics to the SC Association of Criminal Defense Lawyers as a Circuit Judge.
- (b) I have made a presentation on Access to Justice as a Circuit Judge.
- (c) I have participated as a Circuit Judge on panels answering questions from lawyers.
- (d) I have made presentations to members of the Bar at the annual Solicitor's Conference while serving as a member of the SC House Judiciary Committee.
- (e) I have made presentations to members of the Bar at the annual Public Defender's Conference while serving as a member of the SC House Judiciary Committee.
- (f) I have made presentations to members of the Bar at the annual Public Defender's Conference while serving as a member of the SC Sentencing Oversight Committee.
- (g) I have spoken to school students on career days about law in general and described our court system, both state and federal.
- (h) I taught a class to law enforcement officers on prosecuting DUI cases while I was a lawyer.

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

(4) Character:

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

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

The Commission also noted that Judge Kelly 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 Kelly reported that his rating by a legal rating organization, Martindale-Hubbell, is BV.

Judge Kelly reported the following military service:

16 May 1981 to 16 May 1984, US Army active duty, Honorable Discharge. 17 May to 29 August 1994 US Army Reserve, Honorable Discharge. Captain, no longer serving.

Judge Kelly reported that he has held the following public office:

(a) 2006-2010, SC House of Representatives, House District 35, elected.

(b) All reports were timely filed, no penalty.

- (6) Physical Health:
Judge Kelly appears to be physically capable of performing the duties of the office he seeks.

- (7) Mental Stability:
Judge Kelly appears to be mentally capable of performing the duties of the office he seeks.

- (8) Experience:
Judge Kelly was admitted to the South Carolina Bar in 1988.

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

(a) Brooks Law Associates, Spartanburg, SC 1988-1999; General practice of law including criminal, civil and family law. No administrative or financial duties.

(b) R. Keith Kelly Law Firm, Spartanburg, SC 1999-2001; General practice of law including criminal, civil and family law. Solo practice with administrative and financial duties.

(c) Lister, Flynn and Kelly, PA, Spartanburg, SC 2001-2013; General practice of law including criminal, civil and family law. No administrative or financial duties.

(d) The South Carolina Judicial Department, Circuit Court Judge, 2013 to present. Preside over Common Pleas and General Sessions matters.

Judge Kelly reported the frequency of his court appearances during the past five years prior to his service on the bench as follows:

(a) Federal: I have handled two federal court cases in the past five years

(b) State: I appear frequently in state court. These appearances likely average, on an annual basis, at least once per week, if not more, when court is in session.

Judge Kelly reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years prior to his service on the bench as follows:

(a) Civil: 20%;

(b) Criminal: 40%;

(c) Domestic: 40%;

(d) Other: 0%.

Judge Kelly reported the percentage of his practice in trial court during the past five years as follows:

At least 60%. This is an estimate; it has been over ten years since I practiced law.

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

These cases were before I came to the bench in 2013.

- (a) State v. Moore: death penalty case
- (b) State v. Samples: death penalty case
- (c) State v. Connor: death penalty case
- (d) State v. Brown: death penalty case
- (e) US v. Troy Rolle: interstate drug trafficking case

Judge Kelly reported that he has not handled any civil appeals.

The following is Judge Kelly's account of five criminal appeals he has personally handled:

These cases were before I came to the bench in 2013.

- (a) State v. Moore: death penalty case
- (b) State v. Samples: death penalty case
- (c) State v. Connor: death penalty case
- (d) State v. Brown: death penalty case
- (e) US v. Troy Rolle: interstate drug trafficking case

Judge Kelly further reported that he has held the following judicial offices:

SC Circuit Court Judge, 2013-present. Elected by the General Assembly.

The jurisdiction of the Circuit Court is defined by Article V, Section 11 of the SC Constitution and Title 14, Chapter 5 of the SC Code of Laws, as amended.

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

- (a) Catawba Indian Nation v. State of South Carolina, 407 S.C. 526, 765 SE2d 900 (2014). The Indian tribe brought a declaratory judgment action against the state to determine the effect of the Gambling Cruise Act on certain gambling rights. The Supreme Court held declaratory judgment action was not precluded by collateral estoppel; the action was not precluded by res judicata; but the Gambling Cruise Act did not authorize the tribe to offer video poker gambling on its reservation. I concurred in the opinion as an Acting Associate Justice.
- (b) Garrard v. Charleston County School District, LLC, 439 S.C. 596 (2023). Members and coach of high school football team brought defamation action against newspaper that had published series of articles that included statements about members and coach in connection with controversial post-game ritual performed by team. The Supreme Court, Kittredge, Acting C.J., held that common law presumption of general damages did not apply, requiring members and coach to demonstrate actual injury. The members and coach were required to demonstrate actual injury attributable to articles; allegedly libelous statement involved issue of public controversy or concern and was published by a media defendant. Petitioners fell short on the element of damages. Because the allegedly libelous statement involved an issue of public controversy or concern and was published by a media defendant, the common law presumption of general damages

- did not apply, and it was incumbent on Petitioners to show actual injury attributable to Respondent's publications. I concurred in the opinion as an Acting Associate Justice.
- (c) Garrison v. Target, 435 S.C. 566 (2022). Customers sued store for negligence, violation of Unfair Trade Practices Act, and loss of consortium after daughter picked up and was pricked by needle and syringe in store parking lot. The jury returned a verdict for Plaintiffs. The Court of Appeals held the statutory cap on punitive damages pursuant to section 15-32-530 constituted an affirmative defense that must be pled or else waived, and because Target failed to plead the cap, the Court held its application was waived in this case. Target contended the Court of Appeals erred in holding it was required to plead the statutory cap on punitive damages pursuant to section 15-32-530 as an affirmative defense, and because Target did not do so, application of the damages cap was waived in this case. The Supreme Court agreed finding the statutory cap on punitive damages is neither an affirmative defense nor an avoidance because it does not affect liability or require new matter to be asserted but instead limits the amount of damages a plaintiff can recover.
 - (d) State v. Daniel Spade, 2016WL3670561, (2016). Defendant was charged with Criminal Sexual Conduct with a Minor, First Degree for forcing his then seven year old daughter to perform oral sex on him during non-custodial visitation. Defendant improperly struck juror 199 because she was a grandmother and later alleged due to her age. I ruled the strike unconstitutional based on gender because only females can be grandmothers and the “dual motivation doctrine did not cure the constitutional defect. Affirmed.
 - (e) West Anderson Water v. City of Anderson, 417 S.C. 496, 790 SE2d 204 (2016). The Water District brought a declaratory action against the City to determine the proper service provider to supply water to Michelin’s newly constructed facility. The Court affirmed my ruling determining the Water Sale and Purchase Agreement allowed the City to provide service to Michelin, enabling legislation authorized the local governing body to execute contracts extending past its members terms of office and there was no delegation of power by the district. Affirmed.

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

Judge Kelly reported the following regarding unsuccessful candidacies:

- (a) 1991 SC Senate special election to fill unexpired term of Senator Horace Smith. I lost in the primary to a challenger.
- (b) 2010 SC House of Representatives, District 35. I lost in the primary to a challenger.
- (c) 1995 Family Court Judgeship. I withdrew from consideration.
- (d) 1998 Family Court Judgeship. I withdrew from consideration.
- (e) 2010 US Magistrate. I was not selected.
- (f) 2016 Supreme Court. I withdrew from consideration.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Upstate Citizens Committee reported Judge Kelly to be “Well-Qualified” as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and “Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee included the following comment: “Judge Kelly is an outstanding jurist. He has an outstanding reputation and is well liked by all!”

Judge Kelly is married to Cynthia Gail Jackson Kelly. He has three children.

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

- (a) South Carolina Bar Association
- (b) South Carolina Circuit Court Judges Association
- (c) Cherokee County Bar Association
- (d) Spartanburg County Bar Association
- (e) South Carolina Supreme Court Historical Society

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

- (a) Trinity United Methodist Church, Spartanburg, SC
- (b) The Supreme Court Historical Society
- (c) Spartanburg Downtown Rotary Club (Paul Harris Plus Seven)
- (d) Rotary Paul Harris Society
- (e) Spartanburg Pilots Association, former board member
- (f) Woodruff Investment Club
- (g) The Peachtree Project (former member)

Judge Kelly further reported:

I respectfully submit that my work ethic is one of my strong suits. I worked to pay my way through college and law school. I repaid all student loans timely, and I applied myself to the practice of law and representing clients with the same work ethic. I applied myself and that same work ethic while serving our state as a Circuit Court Judge. And, I will continue to apply that same work ethic to cases before the Supreme Court.

(11) Commission Members’ Comments:

The Commission commented that Judge Kelly enjoys a well-deserved, fantastic reputation in the legal community. They expressed appreciation for his excellent temperament and his commitment to punctuality in the courtroom.

(12) Conclusion:

The Commission found Judge Kelly qualified, but did not nominate him to serve as Supreme Court, Seat 3.

CONCLUSION

The Judicial Merit Screening Commission found the following candidates QUALIFIED AND NOMINATED:

SUPREME COURT


SEAT 3

The Honorable Blake A. Hewitt
The Honorable Jocelyn Newman
The Honorable Letitia H. Verdin

Respectfully submitted,



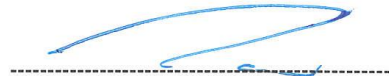
Senator Luke A. Rankin




Rep. Micajah P. "Micah" Caskey, IV



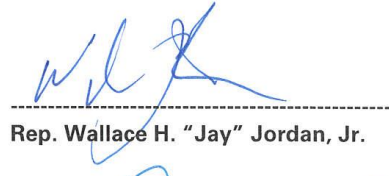
Senator Ronnie A. Sabb




Rep. J. Todd Rutherford



Senator Scott Talley



Rep. Wallace H. "Jay" Jordan, Jr.




Ms. Hope Blackley



Mr. Andrew N. Safran



Mr. J.P. "Pete" Strom Jr.



Ms. Lucy Grey McIver

APPENDIX

Report from the South Carolina Bar Judicial Qualifications Committee



The Honorable Ralph K. Anderson, III Supreme Court, Seat 3

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Ralph K. Anderson, III’s candidacy for the Supreme Court, 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified



The Honorable Jocelyn Newman Supreme Court, Seat 3

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Jocelyn Newman’s candidacy for the Supreme Court, 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified



The Honorable Letitia H. Verdin Supreme Court, Seat 3

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Letitia H. Verdin’s candidacy for the Supreme Court, 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified



The Honorable R. Keith Kelly Supreme Court, Seat 3

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable R. Keith Kelly’s candidacy for the Supreme Court, 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified



The Honorable Blake A. Hewitt Supreme Court, Seat 3

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Blake A. Hewitt’s candidacy for the Supreme Court, 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified



The Honorable Deadra L. Jefferson Supreme Court, Seat 3

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Deadra L. Jefferson’s candidacy for the Supreme Court, Seat 3, is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Experience	Well-Qualified
Reputation	Qualified
Judicial Temperament	Qualified