

Judicial Merit Selection Commission

Report of Candidate Qualifications 2025

Date Draft Report Issued: Wednesday, January 28, 2026

Date and Time

Final Report Issued: **12:00 Noon, Monday, February 9, 2026**

**Judicial candidates are not free to
seek or accept commitments until
Monday, February 9, 2026, at Noon.**

Judicial Merit Selection Commission

Rep. Micajah P. "Micah" Caskey IV, Chairman
Sen. Luke A. Rankin, Vice-Chairman
Sen. George E. "Chip" Campsen III
Sen. Overture Walker
Rep. Wallace H. "Jay" Jordan Jr.
Rep. Leonidas E. "Leon" Stavrakis
Mary Agnes Hood Craig
Lanneau Wm. Lambert Jr.
John T. Lay
Peter D. Protopapas
Christian Stegmaier
The Honorable Joseph Monroe Strickland



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January 28, 2026

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 Monday, February 9, 2026**. 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 Monday, February 9, 2026**. 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,

Representative Micajah P. "Micah" Caskey IV

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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 uses 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 are asked to advise the Commission on the judicial candidates in their regions. Each regional committee interviews the candidates from its assigned area and also interviews other individuals in that region who are familiar with the candidate either personally or professionally. Based on those interviews and its own investigation, each committee provides the Commission with a report on their assigned candidates based on the Commission's evaluative criteria. The Commission then uses these reports as a tool for further investigation of the candidate if the committee's report so warrants. 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.

While the nine evaluative criteria are of equal importance, Judicial temperament is a critical factor in evaluating the qualifications of judicial candidates, as it directly impacts public confidence in the fairness and integrity of the judicial process. A judge's demeanor and interactions with attorneys, litigants, and the public play a key role in ensuring that individuals feel they have received a fair trial. At the same time, the Commission recognizes that a judge exercising appropriate judicial temperament must balance kindness, empathy, and flexibility while maintaining authority of the courtroom. A judge who maintains firm control over the courtroom in order to uphold decorum, prevent disruptions, and enforce the Rules of Evidence and Procedure is not displaying improper temperament, even if their actions may occasionally seem stern. The Judicial Merit Selection Commission will carefully consider this balance, especially weighing any anonymous survey responses, to ensure that judges feel free to perform their duties effectively without fear that their commitment to doing their jobs could jeopardize their jobs.

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.

During the evaluation of candidates for judicial office, the Commission occasionally identifies issues that, while not directly impacting an individual candidate's qualifications for continued judicial service, have broader implications of statewide significance. In such instances, we believe it is our duty to bring these matters to the attention of the General Assembly.

One such issue arose during this screening: the setting of bonds. Despite the legislature's recent enactment of a law requiring bonds to be set within a prescribed timeframe, our hearings revealed widespread noncompliance with this mandate. Although our inquiry was statutorily limited to the screening of circuit court judges, we concluded that this problem does not rest solely with judges. Instead, it reflects systemic shortcomings involving all key participants in the criminal justice process, including solicitors, public defenders, private attorneys, and court staff.

Given the critical importance of this issue to the administration of justice and the effective execution of laws enacted by the General Assembly, the Commission feels obligated to bring this concern to the attention of our colleagues in the Senate and the House of Representatives.

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 Court of Appeals, Circuit Court, Family Court, and Administrative Law Court.

Rev. 12/2024

SUPREME COURT QUALIFIED AND NOMINATED

The Honorable Ralph K. Anderson III
Supreme Court, Seat 2

Commission's Findings: QUALIFIED AND 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 66 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 \$149.55 in campaign expenditures on postage, envelopes and paper.

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 rule and SC Code Section 2-19-70 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 March 17, 2025.
- (b) SCAARLA (What Judges Want – Panel Discussion) on November 1, 2024.

- (c) The Public Service Commission. (APA) on September 30, 2024.
- (d) USC School of Law Class (Jurisdiction before the ALC) on February 26, 2024.
- (e) SCAARLA (ALC Update) on February 2, 2024.
- (f) SC Bar Convention – “How the ALC is Involved in Regulation of Activity Along SC’s Coast” on January 19, 2024.
- (g) USC School of Law Class (Jurisdiction before the ALC) on February 13, 2023.
- (h) SCAARLA (Administrative Law Court’s New E-Filing System) on February 10, 2023.
- (i) USC School of Law Class (Law Practice Workshop) on February 7, 2022.
- (j) Recorded CLE for SC Bar & SCAARLA (How to Craft an Order) on December 13, 2021.
- (k) 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
- (l) SC Administrative Law Court (How to Craft an Order) on October 8, 2021.
- (m) How to Craft an Order (Pub. Serv. Comm’n) on June 8, 2021.
- (n) Recorded SC Judicial CLE (The Administrative Law Court: Overview and Judicial Considerations) on March 29, 2021.
- (o) USC School of Law Class (Jurisdiction before the ALC) on March 17, 2021.
- (p) USC School of Law Class (Law Practice Workshop) on February 8, 2021.
- (q) SC Bar Convention - Virtual CLE (Tales from Emails) on January 22, 2021.
- (r) Recorded CLE for SCAARLA (Appellate Jurisdiction before the ALC) on October 8, 2020.
- (s) SCAARLA (Tales from Emails) on February 21, 2020.
- (t) USC School of Law Class (Law Practice Workshop) on February 10, 2020.
- (u) SC Bar Convention (Case Law Update: Administrative Law) on January 24, 2020.
- (v) SC Bar Diversity Committee (Panel: How ____ can I be?) on January 7, 2020.
- (w) Central Panel Directors Conference (Asheville NC) - Report of the South Carolina ALC on November 1, 2019.
- (x) USC School of Law Class (Law Practice Workshop) on February 25, 2019.
- (y) 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.
- (z) USC School of Law Class (Law Practice Workshop) on February 26, 2018.
- (aa) SCAAO Conference on October 6, 2017, concerning tax law cases and statutory construction.
- (bb) USC School of Law Class (Law Practice Workshop) on April 3, 2017.
- (cc) DHEC (What is Effective Regulation?) on October 28, 2016.
- (dd) Fifth Circuit’s Spring Courthouse Keys event on April 1, 2016.
- (ee) USC School of Law Class (Law Practice Workshop) on February 8, 2016.
- (ff) SC Bar Convention for the Regulatory and Administrative Law Section on January 22, 2016.
- (gg) SC Bar (Fifth Circuit Tips from the Bench) on January 8, 2016.
- (hh) USC School of Law Class (Law Practice Workshop) on February 9, 2015.
- (ii) A seminar for SC HHS Hearing Officers on April 13, 2015.
- (jj) An Administrative Law & Practice in S.C. Seminar on January 31, 2014.
- (kk) USC School of Law Class (Law Practice Workshop) on March 3, 2014.

- (ll) S.C. Bar Convention (Panel Discussion on Administrative Law) on January 25, 2013.
- (mm) A seminar for the Public Service Commission. (APA, Agency Decision & Ethics) on March 20, 2013.
- (nn) Two separate CLEs on Administrative Law on February 21 & 22, 2013.
- (oo) S.C. Bar CLE (Hot Topics in Administrative Law) on October 30, 2009.
- (pp) 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 2025 Judicial AV Preeminent.

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

Judge Anderson reported that he has held the following public office other than judicial 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 on February 5, 2014, February 6, 2019 and April 17, 2024.

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. 2024) 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 prior to his service on the bench as follows:

- (a) Percentage of practice, including cases that settled prior to trial: I have been a judge since 1995. H well as terms of court throughout the State for the Solicitors' Offices. Regarding the civil litigation at the Attorney General's Office, those cases were primarily administrative cases. In sum, I estimate that approximately forty (40) percent of my overall caseload was in trial court.
- (b) Number of cases that went to trial and resulted in a verdict: No answer reported.
- (c) Number of cases that went to trial and resolved after the plaintiff's or State's case: No answer reported.
- (d) Number of cases settled after jury selection but prior to opening statements: No answer reported.

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 suffered horrible injuries including the loss of the baby she was carrying. The Defendant was ultimately convicted and 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 of his re-trial Under difficult circumstances, I accepted 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 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' and law enforcement certifications. The Administrative Law Court also hears appeals from final decisions of the Department of Employment and Workforce; the Department of Corrections in "non-collateral" 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 but is not limited to hearings involving environmental and health permitting; 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, 442 S.C. 313, 898 S.E. 2nd 194 (Ct. App. 2024), reh'g denied (Mar. 18, 2024), cert. granted (Oct. 3, 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 Kershaw Health 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 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 3 - Found qualified but not nominated on May 20, 2024.

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

- (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 Qualifications found Judge Anderson to be "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee stated: "Very knowledgeable and has been able to successfully

run the Administrative Law Court as the Chief Administrative Law Judge. His experience in writing will be a great asset. The only concern is his lack of trial work in the last 20 years.”; and “A great candidate who will be an asset to the Supreme Court.”

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 - November 1984 to present
- (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 expressed gratitude to Judge Anderson for his decades of diligent service as a judge on the Administrative Law Court. They noted his reputation as a legal scholar who serves the Administrative Law Court with honor and integrity.

(12) Conclusion:

The Commission found Judge Anderson qualified and nominated him for election to Supreme Court, Seat 2.

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

Commission’s Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Justice Few was born in 1963. He is 62 years old and a resident of Mountain Rest, South Carolina. Justice Few provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1988.

(2) Ethical Fitness:

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

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

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

Justice Few testified he has not:

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

Justice Few testified that he is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Justice Few to be intelligent and knowledgeable.

Justice Few reported that he has taught the following law-related courses since his election in spring 2016:

- (a) I teach a 2-hour, semester-long class each fall at the USC Rice School of Law entitled Advanced Evidence.
- (b) In approximately 2006, working with the S.C. Bar, I designed an annual, all-day continuing legal education seminar (CLE) on the law and practice of evidence called "It's All A Game." I organized and presented at this CLE every year until approximately 2020 when I turned the responsibility for organizing it over to now-Circuit Judge Daniel Coble.
- (c) I have given a number of CLE presentations at local chapters of the American Board of Trial Advocates (ABOTA) and the southeastern chapter of ABOTA on one occasion in Destin, Florida. I gave the ABOTA James Otis Lecture in the House Chamber on September 13, 2019.
- (d) I have given CLE presentations at most of the South Carolina Bar annual conventions and several South Carolina Judicial Conferences since my election to the Supreme Court in 2016.
- (e) I have given several CLE presentations to local bar associations around the State, including the Rock Hill Bar, and the Hilton Head Island Bar, the Greenwood Bar, and at least twice at the Greenville Bar's Annual CLE.
- (f) I have spoken on numerous occasions to the South Carolina Magistrate Judges Association in both Myrtle Beach and Columbia.
- (g) In the first several years after 2016, I gave numerous CLE presentations through the South Carolina Bar, such as at the annual Criminal Law Update and what used to be an annual program related to the new 5th edition of South Carolina Law of Torts. I cut

back significantly in the past five years on making CLE presentations through the South Carolina Bar.

- (h) I have given several CLE presentations to South Carolina attorney groups such as the Solicitors' Conference, the Public Defenders Association, the Association of Criminal Defense Lawyers, the Defense Trial Attorneys Association (Civil), the Injured Workers Advocates, and the Association for Justice.
- (i) I have been invited to give several CLE presentations to out-of-state legal groups, such as:
 - Federation of Corporate & Defense Counsel, Charleston – March 10, 2017
 - DRI Appellate Advocacy Meeting, Las Vegas – March 15, 2018
 - SCAJ "Auto Torts" Seminar, Atlanta – November 30, 2018
 - Pound Civil Justice Institute, virtual national meeting – July 11, 2000
 - Association of Defense Trial Attorneys, Asheville – August 13, 2021
 - SEABOTA, Destin, FL – September 17, 2021
 - ABA Appellate Judges Education Institute, Boston – November 15, 2024

I incorporate by reference the 131 individual CLE presentations I made from July 2000 to 2015 which I listed on my 2015 and 2016 applications for the Supreme Court. If the Commission wishes me to supplement this answer with those 131 presentations, or with more detail on the dozens of presentations I have made since 2016, I will be happy to do so.

Justice Few reported that he has published the following:

- (a) The Courage of a Lawyer, ABA Litigation Journal, Winter 2013. This article was also published in *Voir Dire*, the magazine of the American Board of Trial Advocates, and in *South Carolina Lawyer*.
- (b) artofevidence, <http://artofevidence.wordpress.com/>
This is a blog I used to publish for my students, formerly at the Charleston School of Law, then at the USC School of Law. Due to a miscommunication with Wordpress, I did not renew the web address and it is—as far as I know—no longer available.
- (c) Appellate Advocacy—"Speaking Frankly", Foreword to *Charleston Law Review*, volume 5 number 1 (Fall 2010).

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

(4) Character:

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

The Commission's investigation of Justice Few did not indicate any evidence of a disqualifying financial status.

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

- (5) Reputation:
Justice Few reported that his last available rating by a legal rating organization, Martindale-Hubbell, was AV.

Justice Few reported that he has not served in the military.

Justice Few reported that he has never held public office other than judicial office.

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

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

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

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

- (a) 1989-1997 private civil practice with my late father, J. Kendall Few
- (b) 1997-2000 private civil practice by myself
- (c) 2000-2010 Circuit Court Judge
- (d) 2010-2016 Chief Judge, South Carolina Court of Appeals
- (e) 2016-present Justice, Supreme Court of South Carolina

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

I served as a Circuit Court Judge from July 1, 2000 to February 3, 2010. From that date until February 9, 2016, I served as the Chief Judge of the South Carolina Court of Appeals. From February 9, 2016 until today, I served as an Associate Justice on the Supreme Court of South Carolina.

I was elected to each position by the General Assembly.

The jurisdiction of the Circuit Court is defined generally by article V, section 11 of the South Carolina Constitution and more specifically by the General Assembly in title 14, chapter 5 of the South Carolina Code.

The jurisdiction of the Court of Appeals is defined generally by article V, section 9 of the South Carolina Constitution and more specifically by the General Assembly in title 14, chapter 8 of the South Carolina Code.

The jurisdiction of the Supreme Court is defined generally by article V, section 5 of the South Carolina Constitution and more specifically by the General Assembly in title 14, chapter 3 of the South Carolina Code.

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

- (a) Owens v. Stirling, 443 S.C. 246, 904 S.E.2d 580 (2024)
- (b) State v. Price, 441 S.C. 423, 895 S.E.2d 633 (2023)
- (c) Crenshaw v. Erskine College, 432 S.C. 1, 850 S.E.2d 1 (2020)
- (d) State v. Williams, 427 S.C. 246, 830 S.E.2d 904 (2019)
- (e) Paradis v. Charleston County School District, 433 S.C. 562, 578, 861 S.E.2d 774, 782 (2021) (Few, J., concurring in part and dissenting in part)

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

- (a) I served as Adjunct Professor, and later Distinguished Visiting Professor, at the Charleston School of Law from the summer of 2008 until the summer of 2012. I taught Evidence and Advanced Evidence. It was a part-time position. My supervisor was the Associate Dean for Academic Affairs, first Nancy Zisk and later Margaret Lawton. For this work, I was paid a salary and given a per trip expense reimbursement.
- (b) In the fall of 2012, I began teaching Advanced Evidence at the University of South Carolina Rice School of Law. I teach the same class each fall, and will teach it again this fall, 2025. I am paid a salary for my work. My supervisor has been the Associate Dean for Academic Affairs, first Colin Miller and currently Susan Kuo.

Justice Few further reported the following regarding unsuccessful candidacies:

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

(9) Judicial Temperament:

The Commission addressed numerous concerns raised in both the BallotBox survey and past screenings concerning Justice Few's temperament on the bench. Justice Few acknowledged this is an issue and apologized for the times that he appears frustrated on the bench. Justice Few stated that he works hard to balance his passion and enthusiasm that he thinks is necessary in the courtroom with the reality that some lawyers find his style offensive. The Commission appreciated his responses to the concerns raised.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Justice Few 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 Upstate Citizens Committee also included a summary statement, "Justice Few is a well-qualified and experienced Justice. Our investigation found no issues that needed to be addressed with Justice Few. The legal community thinks very highly of him, and he has served the legal profession and South Carolina with distinction."

Justice Few is married to Karlen Kay Senn. He has four children.

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

- (a) South Carolina Bar Association
- (b) At various times in the past, at the insistence of former Chief Judge Lockemy, I and other members of the Supreme Court have been members of the American Bar Association. At this time, I am not an active member of the ABA.

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

- (a) I am the chairman of the South Carolina Access to Justice Commission.
- (b) I am a member of and moderator for Liberty Fellowship.
- (c) I was a member of the inaugural class of the Rodel Institute Judicial Fellowship from 2022 to 2024.
- (d) Several of the Inns of Court consider members of the Judiciary to be honorary members of the Inn, and invite us to their functions. Since I left Greenville in 2019, however, I have not been an official member of any Inns of Court.

(11) Commission Members' Comments:

The Commission thanked Justice Few for his over 25 years of service on the Circuit Court, the Court of Appeals, and the Supreme Court. The Commission noted his high intellect and his dedication to the rule of law. The Commission has concerns about his temperament on the bench; however, it accepts Justice Few's assertion that he will continue to balance his passion on the bench with a needed, peaceful dialogue with attorneys.

(12) Conclusion:

The Commission found Justice Few qualified, and nominated him for reelection to Supreme Court, Seat 2.

The Honorable Blake A. Hewitt
Supreme Court, Seat 2

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 47 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 rule and SC Code Section 2-19-70 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.
- (x) I presented a case law update as part of the Horry County Family Court Bar’s “Family Law Seminar” in February of 2025.
- (y) I moderated and participated in a panel about legal writing for staff attorneys and law clerks of the Court of Appeals and Supreme Court in February of 2025.

Judge Hewitt reported that he has published the following:

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 the following regarding his rating by a legal rating organization:
In 2018 I was selected for inclusion in Best Lawyers 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."

I joined with Marines with the plan of becoming a military lawyer, but halfway through boot camp, I learned I did not get admitted to law school. While I strongly considering pursuing a military career and delaying or abandoning the plan of becoming a lawyer, I ultimately made the difficult decision to leave the Marines when officer training ended so I could take the LSAT again and seek admission to law school at the next available opportunity.

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, who was then the 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 appellate 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:

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

- (a) Percentage of practice, including cases that settled prior to trial: 30%;
- (b) Number of cases that went to trial and resulted in a verdict: 2;
- (c) Number of cases that went to trial and resolved after the plaintiff's or State's case: 8;
- (d) Number of cases settled after jury selection but prior to opening statements: None

Judge Hewitt provided the following regarding his role as counsel during the past five years prior to his service on the :

Most of my work in Circuit Court, District Court, and before 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:

Every case I handled was significant to me because every client's case is supremely important to them. With that qualification, some of the cases that I believe to have broader significance are described below:

- (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 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. Bone directs 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 in 2023.

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 small categories of cases 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) Encore Tech. Grp., LLC v. Trask, 436 S.C. 289, 871 S.E.2d 608 (Ct. App. 2021);
- (d) State v. Williams, 437 S.C. 100, 876 S.E.2d 324 (2022);
- (e) Brown v. Se. Servs., H.H.I., LLC, Op. No. 6111 (S.C. Ct. App. filed May 21, 2025) (Howard Adv. Sh. No. 19 at 68).

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.

In 2024 I ran unsuccessfully for the Supreme Court, seat 3. This vacancy was created by Justice John Kittredge’s elevation to Chief Justice. I was deeply

honored to be found qualified and nominated by the JMSC. I withdrew from the race the week before the election, which then-Judge (now-Justice) Letitia Verdin 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 Qualifications 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 comments.

Judge Hewitt is married to Emma Catherine (Brown) 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 commented that Judge Hewitt is extremely intelligent and diligent in his work. The Commission also noted that Judge Hewitt has a reputation of having a great temperament and open mind on the bench.

(12) Conclusion:

The Commission found Judge Hewitt qualified and nominated him for election to Supreme Court. Seat 2.

Jay Lucas
Supreme Court, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Mr. Lucas was born in 1957. He is 68 years old and a resident of Hartsville, South Carolina. Mr. Lucas provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1988.

(2) Ethical Fitness:

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

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

Mr. Lucas reported that he has not made any campaign expenditures.

Mr. Lucas testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;

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

Mr. Lucas testified that he is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Lucas to be intelligent and knowledgeable.

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

- (a) University of South Carolina Honors College - Fall 2021: SCHC 387 "The Law and Ethics of Public Policy" – The course examined how existing Constitutional, statutory, and common law principles interplay with the enactment of new laws. This course also considered how the ethics rules and standards for public officials can impact the development of public policy.
- (b) Lucas, On Principled Leadership, The Fourteenth Annual Wilkins Leadership Awards Dinner, The Riley Institute (January 8, 2019).
- (c) Hot Tips from the Coolest Domestic Law Practitioners, Legislative Update (September 15, 2000).
- (d) Hartsville Police Department – I taught a basic criminal law class to the reserves and Citizens Academy (1997).
- (e) For the last few years, I have been invited to speak to the law clerks and legal interns for the Columbia office of Burr & Forman, LLP. I have accepted this invitation on multiple occasions and have enjoyed speaking with aspiring lawyers about the private practice of law.

Mr. Lucas reported that he has published the following:

James Howle Lucas, Note, *Estate Tax Apportionment Under the New South Carolina Probate Code*, 39 S.C.L.R. 3 (Spring 1988) (Exhibit C).

(4) Character:

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

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

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

(5) Reputation:

Mr. Lucas reported the following regarding his rating by a legal rating organization: Martindale: is 5/5; Leadership in the Law Award, S.C. Lawyer's Weekly, 2015.

Mr. Lucas reported that he has not served in the military.

Mr. Lucas reported that he has held the following public office:

- (a) Elected to the South Carolina House of Representatives (November 3, 1998)
 - i. Assigned to the Judiciary Committee for the 113th – 115th Legislative Sessions (1999-2004)
 - Appointed Chairman of the Special Laws Subcommittee for the 114th Legislative Session (2001-2002)
 - Appointed Chairman of the Criminal Laws Subcommittee for the 115th Legislative Session (2003-2004)
 - ii. Assigned to the Ways and Means Committee for the 116th – 118th Legislative Sessions (2005-2010)
 - Appointed Chairman of the Transportation Regulatory Budget Subcommittee for the 117th Legislative Session (2007-2008)
 - Appointed Chairman of the Economic Development and Natural Resources Budget Subcommittee for the 118th Legislative Session (2009-2010)
- (b) Elected Speaker Pro-Tempore of the House of Representatives (November 17, 2010)
- (c) Elected Speaker Pro-Tempore of the House of Representatives (December 4, 2012)
- (d) Elevated to Acting Speaker of the House of Representatives (September 11, 2014)
- (e) Elected Speaker of the House of Representatives (December 2, 2014)
- (f) Elected Speaker of the House of Representatives (December 6, 2016)
- (g) Elected Speaker of the House of Representatives (December 4, 2018)
- (h) Elected Speaker of the House of Representatives (December 1, 2020)
- (i) Last Date of Service in the House of Representatives (June 28, 2022)

During my service in the South Carolina House of Representatives I timely filed all reports with the State Ethics Commission and the South Carolina House of Representatives' Ethics Committee.

- (6) Physical Health:
Mr. Lucas appears to be physically capable of performing the duties of the office he seeks.
- (7) Mental Stability:
Mr. Lucas appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Mr. Lucas was admitted to the South Carolina Bar in 1988.

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

<u>Dates</u>	<u>Employer</u>	<u>Position</u>
November 16, 1988 - May 1990	Nexsen Pruetts Jacobs & Pollard LLP	Attorney
May 1990 - September 1994	Saleeby & Cox, P.A.	Attorney

November 5, 1990 - July 11, 1995	County of Darlington	County Attorney
September 1994 - January 1995	Beasley, Ervin, Warr, Auman & Lucas	Partner
January 1995 - August 1999	Ervin, Warr, Auman & Lucas	Partner
July 1, 1995 - August 15, 1996	City of Hartsville	Municipal Judge
August 1999 - December 2009	Lucas, Auman & Warr	Partner
January 2010 - January 2018	Lucas, Warr & White ¹	Partner
January 2018 - June 2022	Lucas, Warr, White & Mitchell	Attorney
July 2022 - October 2024	Lucas, White & Mitchell	Of Counsel
January 1, 2023 - Present	County of Darlington	County Attorney
October 2024 - Present	Lucas, White & Mitchell	Attorney

I began my legal career at Nexsen Pruettt Jacobs & Pollard LLP as a business/transactional lawyer. I participated in a wide range of practice areas including general corporate law, business acquisitions, contract preparation, taxation, secured lending transactions, business incorporation, securities offerings, and business valuation analysis. I took the lessons of this practice with me in 1990 when I moved back to my hometown of Hartsville, South Carolina to join a small general law practice.

I practiced law as only a small-town lawyer could. I took every will, divorce, car wreck, speeding ticket, slip and fall, or real estate closing that came in the door. Many of these matters seem regular or mundane, but none of them were mundane to the people who hired me. My practice has been a true grass roots endeavor across almost every area of law.

During these years of practicing in my hometown, I also served for five (5) years as the Darlington County Attorney, representing the County in a multitude of legal areas, including civil litigation. I was also the Municipal Judge for the City of Hartsville, primarily responsible for daily bond hearings, preliminary hearings, and criminal trials. I served in this position until 1996, when I began giving serious consideration to running for the South Carolina House of Representatives. In November 1998, I was elected to the House of Representatives to represent Darlington, Chesterfield, and Lee Counties and served until May 2022.

¹ This was the only entity for which I had financial management responsibilities; however, I did not manage the trust accounts.

In many ways, I view my legal career during my service in the South Carolina House of Representatives as two distinct chapters: before I was elected Speaker of the House of Representatives and after I was elected Speaker of the House of Representatives. Prior to becoming Speaker of the House, I maintained a vigorous law practice, handling a wide range of cases that provided me invaluable experience across diverse areas of the law. After I became Speaker of the House, my legislative duties in Columbia increased tremendously. I continued to try cases and handle other legal matters, but naturally my time and focus shifted. Family Court became a mainstay of my practice—not only because I enjoyed the work, but because it offered the flexibility I needed to serve both my clients and our State.

After retiring from the House of Representatives, I spent over two (2) years with Prisma Health as its Senior Executive Vice President for Governmental Affairs. While I did not practice law for Prisma Health, this experience exposed me to healthcare law and regulation to a significant extent. During my time with Prisma Health, I continued to handle a handful of cases that were ongoing. While I enjoyed my time with Prisma Health, I missed the full-time practice of law. In October 2024, I returned to the law firm I started. Today, my practice consists of domestic litigation, civil litigation and governmental law.

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

- (a) Federal:
- (b) State: 100% (Biweekly)

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

- (a) Civil: 25%;
- (b) Criminal:
- (c) Domestic: 50%;
- (d) Other: Governmental: 25%.

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

- (a) Percentage of practice, including cases that settled prior to trial: 50%;
- (b) Number of cases that went to trial and resulted in a verdict:

Of the thirty-nine (39) cases I handled in the past five (5) years, seven (7) went to trial and resulted in a verdict. However, this number warrants additional context (reference is made to my answer to question eighteen (18)). During this five (5) year period: I was Speaker of the House of Representatives until May 12, 2022; I was the Senior Executive Vice President for Governmental Affairs for Prisma Health from October 2022 through October 2024; I assumed Of Counsel status with my law practice in July 2022; and I only resumed the full-time practice of law in November 2024. Therefore, in the past five (5) years, I practiced law part-time for approximately four (4) years.

I would further note that I have served as County Attorney for Darlington County for thirty-one (31) months of the five (5) year period, a role that extends well beyond the courtroom. In my role as County Attorney, I have tried three (3) cases as lead or co-counsel. Also, I have supervised the trial of six (6) cases, most of which were relatively small cases resolved by special referees. Additionally, I have reviewed and/or drafted more than twenty (20) contracts, overseen responses to more than fifty (50) nonroutine FOIA requests, coordinated the defense of dozens of lawsuits brought against the county, and expended countless hours researching and advising the county on matters of statutory compliance and procedure.

- (c) Number of cases that went to trial and resolved after the plaintiff's or State's case: 0
- (d) Number of cases settled after jury selection but prior to opening statements: 0

Mr. Lucas provided that during the past five years he most often served as chief counsel.

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

- (a) *Estate of Emmie B. Kirven v. Estate of J.L. Norwood*, Court of Common Pleas, Darlington County, Civil Action No.: 1996-CP-16-00250, 1998-UP-599 (Ct. App. 1998).

This case involved allegations of breach of fiduciary duty. My client, J.L. Norwood ("Defendant") was a farmer who primarily farmed land owned by Emmie B. Kirven ("Plaintiff"). Plaintiff was an attorney who owned substantial real property in Darlington County, South Carolina. For almost fifty (50) years, Defendant farmed Plaintiff's land. Plaintiff had no close relatives in Darlington County. Her closest relationships were with Defendant and his family, who took care of many of her needs as she aged.

Plaintiff had her long-time attorney prepare a Power of Attorney appointing Defendant as her agent in 1988. At Plaintiff's insistence, Defendant accepted the appointment and served as her attorney in fact. In 1992, Plaintiff had her attorney prepare a deed conveying over six hundred (600) acres to Defendant for nominal consideration. Despite Plaintiff executing the deed at her attorney's office, the deed was signed while Defendant was Plaintiff's agent. Notably, Plaintiff executed a number of wills throughout the years. In each successive will, Defendant was devised increasing amounts of real property. Each will was again prepared by Plaintiff's long-time attorney and executed at the attorney's office. Plaintiff's last will would have conveyed additional real property beyond the real property that was conveyed to Defendant by the 1992 deed. 11

Plaintiff revoked her 1988 Power of Attorney in 1994. Thereafter, Plaintiff executed a new Power of Attorney appointing a relative as her attorney in fact. This 1994 Power of Attorney was not prepared by Plaintiff's long-time attorney.

In 1996, Plaintiff's relative (as her attorney in fact) brought suit against Defendant for his conduct while serving as Plaintiff's attorney in fact. Plaintiff's Complaint requested a jury trial and alleged causes of action for an accounting, declaratory relief, rescission, unjust enrichment/constructive trust, breach of fiduciary duty, and civil conspiracy.

At a hearing on whether to transfer the case to the non-jury docket, Plaintiff argued that the causes of action for breach of fiduciary duty and civil conspiracy were legal causes of action for which the right to a jury trial existed. On behalf of Defendant, I admitted that there were two legal causes of action which requested monetary damages. In its oral ruling, the trial court indicated that it planned to refer the matter to a Special Master to determine whether legal issues existed and send the case back to the court for a jury trial on those issues. However, in the trial court's written order, the court referred the matter to the Special Master with finality, finding: "the legal issues are not as significant as the equitable claims, and conclud[ing] that the main purpose of the proceeding is rescission of the deed." Plaintiff filed an interlocutory appeal and prevailed.

- (b) This case spanned approximately four years. It settled prior to trial on terms favorable to the Estate of Defendant. This case is significant for several reasons. First, it is reminder to never accept anything of value from a principal while serving as an agent under a Power of Attorney. Second, it provides a roadmap for how cases with both legal and equitable causes of action should proceed at trial. Finally, and most importantly, it illustrates that the issuance of an order of reference which deprives a party of a mode of trial which he is entitled is immediately appealable. *Wilford v. Downs*, 265 S.C. 319, 218 S.E.2d 242 (1975). *Newsom, et al. v. Darlington Veneer Co.*, Court of Common Pleas, Lee County, Civil Action No.: 2011-CP-31-00030.

This was a nuisance case involving landlord liability for actions of the tenant. My client, Darlington Veneer Company, leased thousands of acres in Lee County and Darlington County to the Sportsmen Hunting Club (the "Club"). On certain days, the Club allowed its members to hunt deer with dogs. The Plaintiffs owned the adjoining parcel and utilized their property for still hunting. On some days, hunting dogs from the Club would trail deer onto the Plaintiffs' property, allegedly interfering with the Plaintiffs' preferred form of hunting.

The Plaintiffs sought monetary damages and a temporary injunction. In an Order filed July 5, 2011, Judge William Jeffery Young ruled no injunction was necessary to preserve the *status quo*. By Order filed October 10, 2011, this matter was referred for trial to retired Circuit Court Judge Thomas W. Cooper, Jr. as Special Referee.

The Defendant prevailed; Judge Cooper found dog hunting not to be a nuisance in this case. This finding is significant because it was adjudicated in the wake of *FOC Lawshe Limited Partnership, et al. v. International Paper Company*, 352 S.C. 408, 574 S.E.2d 228 (Ct. App. 2002). With similar facts, the *Lawshe* Court upheld the trial court's denial of the defendant landlord's motion to dismiss pursuant to Rule 12(b)(6). The Defendant was able to sufficiently differentiate its case from *Lawshe*.

This case is fascinating for its analysis of the legal theory of nuisance in the context of property rights and the various traditional methods of hunting in South Carolina, including hunting deer with dogs on vast acreages of property. It stands for the proposition that if you cannot hunt deer with dogs on over five thousand acres in Turkey Creek, South Carolina, there is no place in South Carolina where this traditional form of hunting would be allowed.

- (c) *Grantham v. Weatherford*, Family Court, Darlington County, Docket No.: 2014-DR-16-0054, 425 S.C. 111, 819 S.E.2d 765 (Ct. App. 2018).

This appeal addressed the constitutionality of grandparent visitation in South Carolina following the U.S. Supreme Court's decision in *Troxel v. Granville*, 530 U.S. 57 (2000). In South Carolina, grandparents have an independent statutory right to seek visitation with a grandchild under section 63-3-530(33) of the South Carolina Code. S.C. Code Ann. § 63-3-530 (33).

By way of background, section 63-3-530(33) required a family court to make three findings prior to awarding grandparent visitation. In 2014, the statute was modified — removing the finding that the grandparent maintained a relationship similar to a parent-child relationship with the minor child (2014 Acts No. 270).²

This case involved grandparent visitation with the following facts: father and mother were married and divorced; they had two children together; and the mother tragically took her own life. I represented the maternal grandparents, who had been heavily involved in the children's lives — both during and after the parent's marriage. The family court granted grandparent visitation for one weekend each month, one week in the summer, and one week during the Christmas holidays. The father appealed, challenging the family court's award of grandparent visitation.

On appeal, the father challenged: (1) which version of Section 63-3-530(33) the Court should utilize in its State level analysis; (2) had the requirements of Section 63-3-530(33) been satisfied by the grandparents; and (3) did the application of Section 63-3-530(33) violate due process.

Initially, the Court of Appeals noted in Footnote 4 of its Opinion that the pre-2014 version of Section 63-3-530(33) should apply because it was the law in effect at the time the grandparents' cause of action accrued. Secondly, the Court concluded that all of the factors in Section 63-3-530(33) were satisfied. Finally, the Court found due process had not been violated because "compelling circumstances" justified granting visitation over the father's objection.

- (d) *Fitzwater v. Fitzwater*, Family Court, Darlington County, Docket No.: 2007-DR-16-0487, 396 S.C. 361, 721 S.E.2d 7 (Ct. App. 2011).

Fitzwater was a domestic relations matter brought in the Darlington County Family Court. I represented the husband, Lloyd Fitzwater. This case involved second marriages for both parties, who had been married slightly longer than ten years prior to their separation. Husband brought substantial assets into the marriage, which created numerous transmutation and special equity issues at trial.

At the time of trial, it was the belief of many family court practitioners that long-term marriages were subject to a fifty-fifty equitable division ratio. Although not defining the length of a long-term marriage, the Court of Appeals upheld a seventy-thirty equitable division ratio based upon the parties' "disproportionate contributions." Further, the Court of Appeals augmented the *E.D.M. v. T.A.M.*, 307 S.C. 471, 415 S.E.2d 812 (1992) and *Glasscock v.*

² 2 I was the primary sponsor of this bill (H.B. 4348, 120th Gen. Assemb. (S.C. 2014)) which sought to lessen the effects of *Troxel* on grandparent visitation rights in South Carolina.

Glasscock, 304 S.C. 158, 403 S.E.2d 313 (1991) factors in awarding attorney's fees based, in part, on Wife's discovery abuses. This case has been cited sixteen times since its issuance.

- (e) *Joseph Leslie Griggs, Jr. v. Darlington County Sheriff's Office*, Court of Common Pleas, Darlington County, Civil Action No.: 2022-CP-16-00873.

This action stemmed from the execution of search warrants on Plaintiff's residence. In the execution of the search warrants, the investigating officers seized personal property from Plaintiff's residence. Plaintiff alleged causes of action for conversion, misdelivery of a bailment, civil conspiracy, and negligence. Additionally, Plaintiff pled for punitive damages and requested a jury trial.

Through my representation of the Darlington County Sheriff's Office, all of Plaintiff's causes of action were dismissed on summary judgment. Of particular significance was the adjudication that actions of a law enforcement agency acting within the scope of its authority cannot constitute the tort of conversion; this was similar to an outcome achieved in the matter of *James T. Johnson v. James Hudson, Jr., in his official capacity as the Darlington County Sheriff*, 2021-CP-16-00389, a matter in which I served as co-counsel for the Defendant.

Another focal argument in this case concerned the right to a jury trial in tort lawsuits against a governmental entity. Sparked by the recent case of *Pearson v. Richland County*, 445 S.C. 246, 912 S.E.2d 286 (Ct. App. 2025) I argued that the Darlington County Sheriff's Office could not be sued in tort or in contract before a jury because: (1) Defendant had not consented to be sued before a jury; and (2) Plaintiff would not have had a right to a jury trial against a governmental entity at the time of the adoption of the South Carolina Constitution in 1868 (a time prior to the enactment of the S.C. Tort Claims Act).

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

- (a) *Huntley v. Young*, 319 S.C. 559, 462 S.E.2d 860 (1995)
- (b) *Joseph M. Lavender v. Judy H. Moorehead*, 1994-UP-310 (Ct. App. 1994)
- (c) *Collins Music Company, Inc. v. Tommy Thomas, et al.*, 1994-UP-215 (Ct. App. 1994)
- (d) *Rebecca L. Askins-Weaver v. Jeffrey R. Weaver*, 2020-UP-124 (Ct. App. 2020)
- (e) *Glenn Andrew Folck v. Kristyne C. Folck*, Appellate Case No: 2000-016442

Mr. Lucas reported that he has not personally handled any criminal appeals.

Mr. Lucas reported that he has held the following judicial office(s):

I was appointed Municipal Judge for the City of Hartsville, South Carolina in July 1995. I held this position through August 1996. As a Municipal Judge I presided over cases involving violations of city ordinances and violations of state law where the penalties imposed would not exceed thirty days incarceration and/or a fine of five hundred dollars. Additionally, I presided over certain cases transferred from general sessions court, provided the penalty did not exceed one year imprisonment or a fine of five thousand dollars.

Notably, during my tenure as a Municipal Judge, the breath-testing device utilized by South Carolina for driving under the influence cases was changed from

the Breathalyzer Model 900 to the BAC DataMaster. The BAC DataMaster was manufactured by National Patent Analytical Systems, Inc. To be at the forefront of this technological shift, I attended a two-day seminar at the headquarters of National Patent Analytical Systems, Inc. in Mansfield, Ohio, which involved an in-depth look into the mechanisms of, and science behind, the BAC DataMaster.

Mr. Lucas provided the following regarding his most significant orders or opinions: No trials over which I presided were appealed.

Mr. Lucas provided the following regarding his employment while serving as a judge: Please see the chronology provided in my answer to question 18.

The Commission addressed concerns raised in the BallotBox survey responses regarding Mr. Lucas's judicial experience and his experience practicing law. Mr. Lucas discussed his academic background with the Commission. He highlighted that his practice in a small-town firm covers various topics. He also noted his exposure to different areas of law in his role as Speaker of the House. During his time as Speaker, Mr. Lucas participated in significant appellate cases involving the House. In his own practice, he did appellate work and informed the Commission that he argued at the appellate level twice.

While Mr. Lucas served briefly as a municipal judge early in his career, he noted that he did not believe the Supreme Court was a court of elevation.

The Commission also inquired about Mr. Lucas's time with Prisma. As part of his duties with Governmental Affairs, he directed contributions to members of the General Assembly. However, he testified that he was not involved with Prisma's PAC. He also indicated that he would recuse himself from cases involving Prisma.

The Commission also addressed concerns with the political nature of Mr. Lucas's prior experience. Mr. Lucas noted that as someone who understands the legislature, he would be more inclined to hold the legislature accountable. He noted that he had the background to assist the court and make it stronger; and that he had a unique insight into cases involving the legislature and was also qualified by his experience outside of the legislature as a lawyer.

The Commission appreciated his responses to the concerns raised.

(9) Judicial Temperament:

During the public hearing, Mr. Lucas expressed his belief that he would be able to serve a full term of office despite his age. When questioned by the Commission about his opinion, Mr. Lucas became defensive and opined that he was being berated. Concern was raised by some members as to his demeanor during the hearing. However, the Commission did not find that this concern rose to the level of disqualification.

(10) Miscellaneous:

The Pee Dee Citizen's Committee found Mr. Lucas "Qualified" in the evaluative criteria of constitutional qualifications, physical health, 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 statement.

Mr. Lucas is married to Tracy Ann Lucas. He has one child.

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

- (a) South Carolina Bar
- (b) Darlington County Bar (past President)
- (c) Lawyers' Fund for Client Protection Bar Committee (former member)
- (d) American Bar Association (former member)

Mr. Lucas provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations, and was a recipient of the listed awards:

- (a) Byerly Foundation, Chairman
- (b) Carolina Pines Regional Medical Center, Board Member
- (c) Hartsville Lions Club, Member
- (d) Darlington County Coordinating Council, former Chairman
- (e) Hartsville National League, former Chairman
- (f) Hartsville Chamber of Commerce, former Board Member
- (g) Exhibit B is a list of all honors, awards, and other forms of recognition I received during my professional career, which include the following:
 - Wilkins Award for Excellence in Legislative Leadership, Riley Institute, 2014
 - Roger Milliken Defender of Manufacturing Award, S.C. Manufacturing Alliance, 2016
 - Inaugural South Carolina Chamber of Commerce Legislator of the Year, 2021
 - Order of the Palmetto, 2022
 - Greater Hartsville Chamber Lifetime Achievement Award, 2023
 - South Carolina Governor's School for Science & Mathematics Townes Award, 2023

Mr. Lucas further reported:

As Speaker of the House of Representatives, the decision to initiate or participate in litigation rested with me as the chief administrative officer of the body. I approached this responsibility with the seriousness and deliberation it deserved. I have included an overview of the most significant litigation matters which I was involved as Speaker (Attachment A). No list or index can truly capture the depth of my appreciation for the responsibility and trust that was vested in me.

I carry with me the same sense of responsibility, constitutional discipline, and respect for the rule of law that guided my decisions as Speaker of the South Carolina House. Whether evaluating a legal issue or considering the broader impact of a course of action, I remain grounded in the principles that our Constitution sets forth. These principals serve not only as a legal compass but as a moral framework—one that reminds me that every decision made in the name of the law should be measured, deliberate, and anchored.

My decision to run is not made lightly. I am seeking this judgeship not as a capstone to my career, but as a continuation of my commitment to public service. I believe I can make a meaningful contribution to our courts and to the citizens they serve. I want to ensure that every matter is given the attention it deserves, every decision is rooted in the law, and every case is handled with care. Serving as a justice is not about personal ambition. It is about continuing a life of service with honor, humility, and a steadfast commitment to justice.

(11) Commission Members' Comments:

The Commission commended Mr. Lucas on his years of service to the State and his distinguished career. They noted his great intellect, his reputation for integrity, and his dedication to public service.

(12) Conclusion:

The Commission found Mr. Lucas qualified, and nominated him for election to Supreme Court, Seat 2.

Senator Rankin provided the following statement:

Although I joined my colleagues in voting to find Jay Lucas qualified for service on the South Carolina Supreme Court, I write separately to express concerns that, while not disqualifying, raise serious questions about what his election to the Court may mean.

Mr. Lucas is unquestionably an excellent attorney, and his decades of public service are laudable and deserve our respect and thanks. My focus in screening judicial candidates, however, is ensuring the public has confidence in both the competence and impartiality of those who will serve. Only when litigants believe that a judge is professionally prepared and academically grounded, and only when they trust a judge will act without bias, can the judgments of our courts be accepted. This matters deeply because our legal system depends on citizens' willingness to submit to and respect judicial decisions.

It is this responsibility that gives me pause.

Mr. Lucas has no prior judicial service and lacks sustained or significant appellate practice. I have no doubt that he possesses the intellect and work ethic to perform the duties of a justice. My concern instead is how his background may be perceived by the citizens who must live with his rulings.

Public confidence is fragile, and perception can matter as much as or more than reality.

This concern is heightened when his lack of judicial service and his scant appellate experience is viewed alongside the current environment, in which the motives and actions of the judiciary are scrutinized more intensely than ever. Mr. Lucas's prior service as an elected official is not, in my view, inherently disqualifying. Many former legislators have become outstanding judges in this state.

But Mr. Lucas has not followed a traditional path through the judiciary. Because of that, I am concerned that his election may appear to be driven by legislative influence. I am fully confident Mr. Lucas would never compromise his ethics, and his record reflects impeccable integrity. Yet what matters most is how those subject to his decisions perceive him. If they doubt his independence, they may also doubt the legitimacy of his judgments.

I know our judges are uniformly impartial and competent. Most, if not all, of the attacks on them stem from political disagreements, some regarding policy.

Still, placing on our highest court a candidate whose record presents few objective indicators of judicial readiness risks further inflaming skepticism about the process and about the justice our courts administer every day.

Another concern arises from Mr. Lucas's volunteered statement that he does not believe the mandatory judicial retirement age of 72 applies to him. While he may ultimately be correct as a matter of law, the manner in which he asserted the statute does not apply to him only heightens my unease. It reinforces the possible perception that his candidacy and any future service on the Court may be treated differently because he is a former legislator.

Even the appearance that a judge believes he is exempt from rules that govern others threatens public confidence in the fairness and uniformity of our judicial system.

For these reasons, although I concur that Mr. Lucas meets the minimum standards for qualification, I believe a justice of the Supreme Court must be more than simply qualified. He must present credentials and an appearance of impartiality that are beyond reproach. I therefore feel obligated to share these concerns so the issues we observed during screening are known and may be fully considered when and if a vote is taken.

COURT OF APPEALS QUALIFIED AND NOMINATED

The Honorable Stephanie P. McDonald
Court of Appeals, Seat 7

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge McDonald was born in 1969. She is 57 years old and a resident of Charleston, South Carolina. Judge McDonald provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1994.

(2) Ethical Fitness

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

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

Judge McDonald 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 McDonald testified that she is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge McDonald to be intelligent and knowledgeable.

Judge McDonald reported that she taught or lectured at the following bar association conferences, educational institutions, or continuing legal or judicial education programs:

- (a) On March 20, 2025, I served on a judicial panel at the Southeastern Women Litigators' Conference in Asheville. SEWL is an affiliate of the South Carolina Defense Trial Attorneys' Association (SCDTAA);
- (b) On March 7, 2025, I served on a judicial panel at a continuing legal education event sponsored by SCWLA and SCYLD;
- (c) On February 12, 2025, I presented with another Court of Appeals judge and three veteran appellate attorneys at a CLE on "Effective Legal Writing";
- (d) On January 8, 2025, I served on a judicial panel with Justice Letitia Verdin and Judge Deadra Jefferson at a CLE presented by the Petigru Inn of Court in Charleston;
- (e) On February 18, 2024, I served on a judicial panel at the SC Association of Criminal Defense Attorneys' "Back to Basics: Criminal Defense Do's and Don'ts" CLE;
- (f) On November 2, 2023, I served on the ethics panel at the SC Bar's "Wildlife Law, Ethics, and Sporting Clays" CLE in Edgefield;
- (g) On October 27, 2023, I presented with a panel on the topic of "Being an Effective Advocate through a Webcam: Tips for Arguing Remotely" at the 39th Annual NC/SC Labor & Employment Law Conference in Charleston;
- (h) On January 22, 2023, I served on a judicial panel with Judge Jay Richardson and Judge Frank Addy for the Trial and Appellate Advocacy Section at the South Carolina Bar Convention in Columbia;
- (i) On May 6, 2022, at the South Carolina Bar Association's "Why Family Court Attorneys should do Appeals" CLE seminar, I gave a presentation on the appellate court rules and preservation pitfalls, and I participated on an appellate practice panel;
- (j) On November 19, 2021, I participated on a judicial panel addressing "How the Last 18 Months have Changed the Practice of Law" for the SC Defense Trial Attorneys' Association's Annual Meeting;
- (k) I participated on a judicial panel for the Charleston School of Law Women in Law networking event in November 2021;
- (l) On April 7, 2021, I participated on a James L. Petigru Inn of Court Zoom panel discussion on "The Practice of Law in and out of the Courtroom and Everywhere in Between";
- (m) In March 2021, I participated in a Virtual Fireside Chat for Women's History Month sponsored by the South Carolina Bar;
- (n) On February 22, 2021, I gave a Zoom presentation for the Charleston County Bar Law Student Division;
- (o) On February 5, 2021, I participated on the judicial panel for the Charleston County Bar Association's annual "What Works" CLE;
- (p) On December 10, 2020, I moderated a mock trial and spoke on the topic of expert testimony at a course for firefighters and law enforcement investigators sponsored by the International Association of Arson Investigators (IAAI);
- (q) From April 28-29, 2020, I participated in WebEx seminars organized and conducted by Charleston County Clerk of Court Julie Armstrong as she worked to address issues resulting from COVID-19 in Common Pleas, General Sessions, Family Court, and before the Master-in-Equity. These WebEx seminars involved discussions of docket management and practice/procedure issues as well as question and answersessions with members of the Bar;
- (r) I presented on the topic of "Joint Custody—Recent Developments" and served on an Appellate Practice panel at the February 10, 2020 Hilton Head Island Bar Association Super CLE;

- (s) I spoke at and conducted a “behind the scenes” tour of the Court of Appeals with Chief Judge James Lockemy at an event for the SC Bar Convention in January 2020;
- (t) I spoke at a Washington D.C. event and introduced a group of attorneys from the South Carolina Women Lawyers Association for admission to the Bar of the United States Supreme Court in December 2019, and again in April 2023;
- (u) I served on a judicial panel with Judge Aphrodite Konduros at the 2019 Annual Meeting of the SC Defense Trial Attorneys’ Association;
- (v) I served as a panelist for the October 2019 “Ethics with the Judges” SC Bar Sporting Clays CLE;
- (w) Judge Katherine Tiffany and I co-presented on the topic of joint custody in September 2019 at the S.C. Bar’s annual “Hot Tips” CLE;
- (x) I presented on “Appellate Court” at the 2019 New Circuit Judges Orientation;
- (y) I served as a panelist on “Leading from the Bench” at The Citadel’s 12th Annual Principled Leadership Symposium in 2019;
- (z) I served as a trial judge and presenter at the SCDTAA’s 2019 Trial Academy;
- (aa) I served as a panelist at the 2019 SC Defense Trial Attorneys’ Women in Law Committee forum titled “Can We Really Have It All?”;
- (bb) Judge Aphrodite Konduros and I co-presented a three-hour program on “Tips from the Bench” at CSOL’s 2nd Annual CLE Seminar on November 30, 2018;
- (cc) I presented at the SC Bar’s 2018 CLE on “The Unauthorized Practice of Law and How it Impacts Licensed Attorneys”;
- (dd) I served as a trial judge and presenter at the SCDTAA’s 2018 Trial Academy;
- (ee) I served as a trial judge and presenter at the SCDTAA’s 2017 Trial Academy;
- (ff) I served on a judicial panel addressing questions relating to appeals in workers’ compensation cases at the Injured Workers’ Advocates’ 2017 Annual Meeting;
- (gg) I served as a panelist at the Charleston County Bar’s 2017 “What Works” CLE;
- (hh) I served as a panelist for the SC Bar’s 2016 “Ethics with the Judges” Sporting Clays CLE;
- (ii) I served as a trial judge and speaker at a 2016 CSOL Mock Trial competition;
- (jj) I co-presented on the topic “How to Best Present Your Case Before the Appellate Courts” at the 2015 Injured Workers’ Advocates’ Annual Meeting;
- (kk) I presented on “Tips from the Appellate Bench” at the Fourteenth Circuit’s 2015 “Tips from the Bench: What Your Judges Want You to Know” CLE;
- (ll) I served as a panelist for the 2015 SC Women Lawyers Association’s 2015 breakfast program on women running for public office;
- (mm) I served as a panelist for the 2015 “Ethics with the Judges” Sporting Clays CLE;
- (nn) I presented on the “Top Ten Ways to Avoid Reversal on Appeal” at the 2015 South Carolina Circuit Judges Conference;
- (oo) I served as a panelist for the 2014 “Ethics with the Judges” Sporting Clays CLE;
- (pp) I spoke on “Civility, Competence, and Candor: Minding your Manners to Avoid Obvious Courtroom Pitfalls” at the 2014 USC School of Law’s Reunion CLE;
- (qq) I served as a panelist for “A View from the Bench” at the SC Association for Justice’s 2014 Annual Meeting;
- (rr) I served as a panelist for the 2013 “Ethics with the Judges” Sporting Clays CLE;
- (ss) I served as a panelist for “Tips from the Bench” at the 2013 SC Defense Trial Attorneys’ Summer Meeting;

- (tt) I served as a panelist for the 2013 SC Bar Program “Fast Break on Fast Track Jury Trials: How it will Work”;
- (uu) I spoke to law students attending the 2013 CSOL Professionalism Series on “Professionalism in the Courthouse”;
- (vv) In 2013, I presented a lunch program on “Mental Health Issues and the Courts” to the Historic Rotary Club of Charleston;
- (ww) I served as a trial judge and presenter at the SCDTAA’s 2012 Trial Academy;
- (xx) (xx) I spoke on “Ethics in the Courtroom” at the Charleston Lawyers Club’s 2012 “Tips from the Bench and Bar” CLE;
- (yy) (yy) I co-presented on “The Fairness in Civil Justice Act of 2011” at the 2011 SC Defense Trial Attorneys’ Annual Meeting;
- (zz) I served as a panelist for the 2011 “Ethics with the Judges” Sporting Clays CLE;
- (aaa) In 2010, I served on the faculty for a day-long CLE seminar on “The Mechanics of Civil Procedure”;
- (bbb) In 2006, I spoke at the Insurance Reserve Fund’s Law Enforcement Defense Seminar (CLE) on recent developments in constitutional law and the changing composition of the Fourth Circuit and United States Supreme Court;
- (ccc) At the 2004 South Carolina Conference of Countywide Elected Officials (SCACEE), I spoke about the operation of South Carolina’s Freedom of Information Act and provided an update on recent South Carolina cases impacting countywide elected officials;
- (ddd) In 2003, I taught a one-hour session at the South Carolina Defense Trial Attorneys’ Trial Academy. I believe it was on cross-examination;
- (eee) I presented the “Ethics” portion for the 2001 Charleston Lawyers Club Law Week CLE. The topic was “Ten Ways to Avoid the Office of Disciplinary Counsel and Tips for Handling that Dreaded Letter”; and
- (fff) At the 2000 Conference for Attorneys to Assist Disciplinary Counsel, I provided a sample checklist and spoke on conducting thorough investigations.

Judge McDonald reported that she has published the following:

- (a) Co-author, Recent Developments in Government Operations and Liability Law: Annual Update on Public Official Immunities, The Urban Lawyer, 1997.
- (b) Author, Clerkships: A Foundation for Successful Private Practice, After the Bar (an ABA Young Lawyers Division Publication), 2020.

(4) Character:

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

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

The Commission also noted that Judge McDonald 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 McDonald reported that prior to her service on the bench she had an “AV” rating on Martindale Hubbell.

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

Judge McDonald further reported: I have not held public office other than judicial office, but in the past, I have been appointed by our Supreme Court to positions affiliated with the Office of Disciplinary Counsel. From 1999-2002, I served as an Attorney to Assist Disciplinary Counsel. From 2003-2011, I was an attorney member of the Judicial Conduct Commission. Since my election to the bench in 2011, I have filed my Rule 501 disclosure statement each year.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge McDonald was admitted to the South Carolina Bar in 1994.

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

Prior to my election to the Circuit Court in 2011, my legal experience included:

(a) Associate, Stuckey & Kobrovsky, which later became Stuckey & Senn
(Aug. 1994-June 1997)

Approximately 70% of this practice included civil defense work in state and federal courts, primarily involving constitutional and governmental issues. The remainder of my work included probate administration/estate representation, non-complex family court work and the firm’s DSS appointments, property/business litigation, plaintiff’s work, and appellate work in state and federal courts. My first three solo trials involved constitutional claims in United States District Court.

I was not involved in the financial management of the firm.
Administrative work included timekeeping and reviewing bills.
I did not handle or have access to the firm’s trust account.

(b) Solo practitioner (1998-2003)

In June 1997, I became quite ill while pregnant with my only child and took a two-month leave of absence for home intravenous treatments. I attempted to return to part-time work

in August, 1997; however, when my doctor prescribed bedrest a few weeks later, I made the decision to leave the law firm.

In early 1998, I started my own practice in order to stay home with my daughter as much as possible. My practice focused on appellate work and a variety of research, writing, and editing for other attorneys. I also continued some trial work with other attorneys in state and federal court during this time period.

During this time, I handled appellate matters for:

- Stuckey Law Firm
- Sandra J. Senn, P.A.
- Clawson and Staubes
- Rhoad Law Firm (Bamberg)
- Padgett Law Firm (Bennettsville)
- Jennings and Harris (Bennettsville)
- Jay Ervin (Darlington)

I did other litigation research, writing, or editing for:

- E. Bart Daniel
- J. Brady Hair
- Larry Kobrovsky
- Joye Law Firm
- David Whittington
- Robert Gailliard
- John Price Law Firm
- Stanley Feldman

I handled all billing and administrative matters.

I did not maintain a trust account as all of my work was billed hourly to other attorneys or firms.

(c) Senn, McDonald, and Leinbach, LLC (2003-2011)

Once my daughter was in school, I joined Senn, McDonald, and Leinbach. By this time, approximately 50% of my practice consisted of appellate matters for other firms (for plaintiffs, defendants, and family court litigants). The remainder of my practice focused primarily on civil defense work for public officials, law enforcement officials and agencies, state agencies, and local governments. This work included frequent appearances in state and federal courts. I handled some trial level work for plaintiffs as well, primarily in the area of employment discrimination and harassment.

From 2010-2011, I served as a volunteer prosecutor for the South Carolina Attorney General's Criminal Domestic Violence Task Force. Most of this work took place in Orangeburg County. Prior to 2010, our firm also assisted with the prosecution of cases for Attorney General McMaster's Dogfighting Task Force.

I was not involved in the financial management of the firm. Administrative work included timekeeping, reviewing bills, and addressing personnel matters as needed. I did not handle or have access to the firm's trust account.

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

On February 2, 2011, I was elected by the General Assembly to the position of Circuit Judge, At-Large, Seat 9. I was sworn in on June 30, 2011, and served continuously until I began work at the South Carolina Court of Appeals on July 1, 2014.

The Circuit Court is South Carolina's court of general jurisdiction. It consists of the Court of General Sessions, which handles criminal matters, and the Court of Common Pleas, which handles civil matters and appeals from the Probate, Magistrate's, and Municipal Courts. Article 5 of Title 14 sets forth additional provisions relating to Circuit Court operations.

On May 28, 2014, I was elected by the General Assembly to Seat 7 on the South Carolina Court of Appeals. I began working at the Court of Appeals on July 1, 2014, and I have served continuously since that time. I was elected to a second term in February 2020.

The Court of Appeals is a statutorily created court; section 14-8-200(a) sets forth its jurisdiction. With certain statutory exceptions, the Court of Appeals has jurisdiction when an appeal is taken from an order or judgment of the Circuit Court, Family Court, Administrative Law Court, or Appellate Panel of the South Carolina Worker's Compensation Commission. This code section also authorizes the Supreme Court to provide by rule for the Court of Appeals to consider post-conviction relief matters.

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

- (a) Stoney v. Stoney, 425 S.C. 47, 819 S.E.2d 201 (Ct. App. 2018), cert. denied, June 28, 2019.
- (b) Jacobs v. Zarcone, 436 S.C. 170, 871 S.E.2d 211 (Ct. App. 2022). No petition for a writ of certiorari was filed; the remittitur issued on April 8, 2022.
- (c) State v. Daise, 421 S.C. 442, 807 S.E.2d 710 (Ct. App. 2017). No petition for a writ of certiorari was filed; the remittitur issued on January 22, 2018.
- (d) Pickens County v. SCDHEC, 429 S.C. 92, 837 S.E.2d 743 (Ct. App. 2020), aff'd in part, vacated in part, 435 S.C. 99 (Dec. 8, 2021).
- (e) State v. Dinkins, 435 S.C. 541, 868 S.E.2d 181 (Ct. App. 2021). No petition for a writ of certiorari was filed; the remittitur issued on January 7, 2022.

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

Judge McDonald further reported the following regarding unsuccessful candidacies:

In 2009, I was found to be qualified, but was not nominated, for the position of Circuit Court Judge (At-Large Seat 8).

In 2022, I was found qualified and was nominated as one of three candidates seeking Supreme Court Seat 4. I withdrew my candidacy, and the Honorable D. Garrison Hill of Greenville was elected to this seat.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Lowcountry Citizens Committee reported Judge McDonald to be "Well Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" as to the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee commented, "Excellent judge; hard working smart; engaged; cares about approving [sic] appellate process: A+++."

Judge McDonald is not married and has one child.

Judge McDonald reported that she was a member of the following Bar and professional organizations:

- (a) South Carolina Bar Association
 - Positions held for the Young Lawyers Division (YLD):
 - Chair, Law School for Non-Lawyers project (1998)
 - Co-Chair, Lawyers as Mentors project (1997)
 - Chair, "Citizenship in Schools" project at Fraser Elementary School (1996)
 - Co-Chair, Lawyers for Literacy project (1995)
 - Delegate, ABA Annual Meeting (Young Lawyers Division) 1997
- (b) Charleston County Bar Association
- (c) Charleston Lawyers Club (for YLD members of the Charleston County Bar)
President, 1998-99
- (d) South Carolina Bar Foundation Board Member, 1998-2001
- (e) Federal Bar Association (former member)
- (f) South Carolina Women Lawyers Association
- (g) American Bar Association Judicial Division (former member)

Judge McDonald provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations and was recognized with the following awards:

- (a) 2025 South Carolina Association for Justice Outstanding Contribution to Justice Award
- (b) 2024 Lowcountry American Board of Trial Advocates (ABOTA) Featured Speaker
- (c) 2024 Judge Richard Fields Public Service Award (Charleston County Bar Association)
- (d) Charleston County Judicial Center Court Security Committee (2016-present)

In the community:

- (a) President, Junior League of Charleston (2010-2011)
- (b) Mentor, South Carolina Lawyer Mentoring Program (2009-2010)
- (c) Board Member, Association of Junior Leagues International, New York, NY
- (d) (2006-2009)
- (e) Commissioner, City of Charleston Mayor's Office for Children, Youth & Families (2000-2003)
- (f) Chair and Parliamentarian, 120th Annual Meeting of the Episcopal (now Anglican) Church Women of the Diocese of South Carolina (2004)
- (g) President, St. Philip's Church Women (2003-2004)
- (h) Board Member, Youth Service Charleston (2001-2003)
- (i) Junior League of Charleston Community Impact Award (2002)
- (j) Leadership Charleston Class of 2001
- (k) Youth Mentor, Mitchell Elementary School (1998-2001)
- (l) Advisory Board, Charleston County School District Parenting Center, District #20 (2000-2001)

Law School Awards:

- (a) American Jurisprudence Award for Evidence
- (b) American Jurisprudence Award for Moot Court
- (c) First Year Legal Writing Award

Undergraduate:

- (a) Carolina Cares, USC's Philanthropic Organization (1988-1991)
President (1990-1991)
- (b) Alpha Delta Pi Sorority (1987-present)
President (1990-1991)
- (c) Student Alumni Association (1989-1991)
Secretary/Treasurer (1990-1991)
- (d) Interclub Council (1989-1991)
- (e) Secretary/Treasurer (1989-1990)
- (f) USC Community Service Programs Advisory Board (1990-1991)
- (g) Assistant Student Advocate (Student Government) (1989-1990)
- (h) Campus Judicial Board (1990-1991)
- (i) Hurricane Hugo Relief (Salvation Army) (1989)
- (j) Association of Honors Students (1987-1991)
- (k) Mortar Board (1989-1991)
- (l) Omicron Delta Kappa (1990-1991)
- (m) Order of Omega (1989-1991)

College Honors:

- (a) Algernon Sydney Sullivan Award
- (b) Phi Beta Kappa
- (c) Mortar Board Graduate Fellowship

- (d) Dorothy Shaw Leadership Award (National Sorority Award)
- (e) USC Hall of Leaders
- (f) Josiah Morse Award

Judge McDonald further reported:

It has been my honor and privilege to serve on the Circuit Court and Court of Appeals, and I hope the Commission and General Assembly will allow me to continue. While in private practice, I tried over forty (40) cases as either lead counsel or co-counsel, and I personally handled at least forty-five (45) appeals. I assisted other attorneys and firms with over twenty (20) others. I know what it means to be a practicing courtroom lawyer and a trial judge, and I believe this allows me to bring additional understanding to my judicial role with respect to temperament, decision-making, and continuing study. Treating others with fairness, impartiality, integrity, and dignity—in life and in the courtroom—is critical to the practice of law and our judicial system. I hope I have demonstrated such characteristics during my time on the bench. Patience, scholarship, and the willingness to make difficult decisions are important traits for any judge, and I am always working to try to improve in these areas.

I also believe my experiences as a working mother and trial and appellate lawyer have provided me with a perspective that has enhanced my ability as a judge to understand some of the issues attorney parents face as they seek to balance a law practice with the demands of raising children. The challenges attorneys and trial judges face daily were heightened during the pandemic as the working parents of pre-school and school-aged children struggled to deal with the stress of home and online school and other childcare-related issues. Most of our trial and appellate judges understand the balancing act required and are able to work with attorneys and court staff to address their needs in conjunction with docket efficiency. But some do not, and this is a constant source of stress for lawyers. I try each day to remain open to communication about the challenges facing working attorneys, trial judges, and court staff; to never forget what it was like to practice as an attorney or serve as a trial judge; and to help our court leadership and court administration understand the realities faced by those working in and with our judicial system.

(11) Commission Members' Comments:

The Commission commended Judge McDonald for her dedicated service on the Bench, noting that her strong reputation extends to her work with the Bar and her involvement in the community. They further praised her thorough preparation and her consistent command of the record.

(12) Conclusion:

The Commission found Judge McDonald qualified, and nominated her for re-election to the Court of Appeals, Seat 7.

CIRCUIT COURT QUALIFIED AND NOMINATED

Will Wheeler
Circuit Court, Third Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than six persons apply to fill a vacancy or if the Commission concludes that there are fewer than six candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than six names.

For the vacancy for Circuit Court, Third Judicial Circuit, Seat 2, one candidate applied for this vacancy. Accordingly, the name and qualification of one candidate is hereby submitted in this report.

(1) Constitutional Qualifications:

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

Mr. Wheeler was born in 1974. He is 51 years old and a resident of Bishopville, South Carolina. Mr. Wheeler 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 1999.

(2) Ethical Fitness:

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

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

Mr. Wheeler reported that he has not made any campaign expenditures.

Mr. Wheeler testified he has not:

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

Mr. Wheeler testified that he is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Wheeler to be intelligent and knowledgeable.

Mr. Wheeler reported that he has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

Mr. Wheeler reported that he has not published any books or articles.

(4) Character:

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

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

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

(5) Reputation:

Mr. Wheeler reported that he is not rated by any legal rating organization.

Mr. Wheeler reported that he has not served in the military.

Mr. Wheeler reported that he has held the following public office:

S. C. House of Representatives, District 50

Years of Service: 2017-2025; Elected.

I timely filed all reports with the State Ethics Commission during the period I held office and have never been subject to a penalty.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Wheeler was admitted to the South Carolina Bar in 1999.

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

- (a) August 1999-December 2000; Law Offices of William S. Tetterton, Camden, South Carolina; General practice in civil litigation, criminal defense and family law. I was an associate primarily working in civil litigation and family law. I was not involved in administrative or financial management of office or trust accounts.
- (b) December 2000- Present; Jennings & Jennings, P.A., Bishopville, South Carolina; Broad general practice in areas of civil, criminal, domestic, real estate, probate and estate matters. The firm consisted of Jacob Jennings, Robert Jennings and Bryan Doby when I joined the firm. I became a partner in 2009. Mr. Robert Jennings died in 2011. Bryan Doby and I became sole shareholders in the firm in approximately 2013. Mr. Jacob Jennings continued to practice in an “of counsel” role until his retirement in 2020. Bryan and I made administrative and financial management decisions together, with Bryan being designated managing partner and dealing with most day-to-day administration and financial management. Bryan Doby became a Circuit Court Judge in December of 2024. Since that time, I have been the sole shareholder in the firm and have been solely responsible for the administrative and financial management of Jennings & Jennings, P.A., including all trust accounts.

Mr. Wheeler further reported regarding his experience with the Circuit Court practice area:

In the past five years, I have handled criminal cases such as Murder (2020), DUI 2d/Child Endangerment (2020), and Trafficking marijuana (2022). These cases involved issues such as the Protection of Persons and Property Act, probable cause issues applied to both a traffic stop and the execution of search warrant. Procedurally, the murder case was dismissed by the Court following a Duncan hearing. The DUI 2d/Child Endangerment was ended upon a plea to Reckless Driving. The Trafficking Marijuana case was disposed upon successful completion of PTI. During the last five years, I have handled other general sessions level offenses as well as magistrate level DUI offenses

In the last five years I have handled a wide range of civil matters in litigation. I estimate I have had between fifteen and twenty tort/negligence lawsuits (automobile, premises liability or other injury cases). In all these cases I represented plaintiffs. During this time, I have also handled approximately ten cases involving property disputes such as declarations of easements, quiet title actions, setting aside a deed due to undue influence or other ownership disputes. I have handled during this time approximately five lawsuits involving business disputes, such as breach of contract, debt collection, defense of debt collection, and disputes among members or shareholders of business entities. In cases that were not in the nature of tort claims, I represented both plaintiffs and defendants.

My experience in criminal and civil matters is relatively broad, but there are certainly practice areas I have not, or infrequently, experienced. Construction disputes would be an example of an area I have not often dealt with, and I am sure there are others. I am willing and enjoy doing my own research, but do not have an any form of ego which inhibits me from calling on others with more experience for assistance or advice.

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

- (a) Federal: None
- (b) State: One to two times per month

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

- (a) Civil: 35%;
- (b) Criminal: 20%;
- (c) Domestic: 20%;
- (d) Other: 25% (wills, estates, probate and transactional).

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

- (a) Percentage of practice, including cases that settled prior to trial:
Approximately 40%
- (b) Number of cases that went to trial and resulted in a verdict:
Approximately 15, noting in the last five years, most of these have been non-jury orders or decisions.
- (c) Number of cases that went to trial and resolved after the plaintiff's or State's case:
None
- (d) Number of cases settled after jury selection but prior to opening statements: One

Mr. Wheeler provided that during the past five years he most often served as sole counsel.

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

- (a) State v. Ivan Jenkins, Case No.: 2007GS3100013. I was appointed to represent defendant Ivan Jenkins, who was charged with two counts of murder, first degree burglary and armed robbery. My client was tried along with a co-defendant and two other co-defendants reached plea agreements and testified for the State. The case was tried before a jury, resulting in a not guilty verdict on June 27, 2007
- (b) Lee County Landfill, LLC v. Industrial Waste Service, Inc. Case No.: 2009CP3100046. I represented the defendant in a complex business dispute including breach of contract, tort, and SCUTPA claims. I also pursued similar counterclaims on behalf of my client. The case involved extensive discovery, motion hearings, and an interlocutory appeal. Following remitter, a multi-day bench trial was heard in January of 2016. A judgment was granted in favor of the plaintiff. The defendant appealed, and the case was ultimately concluded by a settlement agreement. The appeal was dismissed, the parties resumed doing business and the judgment was satisfied in 2017.
- (c) Newsom v. Darlington Veneer Company, Case No.: 2011-CP-31-30; I represented the plaintiffs, who owned a tract of recreational/timber property in Lee County. The defendant that owned the lands adjoining plaintiffs leased hunting rights to a hunting

club that deer hunted using dogs. The plaintiffs asserted nuisance and related claims against the defendant based upon interference with enjoyment of their property resulting from dog hunting. There were pre-trial motions for a temporary restraining order and cross summary judgment. There was significant discovery, many witnesses and depositions. The case involved relatively complex and novel matters of law. The case was tried in a bench trial that lasted four days in 2012. The Court ruled in favor of the defendant by Order of October 31, 2013.

- (d) Ameya Belle as PR of Estate of Shonterrio Belle v. Pilgrim's Pride Corporation, PPC Transportation, Inc. and Joe Louis Isaac, Case No.: 2017CP3100010. With co-counsel, I represented the plaintiff in a wrongful death action against defendants. Plaintiff's decedent, a pedestrian, was allegedly struck and killed while walking along a rural highway at night. The liability and comparative negligence issues were complex. In addition to fact witnesses, both parties presented expert witnesses in areas such as accident reconstruction, DNA analysis and forensic pathology. The jury trial began September 23, 2019. The jury was unable to reach a unanimous verdict, resulting in a mistrial on October 2, 2019. Following the mistrial, the parties reached a settlement in March of 2020.
- (e) State v. Christopher Blake Kelly, Case No.: 2021GS100056. I represented defendant Christopher Blake Kelly, who was charged with murder. Mr. Kelly shot and killed a masked intruder near the back door of his home at night as the intruder was attempting to steal a motorcycle. The defendant asserted immunity pursuant to the South Carolina Protection of Persons and Property Act. A Duncan hearing was held on November 30, 2022. Multiple witnesses testified and evidence was introduced, including significant video evidence from the defendant's home security cameras. The Court found that the defendant was justified in his use of deadly force and was therefore immune from criminal prosecution, the warrant and indictment were dismissed.

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

- (a) Blackmon v. Lira, South Carolina Court of Appeals, decision dated November 30, 2004, Unpublished Op. 2004-UP-595.
- (b) Nelson v. Piggly Wiggly, South Carolina Court of Appeals, decision dated October 20, 2010, Citation: 701 S.E.2d 776, 390 S.C. 382.
- (c) Gardner v. Gladney, South Carolina Court of Appeals, decision dated October 25, 2005, Unpublished Op. No. 2005-UP-564
- (d) Grantham v. Weatherford, South Carolina Court of Appeals, decision dated September 5, 2018, Citation: 425 S.C. 111, 0819, S.E.2d 765.
- (e) A&P Enterprises, LLC v. SP Grocery of Lynchburg, LLC, South Carolina Court of Appeals, decision dated March 28, 2018, Citation: 422 S.C. 579; 812 S.E. 2d 759.

Mr. Wheeler reported that has not personally handled any criminal appeals.

- (9) Judicial Temperament:
The Commission believes that Mr. Wheeler's temperament would be excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Mr. Wheeler 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 statements.

Mr. Wheeler is married to Keyes Madagan Wheeler. He has two children.

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

- (a) S.C. Bar
- (b) Lee County Bar Association
- (c) SC Association for Justice

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

- (a) Lee County Lions Club

(11) Commission Members’ Comments:

The Commission was impressed with Mr. Wheeler’s commitment to public service, his intellect, and his tireless work ethic. The Commission noted that is a man of integrity and has a calm demeanor and temperament that will serve him well should he be elected to the bench.

(12) Conclusion:

The Commission found Mr. Wheeler qualified and nominated him for election to Circuit Court, Third Judicial Circuit, Seat 2.

The Honorable Debbie McCaslin
Circuit Court, Eleventh Judicial Circuit, Seat 3

Commission’s Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge McCaslin was born in 1960. She is 65 years old and a resident of Chapin, South Carolina. Judge McCaslin 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 1993.

(2) Ethical Fitness:

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

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

Judge McCaslin 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 McCaslin testified that she is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge McCaslin to be intelligent and knowledgeable.

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

- (a) SCDTAA Trial Academy – participated as a judge. June 20, 2025
- (b) SCADL – Leadership Luncheon “Path to the Bench”– speaker - 3/7/25
- (c) Pleasant Hill Middle School – mock trial team shadowed court for legal education. 2/11/25.
- (d) SCADL Mental Health – Speaker – Mental Health and the Courts. 2/7/25
- (e) National Trial Competition Region 5 – judge - 2/2/25.
- (f) Middle School Mock Trial Regional Competition – judge - 10/28/24
- (g) Joseph Rice Law School, “How to be a New Criminal Practitioner” – speaker - 10/16/24
- (h) SCACDL – “Back to the Basics” – speaker – 2/24
- (i) SC Bar Convention, “Keeping the Wheels Turning” - speaker - 1/20/23
- (j) SCACDL – “Back to the Basics” – speaker – 2/23
- (k) Middle School Mock Trial – judge – 11/2023
- (l) SC Bar Convention, Trial and Appellate – speaker – 1/2022
- (m) SC Circuit Judge Trial School – speaker - July 2022
- (n) The American Mock Trial Association – Soda City Trials – judge –2020-22

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

(4) Character:

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

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

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

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge McCaslin was admitted to the South Carolina Bar in 1993.

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

(a) J. Preston Strom, Jr. August 1991 to June 1993

Attorney at Law
Columbia, S.C.

Law Clerk – Duties involved legal research and analysis, prepare legal documents, compile case materials for trial, interviewing clients, drafting letters to clients, solicitors or other parties, assisting with telephone inquiries and other routine administrative duties.

(b) Leigh Leventis
Attorney at Law
Columbia, S.C.

June 1993 to December 1995

Law Clerk/Attorney - Duties included those of a law clerk until I passed the bar in November, 1993. As an attorney my duties changed to include criminal and civil litigation including magistrate, state and federal courts. Responsible for all aspects of client cases: analyzed case documents and evidence, developed case strategy, conducted legal research and writing, interviewed clients and witnesses, provided legal advice to clients and represented clients at all court hearings.

(c) Debra Y. Chapman, LLC
Columbia, S.C.

December 1995 to April 2020

Sole Practitioner – Represent clients in numerous criminal and civil matters at state and federal levels. Litigated an average of 125 cases per year. I also managed all aspects of my practice including day to day operations, administration, profit and loss, business checking account, business savings account, trust account, and employee supervision.

- (d) S.C. Court Administration April 2020 to June 30, 2020
Columbia, S.C.

Staff Attorney – Responsible for performing complex legal research, analyzing relevant law, drafting letters, forms, memorandums, and Orders as Circuit Court, Family Court, Master-in-Equity, or Probate Court matters arise and self-edits all to ensure the substance, grammar and legal authority is correct. Orally and in writing advise, recommend, and research any questions or concerns regarding Court procedures for the Court Representative, Judges, or Court staff using a diverse set of legal resources. Read and review legislative bills.

- (e) Circuit Court Judge July 1, 2020 to present

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

I am currently a circuit court judge and have held office since July 1, 2020. I was originally elected on February 5, 2020 to Circuit Court Judge, At Large, Seat 13. This year, my seat changed to a resident seat - Circuit Court Judge, 11th Circuit Court, Seat 3.

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

- (a) State v. Jeremy Cornish, Case Nos. 2019A3210202505-2508; S.C. Court of Appeals, Appellate No. 2022-001536. This case involved a triple homicide and the defendant filed a Motion to Suppress DNA Evidence and a Motion to Suppress Statement. I wrote an order denying the Defendant's Motion to Suppress DNA and granting Defendant's Motion to Suppress Statement. The Court of Appeals held oral arguments during the June 2025 term. No decision has been made as of this date.
- (b) State v. Michia Johnson, Case No. 2022A4620303045,46; This case involved the Defendant seeking immunity for prosecution based on the provisions of the Protection of Persons and Property Act, S.C. Code Ann §16-11-410, et. seq. No appeal.
- (c) Gene Tony Cooper v. State of South Carolina, 1990-GS-3283-84; This was an order denying Petitioner's Application for DNA Testing and Motion for New Trial.
- (d) Michelle Cha Holliman, et. al. v We Are Sharing Hope, et. al. This was an Order regarding Discovery. Unpublished Opinion No. 2023-UP-205.
- (e) Amber Jones, et. al. v. S.C. Department of Social Services, et. al., 2021-CP-32-04077. Order for summary judgment granted in part, denied in part. This case involved allegations of negligent supervision.

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

Judge McCaslin further reported the following regarding unsuccessful candidacies:
I applied for United States Magistrate – 2007 and Lexington County Magistrate – 2014.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Judge McCaslin 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, “She is a fantastic judge and person. The committee supports her 100% for re-election. A real advocate for the judicial system.” They also commented, “Judge McCaslin is the model judge. She gives it her all day in and day out. We need more judges like her!”

Judge McCaslin is married to Michael Wayne McCaslin. She has two stepchildren.

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

- (a) South Carolina Bar Association
- (b) Lexington County Bar Association
- (c) Richland County Bar Association
- (d) SC Circuit Judges Advisory Committee (2025-present)
- (e) SC Association of Circuit Court Judges (2020-present); Treasurer (2023-Present)
- (f) ABA – American Bar Association
- (g) Womens Law Association (WLA)

Judge McCaslin provided that she was not a member of any civic, charitable, educational, social, or fraternal organization.

Judge McCaslin further reported:

Throughout my life, a variety of experiences have profoundly shaped the type of judge I am today. Growing up as one of six children in a small rural community, I learned the values of resilience and hard work. I was able to pay for my college education while working full-time, and these experiences have instilled in me a deep sense of empathy and integrity. These experiences have taught me the value of compassion and integrity, guiding me to make decisions that not only uphold law but also consider the human element behind each case.

(11) Commission Members’ Comments:

One affidavit was filed against Judge McCaslin by Carol Ann Honeycutt. Ms. Honeycutt also provided oral testimony before the Commission. The Commission thoroughly

reviewed the affidavit, with the accompanying documents provided by the complainant and received oral testimony in response from Judge McCaslin. After careful consideration of the testimonies and documents provided, the Commission does not find a failing on the part of Judge McCaslin in the nine evaluative criteria.

The Commission commented that Judge McCaslin is easy to work with, affable, and consistent in her dealings with attorneys, litigants, and the community. The Commission also noted her excellent reputation generally.

(12) Conclusion:

The Commission found Judge McCaslin qualified and nominated her for re-election to Circuit Court, Eleventh Judicial Circuit, Seat 3.

The Honorable H. Steven DeBerry IV
Circuit Court, Twelfth Judicial Circuit, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge DeBerry was born in 1980. He is 45 years old and a resident of Pamplico, South Carolina. Judge DeBerry 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 2006.

(2) Ethical Fitness:

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

Judge DeBerry 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 DeBerry reported that he has made \$ 20.69 in campaign expenditures for postage and updating his headshot.

Judge DeBerry 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 DeBerry testified that he is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge DeBerry to be intelligent and knowledgeable.

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

I taught Business Law for a number of years at Florence Darlington Technical College. This course taught basic principles of law and how the law may interact with business.

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

(4) Character:

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

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

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

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

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

I was elected to Florence County Council in November of 2013. My first term began on January 1, 2014 and expired December 31, 2018. I was re-elected to a second term in November 2018 and began my second term in January 2019. I timely filed my reports with the State Ethics Commission during the time I held office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge DeBerry was admitted to the South Carolina Bar in 2006.

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

- (a) Law Clerk for the Honorable R. Ferrell Cothran, Jr. 2006-2007
- (b) Attorney at The Whisenhunt Law Firm, Florence, SC 2007-2008
- (c) Assistant Solicitor for the Twelfth Judicial Circuit 2008-2011
- (d) DeBerry Law Firm, LLC 2011-2021
- (e) South Carolina Circuit Court Judge

As an attorney at the Whisenhunt Law Firm I handled domestic and criminal cases. I was not in control of any trust accounts and simply worked as an employee.

When I began working as an assistant Solicitor for Ed Clements, I was a DUI prosecutor. At first, I handled primarily DUI cases and other traffic related cases that were charged by the South Carolina Highway Patrol. Later, I prosecuted crimes of all levels.

Upon opening DeBerry Law Firm, LLC, I began handling cases in magistrate's Court, Family Court, Probate Court, and Circuit Court. I began primarily handling domestic cases, criminal cases, real estate matters, and personal injury cases. Early on I stopped handling domestic cases and have focused on the remaining practice areas listed.

I am the only attorney that ever practiced law at the DeBerry Law Firm, LLC. I was solely responsible for all of the administrative and financial duties of the law firm. The firm had two trust accounts, one for real estate matters, and the other for all other matters that require holding monies in trust.

As a Judge of the Circuit Court I have heard matters of general jurisdiction in vast areas of our law. These matters include, but are not limited to civil, criminal, and matters in equity.

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

Elected to Judge of the South Carolina Circuit Court, At-Large, Seat 12, now Twelfth Judicial Circuit, Seat 3
2021-present

The South Carolina Circuit Court is the state's general jurisdiction trial court handling both civil and criminal matters. This court also has appellate jurisdiction over Probate, Magistrate, and Municipal court matters.

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

- a) City of Hardeeville v. Jasper County, 443 S.C. 635, 905 S.E.2d 431, (Ct. App. 2024)
Affirmed
In this matter the City of Hardeeville took the position that it could levy taxes and retain revenues after annexation of property that was already within the jurisdiction of a Multi County Business Park or MCBP. I ruled that the MCBP agreement was in place prior to the annexation and therefore was valid. My decision was affirmed.
- (b) Rebecca C. Hagood as Personal Representative of the Estate of Frank D. Chavis, Sr., v. Palmetto Faith Operating, LLC d/b/a Faith Healthcare Center and Brooks Arnette, No. 2023-001712, 2024 WL 4903507 (S.C. Ct. App. Nov. 27, 2024).
Affirmed

In this matter I denied the Motion to Compel Arbitration because the Admission Agreement and the Arbitration Agreement did not merge. My decision was affirmed.

- (c) A.M.L., and J.J.L., by and through their Next of Friend, John Doe, R.D.M., by and through his Next of Friend, Jane Snow, J.J.G., and S.T.S., v. Wright Directions Family Services, LLC, No. 2023-000791, 2025 WL 1326908 (S.C. Ct. App. May 7, 2025).

Affirmed

At issue in this matter were costs for labor for compiling, reviewing, and redacting 4,576 pages of medical records at the request of the moving party. I found that the costs associated with the work was reasonable and that sanctions were not warranted. My decision was affirmed as the Court of Appeals found no abuse of discretion.

- (d) South Carolina Human Affairs Commission v. Yacht Cove Owners Association Inc., and Maria Dehart, No. 2022-000133, 2024 WL 370178 (S.C. Ct. App. Jan. 31, 2024).

Affirmed

At issue in this matter was the granting of a Rule 12(b)(6) SCRCPP, dismissing an individual defendant from the action who was a board member of the Yacht Cove Owners Association Inc. The Court of Appeal affirmed the decision as the complaint failed to state a claim that would support personal liability.

- (e) The State v. Driscoll Riggins, Jr., No. 2023-000868, 2025 WL 1825429 (S.C. Ct. App. July 2, 2025).

Affirmed

In this matter immunity pursuant to the Protection of Persons and Property Act was denied as there was evidence that the defendant in this matter was at fault in bringing on the confrontation among other findings that failed to prove by a preponderance of the evidence that Mr. Riggins was entitled to immunity under the Act. The Court of Appeals affirmed the decision as there was no abuse of discretion found.

Judge DeBerry reported no other employment while serving as a judge:

Judge DeBerry further reported the following regarding unsuccessful candidacies:

I ran in 2019 for Judge of South Carolina Circuit Court At-Large Seat 13 and was not elected.

- (9) Judicial Temperament:

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

- (10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Judge DeBerry to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in

the evaluative criteria constitutional qualifications, physical health, and mental stability. The Citizens Committee did not leave any additional comments.

Judge DeBerry is married to Jessica Lynn White DeBerry. He has two children.

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

- (a) Florence County Bar Association, have held no offices or titles
- (b) American Bar Association, have held no offices or titles

Judge DeBerry provided that he was not a member of any civic, charitable, educational, social, or fraternal organizations.

Judge DeBerry further reported:

As a sitting judge of the Circuit Court I strive to be fair and unbiased in everything that I do. I make a concerted effort in every matter to fully hear and understand the issues from every party involved so that I can make a fair decision based on the issues and the law.

(11) Commission Members' Comments:

The Commission commented on Judge DeBerry's excellent temperament, noting that other attorneys have commented that the delivery of his rulings often brings down the tone of animosity in a case, so that the trial can continue without issue. The Commission noted that this is a gift and a style.

(12) Conclusion:

The Commission found Judge DeBerry qualified and nominated him for reelection to Circuit Court, Twelfth Judicial Circuit, Seat 3.

Melissa A. Inzerillo
Circuit Court, Sixteenth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than six persons apply to fill a vacancy or if the Commission concludes that there are fewer than six candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than six names.

For the vacancy for Circuit Court, Sixteenth Judicial Circuit, Seat 2, seven candidates applied for this vacancy and five candidates withdrew. Accordingly, the names of two candidates are hereby submitted in this report as qualified and nominated.

(1) Constitutional Qualifications:

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

Ms. Inzerillo was born in 1976. She is 49 years old and a resident of Rock Hill, South Carolina. Ms. Inzerillo 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 2001.

(2) Ethical Fitness:

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

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

Ms. Inzerillo reported that she has made \$608.05 in campaign expenditures on postcards and continuing education seminars.

Ms. Inzerillo testified she has not:

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

Ms. Inzerillo testified that she is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Inzerillo to be intelligent and knowledgeable.

Ms. Inzerillo reported that she has taught the following law-related courses:

- (a) I have taught at the PD 103 course for new public defenders. This course teaches hands-on trial skills.
- (b) I assisted with a local CLE put on by the York County Bar entitled "Back in the Swing of Things (A courtroom refresher, information session, and practice opportunity)." This CLE taught courtroom skills through lecture and demonstrations, and I assisted as a witness for some demonstrations.
- (c) I am a volunteer judge for the Middle School Mock Trial Competition program through the South Carolina Bar.
- (d) I have volunteered as a juror for a Mock Trial final for a homeschooling program.
- (e) As President of the Public Defender Association, my obligation is to put on the Public Defender Conference each year. I develop topics, set the agenda, arrange for speakers, and preview presentations. This conference accounts for a year's worth of CLEs for public defenders across the state. I have put on this conference since 2023.

Ms. Inzerillo reported that she has not published any books or articles.

(4) Character:

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

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

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

(5) Reputation:

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

Ms. Inzerillo reported that she has not served in the military.

Ms. Inzerillo reported that she has never held public office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Ms. Inzerillo was admitted to the South Carolina Bar in 2001.

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

- (a) Haynsworth Baldwin Johnson and Greaves LLC, Associate. 2001-2002. Handled defense of employment discrimination claims on behalf of corporate clients and handled all phases of obtaining visas for various corporate employers. I was not involved in the administrative and financial management of this entity.
- (b) Orangeburg County Public Defender Office, Assistant Public Defender. Approx. 2003-2004. Handled all aspects of criminal defense of indigent clients at trial level, including investigation, negotiation of cases, motions, trials and pleas. I was not involved in the administrative and financial management of this entity.
- (c) Charleston County Public Defender Office, Assistant Public Defender. Approx. 2004-2005. Handled all aspects of criminal defense of indigent clients at trial level, including investigation, negotiation of cases, motions, trials and pleas. I was not involved in the administrative and financial management of this entity.
- (d) Sixteenth Circuit Public Defender Office, Deputy Public Defender (formerly York County Public Defender Office). I began as an assistant public defender in 2005 in York County, handling aspects of criminal defense of indigent clients at the trial level, including investigation, negotiation of cases, motions, trials and pleas. In 2020,

I became Deputy Public Defender. In addition to the tasks of representing clients, I also handle the administration of three offices in our circuit. These duties include handling personnel matters, effectuating administrative policies, and overseeing (along with the Circuit Public Defender) the allocation of the monies budgeted to the office.

Ms. Inzerillo further reported regarding her experience with the Circuit Court practice area:

I have handled criminal cases for the bulk of my career. I have represented clients charged with everything from magistrate offenses to murders in trial court. For the past five years, my practice has been a mix of lower-level felonies, murders, sex crimes, and drug offenses. I have handled all aspects of a case, from initial interview, investigation, negotiation of pleas, and resolution (trial, plea or motion). The issues generally ranged from suppression issues to sufficiency of proof in the State's case, including motions under Jackson v. Denno (admission of statements), admission of evidence pursuant to State v. Lyle, evidentiary issues arising from forensic interviews in sex cases, and motions to exclude evidence for violations of the Fourth Amendment. I have also prepared and/or argued some State v. Duncan motions (stand your ground motions). I have also taken on specific types of cases to further expand my knowledge of the law. Several years back, I asked to also work on cases our office received of clients who were allowed to have their sentences reconsidered under Aiken v. Byars. A few years ago, York County began serving notice of intent to waive juveniles to General Sessions, and I have worked on the more serious of those cases that our office has been appointed to. I try to take on as many Not Guilty By Reason of Insanity hearings as possible to familiarize myself with that procedure. Finally, most recently, I have sought out cases involving clients attempting to be removed from the sex offender registry under the new law to learn that procedure as well. I also worked with the solicitors, judges and probate judge to start York County's Mental Health Court and worked with the solicitor's office to resume a modified Transfer Court in York County.

I have not done any civil work in the last five years. My first legal job after law school was working as an associate for Haynsworth Baldwin Johnson and Greaves, handling employment defense and immigration. Through this position I became familiar with the requirements of civil work and private practice. I have a basic familiarity with the civil rules and have worked to continue to familiarize myself with them by studying the rules and watching cases in Common Pleas Court. I understand that regaining this knowledge will involve a steep learning curve, and I fully intend to put in the work it would take to fairly and competently judge these cases, including independent study and taking CLEs.

I have appeared daily and/or weekly in front of circuit court for the past five years.

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

- (a) Federal: none;
- (b) State: daily or weekly.

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

- (a) Civil: none;
- (b) Criminal: 100% (including criminal matters in family and probate courts)
- (c) Domestic: none;
- (d) Other: none.

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

- (a) Percentage of practice, including cases that settled prior to trial: 100%
- (b) Number of cases that went to trial and resulted in a verdict: 7
- (c) Number of cases that went to trial and resolved after the plaintiff's or State's case: For the purpose of the State's case.
- (d) Number of cases settled after jury selection but prior to opening statements: 4.

Ms. Inzerillo provided the following regarding her role as counsel during the past five years: I have served mostly as sole counsel but have also served as co-counsel for coworkers and to younger attorneys in my office.

The following is Ms. Inzerillo's account of her five most significant litigated matters:

(a) State v. Frederick Floyd: Mr. Floyd was charged as a juvenile with murder after shooting a marijuana dealer in the parking lot of a homeless shelter. This was the first waiver case in York County. Although I had handled juvenile criminal matters in Family Court throughout my career, I quickly learned that waiver cases require a merging of considerations in Family Court and General Sessions that don't always align, and one must become adept at handling those considerations in the best interests of the client. We had a waiver hearing in Mr. Floyd's case but before a ruling could be made, we reached an agreement to consent to waive Mr. Floyd to General Sessions court in exchange for a fifteen-year sentence.

(b) State v. James Brandon Smith: Mr. Smith pled guilty to 2 counts of murder when he was 17 years old. He killed two men and he and a friend burned down the house where the men were. Mr. Smith was given a life sentence in 2001. I began representing Mr. Smith after the Supreme Court allowed his case to be reheard pursuant to Aiken v. Byars. Because Aiken (and related cases) require the court to consider several factors regarding rehabilitation, I was able to really get to know Mr. Smith. Not only was he extensively evaluated, but I spent a lot of time with him preparing his case. Ultimately, Mr. Smith agreed to a 35-year sentence in 2017. This case was important to me because it showed what life was like for defendants after sentencing- how they adapt to living the rest of their lives in jail, the compromises they make and "new normal" they create. Often my job ends at sentencing and I never really saw a deep dive into what life is like after

the sentence is handed down. This case was a fantastic education of what life is like after the sentence for those incarcerated, and has been helpful to me when advising and counseling clients who may receive long sentences in the Department of Corrections.

(c) State v. Christina Oliver: Ms. Oliver was arrested for murder in 2013 in Union County. She was in an abusive relationship and killed her boyfriend. Although Ms. Oliver pled to 14 years, I successfully argued for her to get parole eligibility under Section 16-25-90 of the South Carolina Code of Laws. Further, I went to Ms. Oliver's parole hearings and learned how the parole process works.

(d) State v. Cleveland Ford: Mr. Ford was charged with Assault and Battery of a High and Aggravated Nature for beating up a man, resulting in traumatic brain injury. Mr. Ford was arrested in 2017. I tried this case twice and hung the jury twice. Mr. Ford ultimately pled under N.C. vs. Alford and got probation.

(e) State v. Donta Reid: Mr. Reid was a seventeen-year-old charged with murder, armed robbery and conspiracy in 2009. Mr. Reid went to trial on his charges, and I was able to convince the jury that the hand of one, hand of all theory of accomplice liability did not apply to Mr. Reid's murder charge because the murder of the victim was not a foreseeable consequence of the conspiracy to rob him. Mr. Reid was convicted of all charges except for murder.

Ms. Inzerillo reported that she has not personally handled any civil appeals.

Ms. Inzerillo reported that she has not personally handled any criminal appeals. However, Ms. Inzerillo noted as follows: "I have not handled any criminal appeals. However, I have written or co-authored amicus briefs on behalf of the S.C. Public Defender Association in two cases that were filed in the Supreme Court."

Ms. Inzerillo reported she has not personally handled any civil or criminal appeals.

Ms. Inzerillo further reported the following regarding unsuccessful candidacies: I ran for the Circuit Court, Sixteenth Judicial Circuit, Seat 2, in 2024 and was not elected.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualifications found Ms. Inzerillo 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 noted in summary that, "Ms. Inzerillo has a demonstrated record of public service, deep experience in criminal law matters, and a clear appreciation of the authority and responsibility of a Circuit Court Judge. Like Ms. Shelton, the panel recognizes that Ms. Inzerillo lacks civil experience but believes that she has the ability

and commitment to acquire that quickly. We believe she would make a fine Circuit Court Judge.”

Ms. Inzerillo is not married. She does not have any children.

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

- (a) South Carolina Bar Association
- (b) York County Bar Association
- (c) South Carolina Public Defender Association: President, (2022-current); Sixteenth Circuit representative to the PDA Board (2022)
- (d) South Carolina Association of Criminal Defense Attorneys
- (e) South Carolina Women’s Lawyers Association
- (f) Gregory-Hayes Inn of Court

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

- (a) American Red Cross, Disaster Services/ Government Operations
- (b) Habitat for Humanity of York County- Restore volunteer
- (c) Miracle League Softball buddy
- (d) St. Philip Neri Catholic Church: Italian Festival Entertainment co-chair; Finance Committee member.

Ms. Inzerillo further reported:

My parents instilled in me three core values: education, hard work, and service to others. I was the first in my family to attend college and law school. I work hard to constantly expand my knowledge of the law and to mentor young attorneys to become good litigators and counselors. I view my job as a public defender as a service to my community, and also see serving as a judge as a service to my community.

In my 20 years in a courtroom, I have seen the immense positive impact a judge can have on a case and a community and I would strive to have the same positive impact. In my years in the courtroom, I have seen and acknowledged very good officers, I have spoken to victims and understand the hurt, confusion and anger they may have, and I believe that if a person commits a crime they should be punished. I also see the effect poverty, drugs and domestic violence have on my clients, and how various sentences affect their lives and the lives of their families. I do believe the system should be fair and equitable, and the judge should be a neutral arbiter within the system. I believe that if a person is charged with a crime or has a civil dispute they should have a fair system that determines the evidence in the case. The judge is an integral part of that system. Many of my clients (and many victims) want to be heard and feel like they were listened to. Some of the best judges I have been in front of made defendants and victims feel like this was their day in court (regardless of how the case turned out), and that made a difference to them. This left an indelible mark on me, and I would strive to

emulate that. Although I work on one side of the system, I would be fair and impartial to any litigant who is before me because I understand everyone in front of a court is hoping for a neutral, detached person to hear the case and judge it fairly. I have also worked hard to develop a reputation of being respectful of all those involved in the court system and would bring that same respect for all litigants, attorneys, staff and personnel to the bench.

I have practiced in York and Union Counties for most of my career. I understand the docket system York and Union Counties have, and have worked within that system for several years, doing my part to make it more efficient. I have striven to make our courts better by working with various parties to start programs that will either help divert clients out of the system or streamline cases more efficiently.

I grew up in Rock Hill, and I came back early in my career to be closer to family. I am an active member of this community and feel it would be a great honor to represent it as a resident judge.

(11) Commission Members' Comments:

The Commission commended Ms. Inzerillo's qualifications as an attorney and her decision to renew her candidacy for the bench. The Commission noted Ms. Inzerillo's lack of civil experience, but also highlighted the efforts she has taken to bolster that experience since her last candidacy.

(12) Conclusion:

The Commission found Ms. Inzerillo qualified, and nominated her for election to Circuit Court, Sixteenth Judicial Circuit, Seat 2.

Misti Shelton
Circuit Court, Sixteenth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than six persons apply to fill a vacancy or if the Commission concludes that there are fewer than six candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than six names.

For the vacancy for Circuit Court, Sixteenth Judicial Circuit, Seat 2, seven candidates applied for this vacancy and five candidates withdrew. Accordingly, the names of two candidates are hereby submitted in this report as qualified and nominated.

(1) Constitutional Qualifications:

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

Ms. Shelton was born in 1976. She is 49 years old and a resident of Rock Hill, South Carolina. Ms. Shelton 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 2001.

(2) Ethical Fitness:

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

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

Ms. Shelton reported that she has made \$778.22 in campaign expenditures on information cards, a name tag, paper, envelopes, Christmas cards, printing services, and postage.

Ms. Shelton testified she has not:

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

Ms. Shelton testified that she is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Shelton to be intelligent and knowledgeable.

Ms. Shelton reported that she has taught the following law-related courses:

- (a) South Carolina Solicitor's Conference, 2006. Spoke on narcotics prosecution and historical conspiracies.
- (b) York Technical College, Adjunct Professor, 2007 – 2010. Part-time instructor in the Criminal Justice Degree program.
- (c) Narcotics Commanders School, July 2024 and July 2025. Assisted in instructing law enforcement from across the State in Asset Forfeiture Law.
- (d) SCCPC Prosecution Bootcamp, I have taught at the bootcamp for young prosecutors a few times, most recently in 2025.
- (e) Throughout my time with the Sixteenth Circuit Solicitor's Office, I have taught local law enforcement agencies on various legal matters.

Ms. Shelton reported that she has not published any books or articles.

(4) Character:

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

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

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

(5) Reputation:

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

Ms. Shelton reported that she has not served in the military.

Ms. Shelton reported that she has never held public office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Ms. Shelton was admitted to the South Carolina Bar in 2001.

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

- (a) Law Clerk to the Honorable James E. Lockemy of the Fourth Judicial Circuit, August 2001- May 2002. I performed legal research, reviewed draft orders, and assisted in scheduling matters.
- (b) Sixteenth Circuit Solicitor's Office, Assistant Solicitor, Summer 2002 – Summer 2007. I started in the DEF Unit and was assigned to prosecute charges that are punishable by a possible sentence of less than fifteen years. I remained on that unit for less than one year before moving to the drug prosecution unit where I prosecuted drug cases for the next several years. Shortly before leaving the office, I moved to the ABC unit where I prosecuted charges that are punishable by a possible sentence of more than fifteen years. In 2003, I was made a team leader and was responsible for developing a training program for new prosecutors that is still used in the office today.
- (c) Thomas E. Pope and Associates, Associate Attorney, Summer 2007 - Summer 2008. Represented clients on misdemeanor and felony criminal matters. Minimum involvement in civil matters.
- (d) The Smith Law Office, Associate Attorney, Summer-2008 - Summer 2009. I did not change firms during the time, but the firm name changed. My role remained the same with criminal defense practice. We did not do any civil litigation.

- (e) Sixteenth Circuit Public Defender's Office, Summer 2009 – Summer 2011. As the sole attorney in the Union County Public Defender's Office, I was responsible for representing all adults and juvenile clients in the county. Although I was directly supervised by BJ Barrowclough, I was responsible for the day-to-day operations of the office.
- (f) Sixteenth Circuit Solicitor's Office, Assistant Solicitor, Summer 2011 – Present. Since my return to the Solicitor's Office, I have prosecuted all types of misdemeanors and felonies, including sexual assault and murder. I was promoted to Senior Solicitor in 2013 and to Assistant Deputy Solicitor in 2023. I have also been heavily involved in training and supervising younger attorneys in the office. I am also involved in daily administration decisions, such as case assignments, docket management, and coordinating with the Public Defender's office and other court personnel.

Ms. Shelton further reported regarding her experience with the Circuit Court practice area:

I have spent almost the entirety of my career as a prosecutor in General Sessions Court. In the past five years, I have prosecuted a variety of misdemeanors and felonies including sexual assault, murder, and drug cases. While the bulk of criminal cases are resolved by plea, I have tried several cases to verdict over the past five years. In those trials, I have litigated issues involving incriminating statements, suppression issues, the introduction of cell phone evidence, testimony of a blind expert witness, claims of self-defense, and the introduction of DNA. I have represented the State in several hearings based on the Protection of Persons and Property Act. I have also represented the State in York County's Mental Health Court and Drug Court programs.

During my career, I have spent an extensive amount of time trying cases in

General Sessions. As a prosecutor I've tried approximately forty cases as chief counsel and another thirty as second chair. As a defense attorney I tried approximately fifteen cases to verdict. I believe this trial experience as both a prosecutor and defense attorney would be a benefit to me as a General Sessions Judge.

I have very limited experience in civil law. I did have an opportunity to observe two civil trials while clerking with Judge Lockemy. I also assisted him with reviewing motions and orders from Common Pleas Court. In the past few years, I have worked on the Sixteenth Circuit Solicitor's Office Forfeiture Unit. As part of my work on that unit, I have regularly filed actions in Common Pleas. Due to my extensive trial work, I have a strong grasp on the Rules of Evidence. I have a basic understanding of the Rules of Civil Procedure. I will work hard to overcome any shortcomings I may have by continuing to study and take CLE courses to strengthen my knowledge and understanding.

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

- (a) Federal: I have never appeared in Federal Court.;
- (b) State: I appear approximately 26 weeks out of the year in State Court.

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

- (a) Civil: 1%;

- (b) Criminal: 99%;
- (c) Domestic: 0%;
- (d) Other: 0%.

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

- (a) Percentage of practice, including cases that settled prior to trial: 100%;
- (b) Number of cases that went to trial and resulted in a verdict: Nine;
- (c) Number of cases that went to trial and resolved after the plaintiff's or State's case: Zero;
- (d) Number of cases settled after jury selection but prior to opening statements: Two.

Ms. Shelton provided the following regarding her role as counsel during the past five years: I served as chief counsel on five of the cases that went to verdict and two that pled after jury was selected. I acted as second chair on the other four cases. On the cases where I acted as second chair, I was actively involved in every stage of the case as a direct supervisor to less experienced attorneys.

The following is Ms. Shelton's account of her five most significant litigated matters:

- (a) State v. Marquis Robinson and State v. Dantonyo Heath: This was a trial for Armed Robbery, Kidnapping, Attempted Murder, Possession of a Weapon During the Commission of a Violent Crime, and Criminal Conspiracy in 2013. This case was significant because it was my first major multiple day trial with co-defendants that I tried as chief counsel. I also tried the case twice. The first time, there was a mistrial after day three due to a jury issue. At the second trial we successfully got the case to the jury and both Mr. Heath and Mr. Robinson were convicted and received thirty-year sentences. During the trial, we litigated issues of eye-witness identification, introduction of DNA and accomplice liability.
- (b) State v. Ira Summerlin: This was a guilty plea to Criminal Sexual Conduct with a Minor Third Degree in 2023. The defendant pled without an offer after pre-trial arguments. This case involved a minor victim and two minor witnesses that I had to work with to gain their trust and get them comfortable with testifying. Ultimately the victim and both witnesses were willing to testify. On the day of trial, the defense made motions for a dismissal, suppression of video evidence, suppression of blind expert witness testimony, and suppression of testimony based on ministerial privilege. After prevailing on all but one pre-trial motion, Mr. Summerlin pled guilty as charged and received an active sentence and was placed on the Sex Offender Registry.
- (c) State v. Xavier Holbrooks: This was a Criminal Sexual Conduct with a Minor Third Degree case that I tried to a guilty verdict in 2023. The defendant received a twenty-year sentence. This case was significant because the minor victim is intellectually disabled and during a pre-trial hearing, she was found not competent to testify. We were able to move forward without her and with DNA evidence to secure a conviction.
- (d) State v. Isaiah Jones: This was a murder case from 2024. Mr. Johnson pled guilty to Voluntary Manslaughter the day the trial was scheduled to begin. He received a twenty-year sentence. This case was significant because it was the first murder

case that I prepared for trial as chief counsel. There were significant challenges in locating and securing cooperation from the eyewitness who could identify Mr. Johnson. There were also potential self-defense claims and challenges to the introduction of cell phone evidence.

- (e) State v. Brian Scott Williams: I represented Mr. Williams on the charge of Neglect of a Vulnerable Adult Resulting in Death in 2011. While Mr. Williams was found competent after an evaluation it was clear that he had intellectual and emotional deficits. He was crippled with guilt over his mother's death and would have accepted any plea offer. I spent a substantial amount of time getting to know Mr. Williams and finding individuals in Mr. Williams's life willing to advocate for him. After a great deal of negotiations with the State, I was able to get the prosecutor to allow Mr. Williams to plea to cap of five years on a reduced charge. Ultimately Mr. Williams received a probationary sentence.

Ms. Shelton reported she has not personally handled any civil or criminal appeals.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualifications found that Ms. Shelton is Well Qualified in the evaluative criteria of: Ethical Fitness, Professional and Academic Ability, Character, Reputation, Experience, and Judicial Temperament. She was found to be Qualified in the evaluative criteria of: Constitutional Qualifications, Physical Health, and Mental Stability.

The Committee noted: "Ms. Shelton has over two decades of experience on both sides of criminal court, with the judgement and thoughtfulness that that experience commands. Like Ms. Inzerillo, the panel recognizes that Ms. Shelton lacks civil law experience but believes that she has the ability and commitment to acquire that quickly. We believe she would make a fine Circuit Court Judge."

Ms. Shelton is married to Matthew Woodrow Shelton. She has two children.

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

- (a) The South Carolina Bar Association
- (b) The National District Attorneys Association
- (c) The Gregory-Hayes Inn of Court

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

- (a) Halfway There Rescue
- (b) Family Promise
- (c) Rock Hill High School Band of Distinction Booster Club

Ms. Shelton further reported:

“Throughout my life, I have had the good fortune to have people who have modeled for me and instilled in me the values and characteristics that I believe make an excellent General Sessions Judge. I was raised by my single mom and grandparents in Lockhart, South Carolina. All three of them worked in the cotton mill within walking distance of our home. By watching them, I learned the values of hard work and integrity. My mom is the hardest working person I have ever known, and I try to imitate her work ethic every day. My grandmother and grandfather taught me to be kind, honest, and to treat everyone with respect. In addition to mom and grandparents, I had many other positive adult influences throughout my early life from other family members, people from church, and my teachers at Lockhart Schools. I was encouraged to work hard to achieve my goal of going to college and becoming a lawyer. From them, I learned the values of honesty, integrity, compassion, intelligence, fairness, and a strong work ethic. These are all traits that I believe are an asset to the bench.

While I have been a prosecutor for much of my career, I did spend a few years in private practice and working as a public defender in Union County. Working with clients gave me a better understanding of the circumstances that lead individuals to commit crime and enhanced my ability to openly listen to mitigation with empathy and compassion. I understand the demands that private practice takes on your time and the difficulty of representing clients in a variety of courts. I also understand the demands of the caseload of a public defender and how difficult it is to adequately represent the best interest of your client. My years serving as a defense attorney made me a better person, lawyer, and shaped the type of prosecutor I have been since returning to the Solicitor’s Office. I believe my years as a defense attorney will also make me a better judge.

I have spent almost my entire career working as a public servant for the citizens of the Sixteenth Circuit and I would be honored to continue to serve them as a Circuit Court Judge.”

(11) Commission Members’ Comments:

The Commission applauded Ms. Shelton for her years of public service and noted that she seemed to have a very good reputation as well as knowledge of criminal law. She does not have a large amount of civil experience, but the Commission applauded her efforts towards gaining more knowledge in that area.

(12) Conclusion:

The Commission found Ms. Shelton qualified and nominated her for election to Circuit Court, Sixteenth Judicial Circuit, Seat 2.

The Honorable Milton G. Kimpson
Circuit Court, At-Large, Seat 5

Commission’s Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Kimpson was born in 1961. He is 65 years old and a resident of Columbia, South Carolina. Judge Kimpson 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 1986.

(2) Ethical Fitness:

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

Judge Kimpson 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 Kimpson reported that he has made \$4.47 in campaign expenditures for copies.

Judge Kimpson 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 Kimpson testified that he is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Kimpson to be intelligent and knowledgeable.

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

- (a) Presentation on Travelscape v. SC Department of Revenue, 391 S.C. 89, 705 S.E.2d (2011) to Multi-State Tax Commission Litigation Committee meeting in Nashville, TN, March 8, 2022
- (b) Presenter at SC Attorney General CLE; Department of Revenue Practice, June 17, 2021
- (c) State Tax Law Update, Columbia, Tax Study Group, October 16, 2012
- (d) SCDOR Case Law Update at State and Local Tax Seminar March 21, 2013
- (e) Presentation on SCDOR Data Breach at Cyber Security Seminar hosted by state of Wisconsin, Milwaukee, WI, October 2013
- (f) SCDOR Case Law Update Presentation to SC Bar Tax Section during SC Bar Convention, Jan 24, 2015
- (g) SCDOR Case Law Update presentation to Columbia Tax Study Group, February 14, 2015
- (h) Presentation on DHEC Certificate of Need Program and SCDOR Regulatory Practice at SC Black Lawyers retreat, September 17, 2015
- (i) Panelist, "Good Decisions for Your Legal Education and Career," USC School of Law, November 16, 2017

- (j) Panelist, “Appearing at the ALC – Dos and Don’ts”, SCAARLA CLE, February 21, 2020
- (k) Panelist, Young Lawyers Division Mentoring Lunch on Administrative Law, January 21, 2020
- (l) Panelist, Judges Perspective on Advocacy or Oral Argument, Appellate Advocacy Workshop, SC Bar CLE Division, November 18, 2022,
- (m) Presenter, Administrative Law, On- Demand Video, SC Bar Administrative and Regulatory Law Committee, December 8, 2022.
- (n) Panelist, “Poor Chevron, We Knew It – Or Did We? The Current Status of Federal and State Regulatory Deference”, SCAARLA CLE, November 1, 2024.

Judge Kimpson reported that he has published the following:

South Carolina Practice Manual, Criminal Law, Volume Three (SC Bar CLE 2003), contributing author, Chapter on Military Law

(4) Character:

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

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

The Commission also noted that Judge Kimpson 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 Kimpson reported that his last available rating by a legal rating organization, Martindale Hubbell, was Distinguished (in 2023).

Judge Kimpson reported the following military service:

I served on active duty in the U.S. Army as an officer in the Judge Advocate General’s Corps (JAGC) from January 1987 to December 1991 and continued service in the US Army Reserves from 1992 – 1995. My highest rank was Captain, and I received an Honorable Discharge. I have no current duty status.

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

From July 2010 to June 2017, I served as Deputy Director and General Counsel for Litigation at the SC Department of Revenue and filed annual reports with the State Ethics Commission. I have continued to file timely reports since being elected to the ALC in 2017.

(6) Physical Health:

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

- (7) Mental Stability:
Judge Kimpson appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Judge Kimpson was admitted to the South Carolina Bar in 1986.

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

- (a) SC Department of Health and Environmental Control, law clerk and brief stint as a Staff Attorney practicing administrative law until entry into U.S. Army JAGC. No management responsibilities; no trust accounts.
- (b) JAGC, Fort Sill, Oklahoma; Legal Assistance Officer: General civil practice assisting military members, families and retirees with wills, powers of attorney and family law; March 1987 -June 1988; Trial Counsel (military prosecutor) prosecuting soldiers for crimes under Uniform Code of Military Justice; June 1988 – March 1990. No management or trust account responsibilities.
- (c) JAGC, Fort Jackson, SC; Chief Legal Assistance Officer: General civil practice assisting military members, families and retirees with wills, powers of attorney and family law; Military Magistrate – whether to impose pretrial confinement for military personnel accused of crimes under USCMJ; March 1990 – December 1991. Administrative management (personnel) responsibilities but no financial/trust accounting.
- (d) Johnson, Toal & Battiste, P.A. Jan 1992- Dec 1993; Associate at general civil practice firm doing civil litigation, real estate, family law, personal injury and criminal law. No management or trust account responsibilities.
- (e) Glen Walters, P.A.: Jan. 1994 – March 1994; temporary position in a general practice firm in Orangeburg, SC; family law and personal injury; no management or trust account responsibilities. .
- (f) Gerald & Kimpson, LLP; March 1994-December 1998; partner in general practice firm; civil litigation, criminal litigation, family law, personal injury and real estate. Shared administrative and financial management responsibilities, to include management of real estate trust account (IOTA).
- (g) Richland County Department of Social Services; July 1995- December 1988. Contract attorney prosecuting abuse and neglect cases in Family Court. Performed contract work while in private practice as Gerald & Kimpson, LLP. No administrative, financial or trust account responsibilities.
- (h) Milton G. Kimpson, P.A.; January 1999-Dec 2002. Solo practitioner in general practice, including civil litigation, family law, personal injury, real estate and criminal law. Performed administrative and financial management responsibilities to include trust accounting – general and IOTLA real estate accounts.
- (i) South Carolina Department of Labor, Licensing and Regulation. Contract attorney serving as counsel to contractors’ board. One or two hearings in December 2001-2002. Performed as contract attorney while in private practice as Milton G. Kimpson, PA. No administrative, financial or trust account responsibilities.
- (j) South Carolina Department of Revenue; Jan. 2003 – 2010; staff attorney performing state tax and regulatory litigation before ALC, state and federal courts. In 2006,

- became Managing Attorney for Honors Litigation Program with administrative management responsibilities. No financial management or trust accounting responsibilities.
- (k) South Carolina Department of Revenue; July 2010-June 2017. General Counsel for Litigation handling state tax and regulatory cases before ALC, state and federal courts. Performed administrative management responsibilities with limited budget responsibilities for section. No trust accounting.
 - (l) South Carolina Administrative Law Court; July 2017 to June 30, 2024; serve as Administrative Law Judge presiding over administrative cases – de novo trials and appeals – arising out of state agency decisions under the Administrative Procedures Act. No administrative, financial or trust accounting responsibilities.
 - (m) South Carolina Circuit Court, At-Large Seat 5 (f/k/a Seat 11); July 1, 2024, to present. Circuit Court Judge handling civil and criminal cases. Office administrative management but no financial or trust accounting responsibilities.

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

- (a) South Carolina Circuit Court, At-Large, Seat 5 (f/k/a Seat 11); July 1, 2024, to present; elected by SC General Assembly. The Circuit Court is the State's court of general jurisdiction, with responsibility for Common Pleas, General Sessions and limited appellate jurisdiction from the Probate Court, Magistrate Court, and Municipal Court.
- (b) South Carolina Administrative Law Court (ALC), Seat 2; July 2017 to June 30, 2024. Elected by SC General Assembly in July 2017 and reelected in 2022. The ALC is an administrative agency and court of record created by the General Assembly, SC Code Ann. 1-23-500, with jurisdiction limited by statute, to certain “contested cases...involving the departments of the executive branch of government ...” and other matters, to include appeals from decisions in contested cases heard at the agency level.

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

- (a) Postell v. Campus Advantage, Inc., et al, 2022-CP-40-04419, Order on Posttrial Motions (SC Circuit Court 2025)
- (b) Flottemesch v. Lawson, et al, 2023-CP-23-04533, Order of Dismissal (SC Circuit Court, 2024)
- (c) Begum v. Florence County Assessor, 18=ALJ-0198-CC; 2019 WL 5208156 (SC Admin Law Court), *affirmed*, 2022 U.P. 069
- (d) ADSI Holdings LLC, et al v. Florence County Assessor, 21-ALJ-17-0243-CC; 2023 WL 2777265 (SC Admin Law Court)
- (e) Lorenzo Elmore dba Gullah W v SC Department of Health and Environmental Control, 19-ALJ-07-0425-IJ, 2020 WL 1274293(SC Admin. Law Court)

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

- (9) Judicial Temperament:
The Commission believes that Judge Kimpson's temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Judge Kimpson to be "Well-Qualified" in the evaluate criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualification, physical health, and mental stability. The Committee commented: "A great judge who is well-liked, organized, intelligent, strong character with an exemplary temperament"; and "He should be re-elected and continue to serve our Judicial Branch as a leader!"

Judge Kimpson is married to Audra Sabb Kimpson. He has two children.

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

- (a) South Carolina Circuit Court Judges Association
- (b) South Carolina Bar Association
- (c) Richland County Bar Association
- (d) SC Black Lawyers Association
- (e) American Bar Association

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

- (a) Greater Columbia Community Relations Council, Board of Directors, 2016 – 2022; currently serve on Board of Advisors
- (b) Citizens for Public Life, Board of Directors
- (c) Cooperative Ministry, Board of Directors
- (d) Omicron Phi Chapter of Omega Psi Phi Fraternity, Inc., Parliamentarian
- (e) Promise Foundation, Treasurer
- (f) Alpha Iota Boule, Sigma Pi Phi Fraternity, Secretary, May 2002 to present
- (g) Saint John Baptist Church, Board of Deacons; May 2002 to present; Assistant Church Clerk, 2015 to present
- (h) Wofford College Black Alumni Association
- (i) Omega Men of Columbia, SC, Inc., Secretary, 2019 to present
- (j) Israel Brooks Foundation, Board of Directors
- (k) Life Member, NAACP

Judge Kimpson further reported:

I have served as a Circuit Court judge for almost thirteen (13) months. The experiences this year have been both intellectually rewarding and humbling, knowing that the posture of a parties' case may rest on my ruling in civil matters and that my sentences may often have long-term ramifications for criminal defendants as well as their victims, families and communities. I have fully embraced the gravity of my role as a Circuit Court judge and work hard to fairly

and objectively decide the issues before me. I strive to be prepared, knowledgeable about the law and importantly, to be attentive, respectful and courteous to litigants. I have always appreciated those judges who actively listened to the cases and evaluated my legal arguments such that my goal is to emulate these characteristics.

(11) Commission Members' Comments:

The Commission commented that Judge Kimpson has an outstanding reputation as a jurist. They praised his intellect, commitment to public service, and temperament as attributes that will continue to serve him and the state in discharging his responsibilities on the Circuit Court, if reelected.

(12) Conclusion:

The Commission found Judge Kimpson qualified, and nominated him for reelection to Circuit Court, At-Large, Seat 5.

FAMILY COURT QUALIFIED AND NOMINATED

E. Thompson Kinney
Family Court, Third Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than six persons apply to fill a vacancy or if the Commission concludes that there are fewer than six candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than six names.

For the vacancy for Family Court, Third Judicial Circuit, Seat 2, one candidate applied for this vacancy. Accordingly, the name of one candidate is hereby submitted in this report as qualified and nominated.

(1) Constitutional Qualifications:

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

Mr. Kinney was born in 1986. He is 39 years old and a resident of Sumter, South Carolina. Mr. Kinney 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 2013.

(2) Ethical Fitness:

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

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

Mr. Kinney reported that he has made \$197.06 in campaign expenditures for postage and printing.

Mr. Kinney testified he has not:

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

Mr. Kinney testified that he is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Kinney to be intelligent and knowledgeable.

Mr. Kinney reported that he has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

Mr. Kinney reported that he has not published any books or articles.

(4) Character:

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

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

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

(5) Reputation:

Mr. Kinney reported that he is not rated by any legal rating organization.

Mr. Kinney reported that he has not served in the military.

Mr. Kinney reported that he has never held public office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Kinney was admitted to the South Carolina Bar in 2013.

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

August of 2013 until June of 2020, I was an associate attorney with Mullikin Law Firm in Camden, SC. I assisted the other attorneys in the firm in the areas of governmental affairs, policy, regulatory practice, and public affairs. While working in the firm's main practice areas, I was given the freedom to pursue new

practice areas. In 2014, I began practicing in family law, first by accepting cases from South Carolina Legal Services and then developing a private practice in family law. In 2015, I began accepting criminal defense appointments in Sumter County as part of the SC Commission on Indigent Defense's 608 contract program. I continued this work and added other counties, including Kershaw and Clarendon counties. In 2016, I began serving as an Assistant Public Defender in Lee County on a contract basis. In 2018, I added Family Court contracts with the 608 contract program in Sumter and Clarendon counties.

In June of 2020, I decided that I wanted to focus on the practice areas that I had built at Mullikin Law Firm. I decided that my hometown of Sumter was the best place to open my firm. My law practice had grown in Sumter and the Third Judicial Circuit because of the various contract work and my personal connections in that community.

Since July of 2020, I have owned and operated Kinney Law Firm in Sumter, SC. I am the only attorney, and I have one fulltime staff member, who started with me part time in November of 2022 and began working fulltime in July of 2023. I am solely responsible for all administrative and financial aspects of the firm, including managing the firm's trust account.

My main area of practice is family law. I represent clients in all areas of family law, including divorce, child custody, adoption, and others in Sumter and the surrounding counties. Also, I frequently serve as guardian ad litem in private custody cases and typically have around 10-20 active guardian cases at any time. I am a certified Family Court mediator and have developed a mediation practice, primarily in Sumter County.

Starting in December of 2023, I have served as a parttime Assistant Solicitor in the Third Judicial Circuit. My primary responsibility is to prosecute juveniles in Sumter and Clarendon Counties. I solely manage the juvenile docket and handle all juvenile cases in the county.

In October of 2024, I began serving as the juvenile prosecutor in Clarendon County. My role in Clarendon County is identical to the job in Sumter County, where I manage the docket and prosecute all juvenile cases in the county. The Solicitor asked me to fill this role temporarily until he could hire another attorney to take over, but I have now agreed to handle the role for the foreseeable future. Also, I have prosecuted juveniles in Lee County when another attorney was out on medical leave.

In addition to my role with juveniles, I assist the South Carolina Highway Patrol in prosecuting DUI cases in the Third Judicial Circuit. I attend pre-trial conferences in the four counties in the circuit and assist the Troopers in negotiating with counsel and trying the cases if necessary.

From February of 2022 until May of 2025, I served as the City Prosecutor for the City of Forest Acres. In this parttime role, I managed the jury trial docket in Municipal Court and conducted jury trials (three to four times a year). I worked closely with the City Attorney and the Clerk of Court and provided guidance and advice to the Forest Acres Police Department. I left this position in May of 2025 when we moved to Sumter.

My other practice area is related to guardian and conservatorship cases in Probate Court. I frequently represent clients who are petitioning the Court to be appointed as guardian and conservator. I am frequently appointed by the Probate Courts in Sumter and Richland to serve as counsel or guardian ad litem for the Alleged Incapacitated Individuals in these cases.

When I opened my firm in July of 2020, I continued the criminal defense contract work from my previous firm. I continued to serve as a part-time public defender for Lee County through 2022. At that time, I voluntarily stepped down to focus more of my time on my private Family Court work. I continued to participate in the 608 criminal and family contract program until the end of 2023. I voluntarily stepped down to take the position of juvenile prosecutor in Sumter County.

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

I have appeared in Family Court multiple times a week for at least the past five years.

I have represented clients in divorce cases where equitable division of property was a major issue. I have represented clients from a wide range of backgrounds, from indigent clients who had only debts to divide, to high income individuals who had substantial assets. In addition to my experience in private practice, I have mediated numerous cases where equitable distribution was a major issue.

I have extensive experience with child custody issues. I have represented many clients, both mothers and fathers, who faced uncertainty with respect to their children. I have always found fulfillment is helping clients craft custody agreements and parenting plans that help bring peace and stability to their families and allow them to create a co-parenting relationship. Also, I have litigated child custody issues at temporary and final hearings.

I have frequently served as guardian ad litem in private custody cases. These have ranged from relatively straightforward cases where parents are seeking to establish an initial custody order and parenting plan, to complex cases that involve relocation of a parent across the country or world. I have traveled out of state and to various parts of South Carolina for home visits. I have had complex cases that involve mental health issues for parents and children where I have had to interact with various mental health professionals.

I have dealt with custody issues in most of the mediations I have conducted. I have found that mediation can be particularly effective in helping parents develop parenting plans.

I have represented clients in adoption cases, including private infant adoptions, stepparent adoptions, and DSS adoptions. I have had the pleasure of helping a family coordinate a privately arranged adoption, filing the pleadings when the child was born and arranging for the birth mother to give the required consent. One of the highlights of my legal career was participating in Sumter County Adoption Day in 2021 and 2022. In 2022, I had three adoptions on Adoption Day and was overwhelmed by the outpouring of support and happiness for all those involved. I have served as guardian ad litem on many adoption cases.

I was a 608 Family Court contract attorney for Sumter and Clarendon counties from 2018 to 2023. I was appointed to represent defendants in abuse and neglect cases brought by DSS. In this role, I most often represented clients in negotiating agreements with the department, including treatment plans to work towards reunification with their children. Also, I had many contested trials, including several contested termination of parental rights cases. I occasionally was appointed to represent vulnerable adults who were taken into DSS custody. From 2018-2023, I appeared in Family Court at least two to four days per month for DSS cases, and I often had several cases per day.

I have served as an Assistant Solicitor for Family Court since December of 2023 and presently serve in this role. I prosecute all juvenile cases in Sumter and Clarendon Counties. I am responsible for reviewing all juvenile petitions prepared by law enforcement in the county and deciding whether to prosecute, dismiss, or refer to a diversion program. Once a decision to prosecute is made, I file the petition in Family Court and prosecute the case. I create and manage the juvenile docket, working closely with the Family Court staff to schedule cases. On a routine juvenile docket, I represent the State on adjudicatory and dispositional hearings. When law enforcement detains a juvenile, I am responsible for determining whether to pursue further detention of the youth. If we do seek to detain beyond the initial 48 hours, I am responsible for coordinating a detention hearing within the statutory parameters. Also, I am responsible for handling waiver hearings where the State seeks to prosecute a juvenile as an adult.

Prior to serving as juvenile prosecutor, I was appointed to represent juveniles in criminal cases in Sumter, Clarendon, Lee, and Kershaw counties. In this role, I represented numerous juveniles in adjudicatory hearings, dispositional hearings, and detention hearings.

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

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

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

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

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

- (a) Percentage of practice, including cases that settled prior to trial: 90%;
- (b) Number of cases that went to trial and resulted in a verdict: 10%. A large majority of my cases in Family Court end up being settled.
- (c) Number of cases that went to trial and resolved after the plaintiff's or State's case: 1%.
- (d) Number of cases settled after jury selection but prior to opening statements: None

Mr. Kinney provided that during the past five years he most often served as sole counsel.

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

- (a) State v. EW, 2025-JU-43-0052, 053.

This was a case I handled as juvenile prosecutor in Sumter. This case involved a child who was in DSS custody and was charged with criminal and status offenses. To make matters more complicated, DSS staff members were victims in the case which required the child to be appointed a guardian ad litem. The resolution of the charges was straightforward, and the juvenile plead guilty.

This case was significant because of the complexity in finding a solution for the care and protection of the child once she was adjudicated guilty. This case involved two agencies (DSS and DJJ) who both believed that the other was the appropriate agency to house and care for this child. As the prosecutor, I consulted both agencies and tried to come up with a recommendation that would be in the child's best interest. I engaged with the Department of Children's Advocacy, who helped provide an independent review of this child's case. At the dispositional hearing, the State was able to present a recommendation to the Court based on the input of DSS, DJJ, and the Department of Children's Advocacy.

- (b) State v. Yahchanan Christopher Reames, 2017-GS-31-139.

This was a criminal case where I represented the Defendant in my role as a public defender in Lee County. The Defendant was charged with attempted murder and other offenses and was accused of firing a weapon at two police officers. He was previously found not competent to stand trial and was committed to the Department of Mental Health. A couple of years later, the Department declared that he had been restored, and the State proceeded with his prosecution.

I represented the Defendant in a contested competency hearing pursuant to State v. Blair. I petitioned the Court for funding and hired three separate experts, a psychiatrist and two psychologists, to present a case that the Defendant was not competent to stand trial. The State presented multiple witnesses from the Department of Mental Health and the Department of Disabilities and Special Needs. Ultimately, the Court ruled that the Defendant was competent to stand trial. I then negotiated a plea agreement that allowed my client to receive credit for the significant amount of time he had served.

This case was significant because it required me to advocate for an unpopular client when the entire law enforcement community in the county showed up to support the State. It also gave me the opportunity to work with a nationally recognized forensic psychiatrist who examined and testified on behalf of my client.

(c) SCDSS v. P.R., 2021-DR-43-1042.

I was appointed to represent the Defendant/Father in this termination of parental rights case. This case was significant because of the challenges that were associated with defending this client who was illiterate and did not speak English. He and his co-defendants spoke Quiché, a Mayan language that required an interpreter from Washington state to appear via Webex.

This case took three days and was very taxing on all the participants. The hearing had complex evidentiary issues and DSS called multiple expert witnesses. This case was also significant because it taught many valuable lessons on patience and on judicial temperament. The presiding Judge exhibited incredible patience and fairness and left a lasting impact on me.

(d) SCDSS v. K.K., 2019-DR-14-50.

In this case, I represented foster parents who intervened in a DSS case in Clarendon County. My clients had bonded with their foster child and were afraid that DSS may move the child. The intervention was granted, and the child was ordered to stay with my clients while the case was pending. After intervening, I was able to participate in the TPR trial with DSS and the other parties. After a trial, the biological parents' rights were terminated and the child was free to be adopted. After the DSS case concluded, I represented these same clients in the adoption of the child.

This case was significant because it taught me that to advocate for your client, you have to be bold and willing to step out and go against DSS. While I had a good relationship with DSS in this county, I had to act because my clients feared that the child would be harmed by moving her to another placement.

(e) Cheek v. Cheek, 2022-DR-43-441.

I was the guardian ad litem in this custody modification case. While the legal issues were not particularly complex, the case was unique in that it involved a modification of custody where the children's wishes were to move from Texas

back to South Carolina. I traveled to Texas and felt that I became the “eyes and ears” of the Court, in that I was able to personally assess many of the claims of each party. This case was particularly significant because it gave me insight on how to assess the preferences of children, especially teenagers, in the context of the other child custody factors. Also, it made me appreciate the value of a guardian ad litem investigating issues in person versus just relying on phone calls, zoom meeting, or other collateral materials. This case settled on the first day of trial.

Mr. Kinney reported that he has not personally handled any civil appeals.

The following is Mr. Kinney’s account of the criminal appeal he has personally handled:
State v. Locklear, 2016-UP-313, (S.C. Ct. App. Jun. 22, 2016).

I handled this case pro bono as part of the appellate project, where I was assigned a case to from appellate defense.

Mr. Kinney further reported the following regarding unsuccessful candidacies:

I ran for Family Court, Third Judicial Circuit, Seat 1 in 2024-25. I was found qualified and nominated by the JMSC. I withdrew from the race on January 24, 2025.

(9) Judicial Temperament:

The Commission believes that Mr. Kinney’s temperament would be excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee reported Mr. Kinney 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.

Mr. Kinney is married to Ashley Stover Kinney. He has two children.

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

Sumter County Bar Association, 2014-Present.

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

(a) Church of the Holy Comforter, Sumter

My family and I began attending Church of the Holy Comforter when we moved to Sumter in May of 2025.

(b) Church of the Apostles, Columbia

I was very active in my church in Columbia. I served on the Vestry (the governing body of the church) from February of 2023 until May of 2025. I served on the Finance Committee and was the parish Chancellor (the parish’s lawyer). I was head of the Ushers Committee and served as a children’s church volunteer.

(c) Spring Valley Country Club

I was a non-equity member from July of 2023 until November of 2024. I resigned my membership when my family moved to Sumter.

(d) Sumter YMCA

My family and I are members of the Sumter YMCA.

Mr. Kinney further reported:

I have been blessed to practice in every major area of family law, including having significant experience with DSS cases and Juvenile cases. It is professionally and personally fulfilling to positively change the direction of a child's life, and those opportunities are available in Family Court. Also, it has been fulfilling to provide guidance and counsel to clients in Family Court who are often facing one of the most trying times of their lives. I believe my experience in all these areas of Family Court equip me to serve as an effective Judge.

I believe I have the temperament to serve as a Family Court Judge. I have always tried to live by what God tells us is required of us in Micah 6:8, "to do justice, and to love kindness, and to walk humbly with your God." As a member of the legal profession, I believe these words are particularly poignant and should be our north star. As a Judge, I would seek to do justice by fairly applying the law to all; to be kind to all litigants, court staff, and attorneys; and to be humble as a public servant.

(11) Commission Members' Comments:

The Commission commented that Mr. Kinney's positive BallotBox responses are a credit to the hard work Mr. Kinney has done in the community and profession. The Commission stated that he is a smart, hard-working attorney who would be a good addition to the bench.

(12) Conclusion:

The Commission found Mr. Kinney qualified, and nominated him for election to Family Court, Third Judicial Circuit, Seat 2.

The Honorable Elizabeth Biggerstaff York
Family Court, Fourth Judicial Circuit, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than six persons apply to fill a vacancy or if the Commission concludes that there are fewer than six candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than six names.

For the vacancy for Family Court, Fourth Judicial Circuit, Seat 3, one candidate applied for this vacancy. Accordingly, the name of one candidate is hereby submitted in this report as qualified and nominated.

(1) Constitutional Qualifications:

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

Judge York was born in 1969. She is 56 years old and a resident of Darlington, South Carolina. Judge York provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1994.

(2) Ethical Fitness:

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

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

Judge York 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 York testified that she is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge York to be intelligent and knowledgeable.

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

- (a) I created a PowerPoint and lectured for the South Carolina Bar video CLE "Yikes, I've Gotten a DSS Appointment."
- (b) I have served on panel discussions for DSS in-house CLE programs.
- (c) I created a PowerPoint and have given presentations to law enforcement on Title 63 of the South Carolina Code.
- (d) I created a PowerPoint and have given presentations to new DSS caseworkers on Title 63 of the South Carolina Code.
- (e) Adjunct Professor, Business Law, Coker University.

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

- (4) Character:
The Commission's investigation of Judge York did not reveal evidence of any founded grievances or criminal allegations made against her.

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

The Commission also noted that Judge York 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 York reported the following regarding her last available rating by a legal rating organization: My last rating by Martindale-Hubbell was in 2025, BV, Distinguished; Very High Rating in Both Legal Ability and Ethical Standards, 4.4/5.0 peer review

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

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

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

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

- (8) Experience:
Judge York was admitted to the South Carolina Bar in 1994.

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

- (a) From 1994 until 1995, I was a law clerk to the Honorable Don S. Rushing, a Circuit Court Judge. During six months of the year term, he was Chief Judge for Administrative Purposes (Criminal) for Charleston County, South Carolina
- (b) From 1995 until 1996, I was an Assistant Solicitor for the Fourth Judicial Circuit, prosecuting cases in the General Sessions Court of Chesterfield, Darlington, Dillon and Marlboro counties.
- (c) From 1996-2004, I worked at the law firm of Jennings and Harris, located in Bennettsville, South Carolina. I began as an associate and became a partner after several years. The firm had a general trial practice. My personal practice included a focus on Family Court matters, although I practiced in all trial courts. I assisted with supervising personnel and utilized the trust account.

- (d) From 1996 until 2019, I was a contract attorney for the South Carolina Department of Social Services, handling abuse and neglect cases for Chesterfield County.
- (e) From 1998 until 1999, I was an adjunct professor with Coker University, where I taught Business Law through their adult program.
- (f) In 2002, I became a certified mediator for the Family Court.
- (g) From 2004 until 2006, I worked at the Law Office of Nancy Bailey located in Florence, South Carolina. This practice focused almost exclusively on Family Court matters. Florence County was an initial mandatory mediation county and I conducted mediations, including pro bono mediations for the Family Court, during this time. I also continued to work as a contract attorney for the South Carolina Department of Social Services handling abuse and neglect cases for Chesterfield County. I assisted with supervising personnel and utilized the trust account.
- (h) From 2006 until 2016, I worked for the South Carolina Department of Social Services on a full-time basis, handling abuse and neglect cases. I was the managing attorney for the Fourth Judicial Circuit which consists of Darlington, Chesterfield, Dillon, and Marlboro counties.
- (i) In July of 2016, I opened the Law Office of Elizabeth B. York, LLC with a focus on Family Court matters and continue this practice at present. I had a statewide contract with the South Carolina Department of Social Services for abuse and neglect cases from July 2016 until July 2019. I supervise personnel and have access to all accounts of the Law Office of Elizabeth B. York, LLC.
- (j) In July of 2016, I was appointed as a Municipal Judge for the City of Hartsville , and I presently serve in that capacity on a part-time basis.
- (k) In July of 2019, I entered into a contract with the South Carolina Commission of Indigent Defense to handle defense of abuse and neglect cases in Florence and Dillon counties.

Judge York further reported regarding her experience with the Family Court practice area:

My professional experience has included a focus in the Family Court since 1996, and I have experience in each of the above-mentioned areas of law. I represented the South Carolina Department of Social Services in abuse and neglect cases from 1996 until 2019. From 1996 until 2006, I had a contract with the South Carolina Department of Social Services to handle abuse and neglect cases in Chesterfield with assistance in other counties. In 2006, I became a full-time attorney for the South Carolina Department of Social Services as a managing attorney for the Fourth Judicial Circuit and continued in that position until July of 2016. In July of 2016, I began a statewide contract for the South Carolina Department of Social Services, often traveling to handle complex matters on their behalf. I continued with this contract until July of 2019. In July of 2019, I signed a contract with the South Carolina Office Commission of Indigent Defense to defend abuse and neglect cases in Florence and Dillon counties and this contract continues at this time. Abuse and neglect cases often overlap with matters with the South Carolina Department of Juvenile Justice and adoption and custody issues.

In 2016, I again entered into private practice and continue to handle all types of Family Court matters in each of these categories.

At a minimum, I have appeared in the Family Court once per week in the past five years.

Judge York reported the frequency of her court appearances during the past five years as follows:

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

Judge York reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 0%
- (b) Criminal: 0%
- (c) Domestic: 95%
- (d) Other: 5%

Judge York reported the percentage of her practice in trial court as follows:

- (a) Percentage of practice, including cases that settled prior to trial: 95%;
- (b) Number of cases that went to trial and resulted in a verdict: N/A
- (c) Number of cases that went to trial and resolved after the plaintiff's or State's case: In my opinion, approximately 85% of Family Court cases settle prior to completion of any trial and this would be consistent with my practice.
- (d) Number of cases settled after jury selection but prior to opening statements: N/A

Judge York provided that during the past five years she most often served as sole counsel.

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

- (a) SCDSS v. J.E., Case Number 96-DR-13-778.

This was an abuse and neglect case in which the defendant was a foster mother who severely beat a foster child in her care, killing the child. The defendant mother had other foster children and an adopted child in her care. The deceased child was one of ten siblings in foster care. I not only handled the Family Court abuse and neglect side of the case for SCDSS, I also actively participated in the criminal trial of Ms. E. (97-GS-13-77, 98-GS-13-10) for the State and a civil trial against SCDSS and a school principal (97-CP-13-146, 98-CP-13-03). This case occurred as the child abuse code was changing nationwide. It involved the new code as well as the issues of severe abuse, mandatory reporting of abuse and neglect, child fatality protocol, and foster care licensing.

- (b) SCDSS, In the Interests of J.C., Case Number 09-DR-13-378.

This case involved severe abuse and neglect of three siblings. I represented SCDSS. This abuse included locking the children out of the family home during the day in severe heat. One sibling was placed into a dark storage building for days with no electricity or water and forced to wear a shock collar. A

sibling of this child was asked to shock the other child and to empty the bucket that the child used as a restroom. All siblings had to empty the bucket that the children used as a restroom while working in the yard. The case involved media attention, a corollary criminal case, and it required expediting the case to assist these children. Personally, I will never forget preparing these children for trial. The perpetrators no longer have parental rights to the children. Two of the siblings were adopted. The sibling who was asked to perform the shocking of the other siblings was opposed to adoption and requested to remain in a placement in an area where he had been placed initially.

- (c) Richard S. Bird, Plaintiff, vs. Rebecca Moningka Bird, Defendant, vs. Richard S. Bird, Sr. and Martha Bird, Third-Party Defendants. Case Number 19-DR-21-0959.

This case was pled for divorce, custody, equitable distribution, alimony, and attorney's fees and costs. I was appointed by the Court to serve as the guardian ad litem for the two minor children of the parties. With regards to the custody issues, this case involved international kidnapping, parental alienation, and a recent diagnosis of chronic illness of one of the children. Numerous experts were involved in this matter. As guardian ad litem for the minor children, I had to file several Motions regarding their best interests. Several petitions for contempt were also filed and heard. This matter reached a final resolution on the children's issues with an Order filed June 16, 2021.

- (d) Pamela A. Holmes vs. Terry L. Holmes, 2020-DR-21-0026.

I represented the Plaintiff in this highly contested action which was pled for divorce, equitable distribution, alimony, and attorney's fees and costs and filed on January 8, 2020. The parties were married for thirty-eight years. They have three children, two are emancipated and one is deceased. Defendant was represented by two different attorneys during litigation, but ultimately represented himself. This matter was given complex designation on August 30, 2022. Plaintiff alleged improper disposal of marital assets including several car dealerships and the use of overseas bank accounts. Plaintiff utilized a forensic accountant which was essential to the disposition of the case. The matter was tried for 5 days. It was a lesson in the use of an expert, dealing with a pro se party, and working with an emotional client. Plaintiff was granted her divorce, alimony, an equitable distribution of marital assets, and her fees and costs by the Family Court.

- (e) SCDSS v S.H.S, D.P., Case Number 2024-DR-21-0421.

This case was brought by SCDSS with allegations of physical neglect as to both parents. I was appointed by the Court on May 8, 2024 to represent the defendant mother. The defendant mother suffers from severe anxiety and had difficulty with the removal of her child to foster care and also with communication with SCDSS. Through treatment services and communication with the Department and my client, we able to complete a successful return home of the child to the mother at the hearing on the merits of the matter.

The following is Judge York's account of five civil appeals she has personally handled:

- (a) SCDSS, Respondent, v. F.V., J.V., and T.D., of whom F.V. and J.V. are Appellants, In the Interest of three minors, Case Number 2011-UP-47.

This appeal from the Family Court of Darlington County involved Appellants F.V. and J.V.'s challenging the Court's finding of abuse and/or neglect, the Treatment Plan ordered, and the placement of their name onto the Central Registry of Child Abuse and Neglect. The Court of Appeals upheld the findings of abuse and/or neglect, found the issue presented on the Treatment Plan was moot, and reversed placement of the names of F.V. and J.V. onto the Central Registry of Abuse and Neglect.

- (b) SCDSS, Respondent, v. G.M.P., A.K.A. Z.P., M.P., and John Doe, In the Interests of a minor children under the eighteen years, Case Number 2012-UP-470.

M.P. appealed the termination of his parental rights. The Court of Appeals reviewed his case pursuant to Ex Parte Cauthen, 291 S.C. 465, 354 S.E. 3d 381 (1987), and upheld the termination of his parental rights.

- (c) SCDSS, Respondent, v. Z.P., M.P., of whom E.P. is the Appellant, In the Interests of one minor child under the age of eighteen, Case Number 2010-UP-240.

Z. P. appealed the Family Court's Order from the Permanency Planning hearing alleging that the evidence did not support the finding that reunification was no longer a viable plan for the child contending that the child's guardian ad litem did not perform her duties as mandated. The Court of Appeals upheld the decision of the Family Court.

- (d) SCDSS, Respondent, vs. S.G., L.G., G.B., and John Doe, of whom S.G. is the Appellant, Case Number 2009-UP-164.

S.G. appealed the termination of his parental rights. The Court of Appeals reviewed this case pursuant to Ex Parte Cauthen, 291 S.C. 465, 354 S.E.2d 381 (1987), and upheld the termination of his parental rights.

- (e) SCDSS v. T.I., M.R., D.O., and B.M., Case Number 2021-000653.

T.I. appealed the decision of the Family Court to grant permanent custody of her children to their father. This appeal was filed pursuant to Ex Parte Cauthen, 291 S.C. 465, 354 S.E. 3d 381 (1987). The Court of Appeals upheld the decision of the Family Court in an unpublished opinion filed December 16, 2021.

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

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

I was appointed as a Municipal Judge for the City of Hartsville on July 1, 2016, and I presently serve in that capacity on a part-time basis. The Municipal Court has jurisdiction over criminal offenses and city ordinances where the punishment does not exceed thirty days.

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

The cases over which I preside in the Municipal Court do not involve or require written orders

Judge York reported the following regarding her employment while serving as a judge:

I have been in private practice in the Law Office of Elizabeth B. York, LLC which focuses on family law while serving as a part-time Municipal Judge since 2016. In July of 2016, I began a statewide contract to handle abuse and neglect

cases for the South Carolina Department of Social Services, often traveling to handle complex matters on their behalf. I continued with this contract until July of 2019. In July of 2019, I signed a contract with South Carolina Commission of Indigent Defense to defend abuse and neglect cases in Florence and Dillon counties and this contract continues at this time.

Judge York further reported the following regarding unsuccessful candidacies:

- (a) Unsuccessful candidacy for Family Court, At-Large Seat 8, in 2016. I was found qualified, but was not one of the three candidates who was nominated.
- (b) Unsuccessful candidacy for Family Court, Twelfth Judicial Circuit, Seat 2, in 2017. I was found qualified, and one of the three candidates nominated.
- (c) Unsuccessful candidacy for Family Court, Twelfth Judicial Circuit, Seat 3, in 2021. I was found qualified, and one of the two candidates nominated.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Pee Dee Citizens Committee found Judge York 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.

Judge York is not married. She has two children.

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

- (a) Darlington County Bar, President from approximately 2019 through 2023
- (b) Florence County Bar
- (c) South Carolina Family Law American Inn of Court, Master Level, Attorney
- (d) The Pee Dee American Inn of Court, Master of the Bench, Membership Committee
- (e) South Carolina Summary Court Judges' Association

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

- (a) Ron James Youth Tennis Program, President, Board of Directors, (USTA NJTL)
- (b) South Carolina Family Law American Inn of Court, Master Level, Attorney
- (c) The Pee Dee American Inn of Court, Master of the Bench, Membership Committee
- (d) South Carolina Summary Court Judges' Association
- (e) Darlington County Bar, President from approximately 2019 through 2023
- (f) Florence County Bar
- (g) Central United Methodist Church, Florence, South Carolina
Finance Committee Member

- Education and Spiritual Growth Team Leader
- Greeter, The Well
- Endowment Fund Committee Member
- (h) United States Tennis Association
Former Team Captain, Pee Dee Region
- (i) Florence Tennis Association, Former Board Member
- (j) All Saints Episcopal Day School
Parent Guild
- (k) West Florence Athletic Booster Club
- (l) Darlington Downtown Revitalization Association, former Board Member
- (m) Darlington Country Club

Judge York further reported:

Having been involved in Family Court as an attorney and as a litigant gives me a fair perspective into the difficulties and stress of Family Court.

(11) Commission Members' Comments:

The Commission commended Judge York for her public service and temperament.

(12) Conclusion:

The Commission found Judge York qualified and nominated her for election to Family Court, Fourth Judicial Circuit, Seat 3.

The Honorable Debra A. Matthews
Family Court, Sixth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Matthews was born in 1957. She is 68 years old and a resident of Blackstock, South Carolina. Judge Matthews 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 2001.

(2) Ethical Fitness:

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

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

Judge Matthews 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 Matthews testified that she is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Matthews to be intelligent and knowledgeable.

Judge Matthews reported that she has taught the following law-related courses:
I lectured at the Family Court Bench Bar on problematic issues with temporary hearings.

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

(4) Character:

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

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

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

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

- (8) Experience:
Judge Matthews was admitted to the South Carolina Bar in 2001.

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

- (a) I opened my law office in 2001, Debra A. Matthews, Attorney at Law, LLC.
- (b) For most of my career I handled the administrative and financial management of my trust accounts. I employed one bookkeeper. I was the only person who could write and sign checks. My staff accepted payments and issued receipts.
- (c) I was admitted to the U.S. District Court, South Carolina in 2001.
- (d) I was admitted to the U.S. Bankruptcy Court in 2002 and handled consumer filings for Chapter 7 and 13 clients.
- (e) In 2004, I began handling criminal cases, worker compensation, personal injury, social security disability and probate cases. I also handled real estate closings.
- (f) I was certified as a family court and circuit court mediator in 2010.
- (g) I was appointed as guardian ad litem on many occasions.
- (h) I was a contract attorney with the South Carolina Commission on Indigent Defense from 2013 to 2015.
- (i) 2001 to 2018, I was self-employed, operating a general private practice. I employed two associate attorneys. I practiced in family court, handling all types of family court cases from 2001 until I closed my office in 2017 - 2018.
- (j) Elected Family Court Judge, Sixth Judicial Circuit, Seat 2 on February 7, 2018 and again on February 5, 2020.

Judge Matthews reported that she has held the following judicial office:

I was elected on February 7, 2018 and again on February 5, 2020, to the Family Court, Sixth Judicial Circuit, Seat 2.

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

- (a) Whitlock v. Waters, et al., 2018-DR-29-00249;
- (b) Boney v. Lamontagne, 2016-DR-29-00703;
- (c) South Carolina Dep't. of Soc. Servs. v. Phagan, Appellate Case No. 2018-001152;
- (d) Wickham v. Wickham, 2017-DR-20-00182;
- (e) South Carolina Dep't. of Soc. Servs. v. Cauthen, et al., 2018-DR-29-00760; 2019-DR-29-00677.

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

- (9) Judicial Temperament:
The Commission believes that Judge Matthews's temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Piedmont Citizens Committee on Judicial Qualifications found Judge Matthews 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, “The Panel was impressed by Judge Matthews’ continued commitment to public service, her thorough knowledge of relevant legal issues, and her appreciation of the especially sensitivity and weightiness of matters coming before the Family Court. We continue to believe she is an excellent and well-qualified judge.

Judge Matthews is not married. She has two children.

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

- (a) Fairfield County Bar;
- (b) South Carolina Bar.

Judge Matthews provided that she was not a member of any civic, charitable, educational, social, or fraternal organization.

Judge Matthews further reported:

My parents were divorced and I was raised by my single Father. The divorce was highly contested to include a contested custody battle. I believe going through this with my parents, and being the oldest sibling, I can appreciate what the parties and the children are going through in family court cases. My husband and I raised two boys at the same time that I was attending law school and working on my career. I witnessed clients and their emotions during family court cases that I handled as a lawyer. My legal experience in family court reflects positively to my position on the bench. My family is close and we support each other morally and spiritually. All of my life experiences contribute to being understanding, compassionate and help with my rulings that are in the best interests of children.

(11) Commission Members’ Comments:

The Commission commended Judge Matthews for her reputation among the Bar and for her judicial temperament.

(12) Conclusion:

The Commission found Judge Matthews qualified, and nominated her for reelection to Family Court, Sixth Judicial Circuit, Seat 2.

The Honorable Spiros Stavros Ferderigos
Family Court, Ninth Judicial Circuit, Seat 5

Commission’s Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission’s investigation, Judge Ferderigos meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Ferderigos was born in 1978. He is 47 years old and a resident of Charleston, South Carolina. Judge Ferderigos 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 2003.

(2) Ethical Fitness:

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

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

Judge Ferderigos 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 Ferderigos testified that he is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Ferderigos to be intelligent and knowledgeable.

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

- (a) I have lectured at the 2011 and 2014 Judges and Attorneys Substance Abuse Seminar as a panelist discussing Drug Court Programs;
- (b) While employed with the Solicitor's Office, I made annual presentations to the local School Resource Officers regarding updates to the criminal law as it relates to school incidents and best practices regarding criminal activity that arise within a school setting;
- (c) I have made presentations in 2017 and 2018 to students at the Charleston Southern University regarding juvenile delinquency matters and the Family Court criminal process.

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

(4) Character:

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

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

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

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Ferderigos was admitted to the South Carolina Bar in 2003.

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

(a) Law Offices of Paul E. Tinkler, Charleston, South Carolina

Civil Litigation, October 2003 to March 2007

Attorney for a civil litigation firm specializing in the field of domestic relations. Other areas of practice included personal injury, medical malpractice and business transactions. Complete autonomy in representing clients in a two lawyer firm.

(b) Solicitor's Office, Ninth Judicial Circuit

Criminal Litigation, March 2007 to June 2020

Assistant Solicitor for the Ninth Judicial Circuit, Family Court Division.

Included complete autonomy in the prosecution of Murder, Armed Robbery, Narcotic and Weapon related charges.

(c) Solicitor's Office, Ninth Judicial Circuit

Special Counsel to the Ninth Judicial Circuit Juvenile Drug Court Program, January 2011 to June 2020

Representative and member of the Ninth Judicial Circuit Juvenile Drug Court Program. Sole Assistant Solicitor assigned to the program and intricately involved in the program's oversight, day to day affairs and recruitment.

(d) Solicitor's Office, Ninth Judicial Circuit

Managing Assistant Solicitor, June 2013 to March 2016

Promoted to Managing Assistant Solicitor in addition to the duties of Special Counsel to the Ninth Judicial Circuit Juvenile Drug Court Program and general duties of an Assistant Solicitor in the Ninth Judicial Circuit. Included administrative supervision and management of two staff members.

(e) Solicitor's Office, Ninth Judicial Circuit

Chief Prosecutor, March 2016 to June 2020

Promoted to Chief Prosecutor for the Ninth Judicial Circuit, Family Court Division. In addition to handling the most complex juvenile delinquency cases in Family Court, the duties of the Chief Prosecutor included complete management of the entire Family Court Division of the Ninth Judicial Circuit, oversight and management of all Family Court Assistant Solicitors and staff, and management of Juvenile Delinquency Dockets with the Family Court. As Chief Prosecutor, I was the acting deputy of the elected Solicitor for all matters regarding the Family Court Division in the Ninth Judicial Circuit.

(f) Family Court, Ninth Judicial Circuit

Family Court Judge, July 2020 to present

Serving as Family Court judge for the State of South Carolina, presiding over all matters within the jurisdiction of Family Court, serving as Chief Administrative Judge for the Ninth Judicial Circuit, and conducting oversight and management of an Administrative Assistant.

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

I am currently serving a term as a Family Court judge for the Ninth Judicial Circuit. I have been serving in this position since July 2020. I was elected by the South Carolina Legislature. The Family Court is a court of limited jurisdiction, and only has jurisdiction over matters specifically delineated to Family Courts through statutory provisions as explicitly set forth in the South Carolina Code of Laws.

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

- (a) Katherine W. Brightwell vs. Seth D. Brightwell, Case No. 2019-DR-10-0076; Final Order filed February 11, 2025;
- (b) Justin McGee vs. Lindsay F. McGee, Appellate Case No. 2023-001376; Proposed Findings dated May 3, 2024 pursuant to the Court of Appeals Certification to the Charleston County Family Court "to supervise additional discovery relating to the Petitioner's motion [Petitioner's motion to suppress communications pursuant to the South Carolina Homeland Security Act] and to issue a report with its proposed findings as to what, if any, of Respondent's actions constituted violations under the Act."
- (c) Guy Edmond Norcott vs. Margaret Lee Norcott, Case No. 2020-DR-10-2035; Final Order and Order Regarding Defendant's Rule to Show Cause filed March 21, 2022;
- (d) Kimberly Moss vs. Howard Christopher Moss, Case No. 2020-DR-10-1354; Contempt Order filed October 28, 2020;
- (e) Brian Poteat vs. Danielle Kerns, Case No. 2021-DR-10-1735; Amended Temporary Order filed January 31, 2024.

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

Judge Ferderigos further reported the following regarding unsuccessful candidacies:

I was selected as a candidate by the Judicial Merit Selection Commission in 2014 and 2015 for the vacancy of Seat # 2 and Seat #3, Charleston County Family Court, respectively. I withdrew my nomination in both instances a few days prior to the vote when it became apparent that my opponent would likely secure sufficient votes to win the nomination. I chose to withdraw from the contest and seek nomination to the next vacant Charleston County Family Court seat.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications found Judge Ferderigos 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, "Passionate, dedicated, and strives to do the right thing. Great judge."

Judge Ferderigos is married to Laura Williams Ferderigos. He has three children.

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

Charleston County Bar Association.

Judge Ferderigos provided that he was not a member of any civic, charitable, educational, social, or fraternal organizations:

Judge Ferderigos further reported:

It has been my absolute honor to serve as a Family Court judge over the past five years. Every morning that I put on my judicial robe before the court day begins, I am very mindful of what it was like to be an attorney appearing before a judge; as well as the importance that each hearing has on litigants appearing before me. I do my best every day to treat everyone that enters the courtroom the way I would like to be treated if I were appearing before a judge. If I am blessed to be re-elected to another term as a Family Court judge, I will continue to be cognizant of the importance of my role, how my decisions effect everyone that enters the courtroom, and the importance of issuing rulings that are supported by the law.

(11) Commission Members' Comments:

Three affidavits were filed against Judge Federigos by Lee Charlton Walker, and Mr. Walker's parents, Helen and James Walker. All three complainants provided oral testimony before the Commission. The Commission thoroughly reviewed the affidavits,

with the accompanying documents provided by the complainants and received oral testimony in response from Judge Federigos as well as the Judge's written response to the complaints. After careful consideration of the testimonies and documents provided, the Commission does not find a failing on the part of Judge Federigos in the nine evaluative criteria.

The Commission commented that Judge Federigos has a great reputation for being knowledgeable of the law and family court rules and procedure. The Commission also commented that the Judge brings great enthusiasm to the Family Court bench.

(12) Conclusion:

The Commission found Judge Ferderigos qualified, and nominated him for reelection to Family Court, Ninth Judicial Circuit, Seat 5.

Marissa K. Jacobson
Family Court, Ninth Judicial Circuit, Seat 7

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than six persons apply to fill a vacancy or if the Commission concludes that there are fewer than six candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than six names.

For the vacancy for Family Court, Ninth Judicial Circuit, Seat 7, five candidates applied for this vacancy, two candidates withdrew before the public hearing, and two candidates were found not qualified. Accordingly, the name of one candidate is hereby submitted in this report as qualified and nominated.

(1) Constitutional Qualifications:

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

Ms. Jacobson was born in 1979. She is 46 years old and a resident of Charleston, South Carolina. Ms. Jacobson provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2005.

(2) Ethical Fitness:

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

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

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

Ms. Jacobson testified she has not:

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

Ms. Jacobson testified that she is aware of the Commission's rule and S.C. Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Jacobson to be intelligent and knowledgeable.

Ms. Jacobson reported that she has taught the following law-related courses:

- (a) I was asked to speak at an abuse and neglect continuing legal education program sponsored by the Charleston County Bar. I lectured on representing parents who have been accused of abuse and neglect. The lecture included: statutory time frames, representation of indigents, the goal of reunifying parents with their children, local resources available for rehabilitation for parents involved in child welfare cases and the different burdens of proof in child protective service cases, ie: merits vs. termination of parental rights.
- (b) In October 2019, the Children's Law Center in conjunction with the Commission on Indigent Defense offered a joint CLE with attorneys and other professionals who practice in child welfare law. I was asked to present case law updates and best practices.
- (c) In June 2025, the Commission on Indigent Defense asked me to speak on best practices for attorneys who work in child welfare. The presentation touched on ethical issues, motion practice and evidentiary issues that come up in child welfare cases.

Ms. Jacobson reported that she has not published any books or articles.

(4) Character:

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

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

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

(5) Reputation:

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

Ms. Jacobson reported that she has not served in the military.

Ms. Jacobson reported that she has never held public office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Ms. Jacobson was admitted to the South Carolina Bar in 2005. She took the SC Bar Exam two times.

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

(a) Charleston County Public Defender's Office, Law Clerk, June 2004-November 2004

(b) Law Office of Raymond W. Smith, Law Clerk, November 2004- May 2005

(c) Law Office of Marissa K. Jacobson, Sole Practitioner, June 2005-present

- a. The general character of my practice has been primarily family court work, including, but not limited to, divorce and equitable division, custody, child support, adoption actions, legal name-changes, termination of parental rights, guardian *ad litem* service, juvenile defense and abuse and neglect defense.
- b. 2005-2010, I did limited probate work, acting as a court appointed visitor to represent individuals named in conservatorship and guardianship actions. I was also appointed by the Probate Court in Charleston and Berkeley Counties, approximately on a monthly basis to represent individuals named in commitment proceedings.
- c. 2010-2012, I did limited contract work for the South Carolina Foreclosure Task Force, assisting and counseling, (not legally representing), members of the public who were facing mortgage foreclosure due to the shift in the real estate market around that time. I would assist members of the public by reviewing their budgets, helping them revise their budgets and acting as an intermediary between the mortgage lenders and the lendees.
- d. 2013-Present, In addition to my private practice, I have been awarded a 608 contract from the Commission of Indigent Defense in Charleston, Berkeley, Dorchester and Georgetown County, handling various family court matters, including, but not limited to, adult protective placement, abuse and neglect defense, Guardian ad litem for vulnerable adults, counsel for vulnerable adults, guardian ad litem for minor children, counsel for minor children,

termination of parental rights matters, adoption proceedings, guardian ad litem for incarcerated defendants and filing of appeals.

- e. 2013-2019, I have worked as a Private Attorney Involvement (PAI) Contract Attorney for the South Carolina Center for Legal Services in Charleston, Berkeley, and Dorchester County. I handle child support modifications, fault-based divorces, guardianship actions, custody and change of custody actions and establishment of paternity actions.
- f. 2016-2018, I served as a guardian ad litem on mortgage foreclosure actions.
- g. I became a certified family court mediator in 2021. Since that time, mediation has become a regular part of my law practice. I've mediated cases involving: equitable distribution, alimony, child support, personal property, custody and visitation.
- h. Since 2005, I have been primarily the person responsible for administrative and financial management of my law practice, including management of trust accounts.

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

I have had twenty years of extensive family court experience in the areas of divorce and equitable division of property, child custody, adoption, abuse and neglect and juvenile justice.

I have handled complex and highly litigated divorce matters involving equitable division for marital estates that include: highly valued real property, personal property, business dissolutions, business interests, and trusts that require the involvement of forensic financial analysts.

I have handled divorces where the marital estate is limited to personal property and/or no marital estate exists at all.

I have handled actions for the establishment of paternity and visitation, both when custody is contested and custody is uncontested. I have handled change of custody actions, as well. I have represented either the Plaintiff or the Defendant in many custody matters. I have served as a court appointed guardian ad litem in both custody and change of custody matters. Many of the custody matters that I have handled have required the use of a qualified expert such as forensic psychologists.

I have represented the Plaintiff in adoption actions, represented the Defendant in adoption actions and served as a guardian ad litem in adoption actions. Additionally, I have represented the Plaintiff in termination of parental rights actions, represented the Defendant in termination of parental rights action and served as a guardian ad litem in different capacities in parental rights actions. I have prepared and assisted with relinquishments of parental rights, as well.

I have represented Defendants in abuse and neglect matters all over the state. I have been awarded contracts by the Commission of Indigent Defense in Charleston, Berkeley, Dorchester and Georgetown Counties to represent parents and persons acting as caretakers for minor children accused of abusing and neglecting minor children.

I have been retained to represent clients accused of abusing and neglecting their children. I have been hired to represent clients in the investigation phase of abuse and neglect matters based on reports made to the Department of Social Services.

I have served as a guardian ad litem in abuse and neglect matters for: children, vulnerable adults, incarcerated defendants, mentally incompetent defendants. I have also served as counsel for children and vulnerable adults.

I have been retained to represent minor children accused of committing crimes. I have served as a guardian ad litem for minor children accused of committing crimes.

I am familiar with and have had to argue issues involving the Uniform Child Custody Jurisdiction and Enforcement Act and Indian Child Welfare Act, in both private cases and indigent defense cases.

I volunteer with the Safe Babies Program that is scheduled to be piloted this fall in Dorchester County Family Court. The Safe Babies program focuses on prevention and intervention services. The goal of the program is to keep families in tact, particularly with small children, if possible. Child developmental research shows removing children, particularly at a young age, results in trauma for both the parents and the children.

Over the past five years, when court is in session, I have appeared between two to three days a week in Family Court. It is not uncommon for me to have two court appearances in one day in different counties. Further, I regularly may appear in a county and represent anywhere from one to five clients on a specific docket, requiring a great deal of preparation and organization.

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

- (a) Federal: none;
- (b) State: On average, multiple times a week.

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

- (a) Civil: n/a;
- (b) Criminal: 10%;
- (c) Domestic: 90%;
- (d) Other: n/a

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

- (a) Percentage of practice, including cases that settled prior to trial: 100%;
- (b) Number of cases that went to trial and resulted in a verdict: n/a.
- (c) Number of cases that went to trial and resolved after the plaintiff's or State's case: n/a.
- (d) Number of cases settled after jury selection but prior to opening statements: n/a.

Ms. Jacobson provided that during the past five years she most often served as sole counsel³.

The following is Ms. Jacobson's account of her five most significant litigated matters:

- (a) [REDACTED] was significant to me because of its complexity. This case had multiple aspects of family law. I represented, a Father who had been arrested for murdering his wife, while his two daughters were in the house. The case involved: child welfare, termination of parental rights, adoption, pending criminal charges, a custody dispute between maternal Aunt, maternal Uncle and paternal grandmother, and child pornography allegations. Due to the contentious parties' behavior toward the guardian *ad litem*, she was required to hire an attorney for herself. An attorney guardian ad litem hiring representation during family court litigation is rare. A specific judge was assigned the entire matter because of its complex status. Prior to trial, the case was litigated for nearly two years. The parties reached an agreement after two days of trial.

UPDATE: Several years later, the maternal Uncle that was granted custody over my client's objection ended up being arrested on a half-dozen child pornography charges after investigators reportedly found him in possession of hundreds of videos and photos depicting the sexual exploitation of minors. [REDACTED] was found in possession of hundreds of files of child pornography, and also reportedly uploaded some of the files to sharing sites on the internet.

- (b) [REDACTED] was significant to me because it was a complex custody matter. The litigation spanned over a five-year period. The opposing party filed an unusual amount of motions, many of them frivolous. The parties agreed to mediate and arbitrate the case. The arbitration award was favorable to my client and granted him the legal custodial "power" over educational decision making and medical decision making. These two issues were hotly contested throughout the course of the litigation. Parental alienation was also a concern for the minor child subject to the action. A parental alienation expert was used and found that the child was being alienated by the opposing party. That factor was a significant concern for the Guardian *ad litem* in the case.

UPDATE: The minor child subject to the action is now a teenager. A new litigation was filed, and the parties are back in family court.

- (c) [REDACTED] was significant because it had a criminal domestic violence element (physical cruelty- fault based ground for divorce), but the alleged perpetrator was Mother/Wife and the alleged victim was a Father/Husband. Mother/Wife ended up with custody, while Father/Husband received very minimal visitation with the young minor children on a temporary basis. One of the minor children was an infant and Father was granted several hours a week for visitation. The case made me question if the gender roles were reversed would the Court have looked at the case the same way. It seemed that the Court took a tender years doctrine approach when making its decision on a temporary basis. Multiple experts were retained during the case, including therapists, custodial experts and an expert on domestic violence. Additionally, prior to the parties' separation, both parents by their own

³ Parties names have been redacted due to the cases being sealed and/or involving minor children or assets that should not be published due to the sensitive nature of such information

admission shared their parenting responsibilities on a 50/50 basis. The case was ultimately settled with an approximate 70/30 split on parenting times, mother receiving 70% of the time with the children and father receiving 30% of the time.

UPDATE: Approximately a year after this case was settled, a DSS report was made against my client for sexually abusing his children. Unfortunately, this tactic is often used by litigants as a way to modify custody/visitation. The case was unfounded.

- (d) [REDACTED] was a foster care parent adoption case. This case is sealed because it involves abuse and neglect issues and an adoption of two minor children. This case involved custody, sibling visitation, termination of parental rights and adoption. This was a unique case because the foster parents and the biological parents were residing in close proximity to one another (down the street). Prior to the children being removed by DSS from their biological parents an option was given for the parents to identify alternate placements. My clients children often played with two of the children that were subject to the abuse/neglect case. These neighbors became official foster parents and then they had the children for approximately 2.5/3 years, until they chose to file a termination of parental rights/adoption action. The foster parents recognized that though the biological parents were not going to rehabilitate themselves and remain stable, they also realized that the biological parents and children still maintained a bond. The biological parents ultimately relinquished their parental rights and the children were adopted by their former foster parents. The parties continue to reside on the same street. My clients allow supervised contact between the children that they adopted and their biological parents. They believed that it was what was best for the children. This case is not typical, but stands out because of the foster parent's selflessness, maturity and always acting in the children's best interest despite their own desires.
- (e) [REDACTED] Prior to the commencement of the litigation both parents had equal parenting time, essentially week on/week off, from their prior divorce action. Mother's new husband was active duty military and was ordered to live in a new location. A change of custody based on relocation petition was filed. I served as the Guardian *ad litem* for the minor children. The fitness of both parents became an issue in this case. There were allegations of physical abuse, sexual abuse and domestic violence. These allegations all arose following the filing of the lawsuit. Another issue in this case is that one of the young minor children was transgender. Relocation cases are challenging in family court, however the parties ultimately settled with one parent receiving the majority of the parenting time, while the other parent agreed to have extended holiday visitation and increased summertime visitation.

The following is Ms. Jacobson's account of two civil appeals she has personally handled:

- (a) South Carolina Department of Social Services vs. Pompey, Appeal from Dorchester County, Filed October 2, 2015, Unpublished Opinion No. 2015-UP-475, Appellate case No. 2015-000661

- (b) South Carolina Department of Social Services vs. Monique Jenkins, Appeal from Dorchester County, Filed January 31, 2019, Unpublished Opinion No. 2019-UP-051, Appellate case no.: 2018-000291

Ms. Jacobson reported that she has not personally handled any criminal appeals.

Ms. Jacobson further reported the following regarding unsuccessful candidacies: Family Court Judge, Seat 5, 2019. I was found qualified and was nominated by the JMSC.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Lowcountry Citizens Committee reported that Ms. Jacobson is "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, "Very good experience, reasonable, fair, understanding, has worked all sides of family court, affable, well qualified, caring."

Ms. Jacobson is married to Jack A. Landis. She has two children.

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

- (a) Charleston County Bar
- (b) Berkeley County Bar
- (c) Dorchester County Bar
- (d) South Carolina Bar
- (e) Women in Law
- (f) Children's Law Committee
- (g) SC Bar Wellness Committee
- (h) Charleston County Bar Wellness Committee
- (i) Family Law Section
- (j) Law Related Education

Ms. Jacobson provided that she was not a member of any civic, charitable, educational, social, or fraternal organization.

Ms. Jacobson further reported:

There is little that I can add that has not already been covered by this Questionnaire, however, I believe that for the past twenty years of practice as a family court practitioner and for the past four years as a family court mediator, I have had the opportunity to encounter nearly every aspect of family law. I have been fortunate to represent clients from all walks of life, giving me a well-rounded view and respect for the for the many different types of people whom I have encountered and the personal struggles that they may have had. I treat my fellow colleagues with respect, a pleasant attitude and

understanding. We all have a significant job to do as family court attorneys. One can advocate in a zealous manner, but continue to be respectful, kind and civil to opposing counsel and/or opposing parties. Also, having been through a divorce and being a parent of two daughters with divorced parents, I understand the challenges that litigants may experience when doing the same. My personal experience would only lend itself to more compassion, patience and understanding for them.

(11) Commission Members' Comments:

The Commission commented that Ms. Jacobson received laudatory comments in the BallotBox and noted her writing samples were well written.

(12) Conclusion:

The Commission found Ms. Jacobson qualified, and nominated her for election to Family Court, Ninth Judicial Circuit, Seat 7.

Elnora Jones Dean
Family Court, Eleventh Judicial Circuit, Seat 4

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than six persons apply to fill a vacancy or if the Commission concludes that there are fewer than six candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than six names.

For the vacancy for Family Court, Eleventh Judicial Circuit, Seat 4, two candidates applied for this vacancy. Accordingly, the names and qualifications of two candidates are hereby submitted in this report.

(1) Constitutional Qualifications:

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

Ms. Dean was born in 1970. She is 45 years old and a resident of Columbia, South Carolina. Ms. Dean 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 Ms. Dean.

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

Ms. Dean testified she has not:

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

Ms. Dean testified that she is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Dean to be intelligent and knowledgeable.

Ms. Dean reported that she has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

Ms. Dean reported that she has not published any books or articles.

(4) Character:

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

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

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

(5) Reputation:

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

Ms. Dean reported that she has not served in the military.

Ms. Dean reported that she has never held public office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Ms. Dean was admitted to the South Carolina Bar in 1997.

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

- (a) SC Administrative Law Judge Division, Administrative Assistant, Columbia, SC – February 1996 – April 1997;
- Assisted Judge Alison Lee with administrative matters needed to maintain her court docket.
 - Performed legal research, answered telephones, drafted documents and addressed public inquiries.
 - Drafted documents regarding state regulations and statutes.
- (b) Richland County Public Defender's Office, Assistant Public Defender, Columbia, SC April 1997 – April 1999
- Represented indigent juveniles charged with state criminal offenses.
 - Conducted criminal trials.
 - Negotiated plea bargains.
- (c) Eleventh Circuit Solicitor's Office, Assistant Solicitor, Lexington, SC – April 1999 – April 2000
- Prosecuted criminal cases against juvenile defendants in Edgefield, McCormick and Saluda Counties.
 - Negotiated final dispositions for defendants.
 - Assisted with criminal prosecution of adult defendants.
 - Conducted trials.
- (d) SC Department of Juvenile Justice, Family Relations Manager, Columbia, SC – April 2000 - Nov. 2001
- Served as a mediator between the agency and the parents/families of the children who received services.
 - Developed policies and procedures to address parent concerns and complaints.
 - Managed a staff of 5 coordinators/advocates in the Juvenile & Family Relations Division
- (e) Law Office of Elnora J. Dean, P.A., Attorney, Columbia, SC – Nov. 2001 - Present
- Represents clients primarily in the areas of domestic and criminal law in state and federal courts.
 - Drafts memoranda, briefs, motions and pleadings, manages law practice and supervises staff.
 - Provides consultation to clients and prospective clients
 - Handle all money matters
- (f) Sistercare, Inc., Family Court Attorney, Cayce, SC – March 2017 – present
- Represents victims of domestic abuse in order of protection cases
 - Represents client in divorce actions
 - Trains staff on domestic abuse laws, client management and court procedures

Ms. Dean further reported regarding her experience with the Family Court practice area: Divorce and equitable division of property – I have represented client in divorce case involving equitable distribution of property for more than 20 years. I am in family court multiple times each week. Most of my divorce cases involved equitable division of property. I have experience representing clients in all aspects of marital litigation

from the initial separation to the final divorce hearing. These experiences have prepared me to preside over such matters as a Family Court judge.

Child Custody – I have represented many clients in custody disputes for more than 20 years. I have also served as a Guardian ad litem for minor children in custody cases for several years. I appear in Family Court multiple times per week. These experiences have prepared me to preside over custody cases as a Family Court judge.

Adoption – I have represented many clients in contested and non-contested adoptions. My experience in adoption cases has prepared me to preside over adoption cases as a Family Court judge.

Abuse and neglect – I have represented many clients who were accused of abuse and/or neglect of a child. These experiences have prepared me to preside over abuse and neglect cases as a Family Court judge.

Juvenile cases – I represented juveniles exclusively for 2 years while working for Richland County Public Defender's Office. At the Eleventh Circuit Solicitor's Office, I prosecuted juveniles for one year. I have represented juveniles throughout my time in private practice. These experiences have prepared me to preside over juvenile cases as a Family Court judge.

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

- (a) Federal: none;
- (b) State: 3-4 days each week

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

- (a) Civil: 5%;
- (b) Criminal: 25%;
- (c) Domestic: 70%;
- (d) Other:

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

- (a) Percentage of practice, including cases that settled prior to trial: 98%;
- (b) Number of cases that went to trial and resulted in a verdict: 5-7.
- (c) Number of cases that went to trial and resolved after the plaintiff's or State's case: N/A
- (d) Number of cases settled after jury selection but prior to opening statements: N/A

Ms. Dean provided that during the past five years she most often served as sole counsel.

The following is Ms. Dean's account of her five most significant litigated matters:

- (a) Mansoor Watson v. Tyneshia Brooks, 2019-DR-40-4051 – This was a contested modification of custody case. I represented the Plaintiff- Father. This was the

second action I filed on his behalf for custody of the parties' minor daughter. Our complaint alleged parental alienation. At a supplemental temporary hearing, Father was granted primary custody of the minor child. Prior to delivering the minor child to Father, Mother left the State of South Carolina with the child and evaded law enforcement and the courts for more than two months. The U.S. Marshals were able to recover the minor child in the State of Georgia and Mother was arrested. After a contested merits hearing, Father was granted sole custody of the minor child. This case was significant because Father had been fighting for visitation and/or custody of the minor child for more than 10 years. This case made the national news and was featured on Netflix.

- (b) Susan F. Stokes v. Lerohn A. Stokes v. Larry Moses Jackson, et al., 2011-DR-40-3551 – This was a contested adoption case. I represented the Plaintiff-Mother and her husband. The Defendant was the biological father of the minor child. The presiding judge ruled in favor of Mother. This case was significant for me for a couple of reasons. One, it was my first contested adoption case. Also, this case involved a non-custodial parent who was visiting, however the visitation was sporadic and who had provided financial support for most of the child's life and stopped providing after Mother got married. Father's parental rights were terminated.
- (c) SCDSS v. Albert Waklaski, et al., 2012-DR-40-3398– This was a merits case where I represented the Defendant. SC Department of Social Services (SCDSS) filed an abuse case against him. SCDSS alleged that the Defendant sexually assaulted his stepchild who he had recently adopted. The presiding judge ruled in my client's favor after the contested trial. This case was significant because the Defendant was a 25-year Army service member and the ruling in the family court case would impact his military career. He also had criminal charges pending for Criminal Sexual Conduct Towards a Child in General Sessions Court and the Family Court ruling would affect the criminal trial. The Defendant's life and career were at stake.
- (d) Tameeka Wallace v. Brandon Tyson, 2018-DR-40-1702 - This was a modification of custody case that began as a 2014 abuse and neglect action with SC Department of Social Services. I represented the Plaintiff-Mother. In the SCDSS case, the Defendant-Father was granted custody of the minor child. Mother was granted supervised visitation with the minor child once per month in the State of Louisiana where the Father resided. In this case, we sought to modify custody and visitation based upon a change in circumstances. Mother was granted custody of the minor child and Father was granted a standard visitation schedule. This case was significant because I fought with Mother to help her obtain a fair and equitable result for four years. It is also significant because I have never seen a parent with very minimal finances fight so hard and follow every provision of multiple court orders so she could ultimately be awarded custody of a child.
- (e) In the Interest of Cleo Bates, 2011-JU-40-0552 – I represented the Defendant in the juvenile criminal matter. He was charged with Strong Arm Robbery. He was found guilty after a trial in Family Court. This case was significant because this was the first Family Court trial I had where my client was adjudicated under the

“hand of one, hand of all” doctrine. It was also one of the first trials where I felt that I would have gotten a different verdict if he had a jury trial.

Ms. Dean reported she has not personally handled any civil or criminal appeals.

(9) Judicial Temperament:

The Commission believes that Ms. Dean’s temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Ms. Dean 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. In a related comment, the committee noted, “She has done it all in the family court arena. Impressed with her experience and knowledge of family court matters.”

Ms. Dean is not married. She has two children.

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

- (a) South Carolina Bar Association; House of Delegates member from 2020-2024
- (b) South Carolina Black Lawyers Association; annual conference committee member 2022-2023)
- (c) Lexington County Bar Association
- (d) Richland County Bar Association
- (e) South Carolina Association for Justice

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

- (a) Brookland Baptist Church
- (b) Brookland Federal Credit Union Board of Directors

Ms. Dean further reported:

I have been practicing law for more than 28 years. Most of my practicing experience has been in Family Courts. I have been civil in my interactions with clients, attorneys, judges and court personnel. I try to treat all participants the way that I want to be treated. If selected, I plan to be a judge who displays the same demeanor every day as I have done as a practicing attorney and one who seeks to be fair, just and equitable in all decisions. All of the above contribute to the type of judge that I believe I will be.

(11) Commission Members’ Comments:

The Commission commented that Ms. Dean has an excellent reputation in the legal community and many years of diverse practice in adoption, custody, divorce, and juvenile cases in family court.

(12) Conclusion:

The Commission found Ms. Dean qualified and nominated her for election to Family Court, Eleventh Judicial Circuit, Seat 4.

Rebecca West
Family Court, Eleventh Judicial District, Seat 4

Commission's Findings: QUALIFIED, NOMINATED

Pursuant to § 2-19-80(A), if fewer than six persons apply to fill a vacancy or if the Commission concludes that there are fewer than six candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than six names.

For the vacancy for Family Court, Eleventh Judicial Circuit, Seat 4, two candidates applied for this vacancy. Accordingly, the names and qualifications of two candidates are hereby submitted in this report.

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. West meets the qualifications prescribed by law for judicial service as a family court judge.

Ms. West was born in 1975. She is 50 years old and a resident of Lexington, South Carolina. She 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 2000.

(2) Ethical Fitness:

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

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

Ms. West reported that she has made campaign expenditures totaling \$1,136.42 on postage, nametags, photography, printing, cards, and envelopes.

Ms. West testified she has not:

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

Ms. West testified that she is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. West to be intelligent and knowledgeable.

Ms. West reported that she has taught the following law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs as follows:

- (a) I collaborated with a Certified Public Accountant to write the materials and present the October 28, 2023, South Carolina Bar CLE program Family Law Intensive: Assets and Alimony and the April 22, 2022, All About Alimony: An Intensive Workshop. In these programs, we discussed how income-generating assets can impact alimony and we offered advice for how to identify these issues in practice.
- (b) On January 29, 2021, I wrote the materials and presented the case law update for the South Carolina Bar CLE program In the Best Interest of the Child: 2021 Annual Guardian ad Litem Training and Update.
- (c) On December 6, 2019, December 4, 2020, and December 1, 2023, I wrote materials and presented at Advanced Family Law Topics for the Bench and Bar, a South Carolina Bar CLE program. In 2019, I taught about forensic evaluations often used in family law litigation such as parenting evaluations, custody evaluations and psychological evaluations. In 2020, I taught special equity, a concept many practitioners misunderstand and find confusing. In 2023, I offered guidance on how to write an effective order.
- (d) On June 27, 2014, June 26, 2015, and August 11, 2017, I wrote materials and presented on trial preparation for Family Law Essentials, a South Carolina Bar CLE program.
- (e) I wrote materials and presented on the topic of grandparent visitation at the September 16, 2011, South Carolina Bar CLE Hot Tips for the Coolest Domestic Law Practitioners.

Ms. West reported that she has published the following:

- (a) CLE materials I prepared in 2014 were used in Chapter 13 of Family Law Essentials: A Primer for Private Practice Before the Family Court in South Carolina (South Carolina Bar CLE Division 2018); and
- (b) In 1997, the University of Texas at Austin published my senior thesis titled The South Carolina Workers' Compensation Commission: Legal and Historical Analysis.

(4) Character:

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

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

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

(5) Reputation:

Ms. West reported that she has been rated by legal rating organizations as follows:

- (a) I was selected to South Carolina Super Lawyers in 2019, 2020, 2021, 2024, and 2025.
- (b) I was selected to South Carolina Legal Elite in 2020, 2021, 2022, 2023, 2024, and 2025.

Ms. West reported that she has not served in the military.

Ms. West reported that she has never held public office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Ms. West was admitted to the South Carolina Bar in 2000.

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

(a) Oswald Law Firm, LLC

West Columbia, South Carolina,
November 2000-May 2004.

I worked as a law clerk for this general practice firm during my final year of law school and joined the firm as an associate/employee after graduation. I represented clients in personal injury actions, workers' compensation claims, Family Court actions, Probate Court and Federal Bankruptcy Court. I was sole trial counsel in many cases in the South Carolina Court of Common Pleas, Magistrate's Courts and Family Court. I also regularly represented claimants before the South Carolina Workers' Compensation Commission. I was not involved with the administrative or financial management of this firm.

(b) Masella Law Firm, P.A.

Columbia, South Carolina
June 2004-June 2009.

I was initially hired as an associate and became a partner in the firm in approximately 2008. Upon joining the firm, I immediately focused my practice on family law and transitioned away from civil litigation, workers' compensation and bankruptcy. I ended my association with the firm upon receiving an offer to practice family law in

Lexington, South Carolina. I was not involved with the administrative or financial management of this firm.

(c) Law Office of Richard Breibart, LLC

Lexington, South Carolina

July 1, 2009-May 31, 2012.

I practiced solely in the Family Court during my time with the firm. In addition to my family law litigation practice, I began representing clients in appeals from the Family Court. I worked with as many as three family law attorneys and three staff members during my employment with the firm. I resigned my position immediately upon learning of Mr. Breibart's criminal activities. The firm dissolved upon Mr. Breibart's suspension from the practice on June 1, 2012. I was an employee attorney and I was never involved with the administrative or financial management of this firm.

(d) Rebecca West, Attorney at Law, P.A.

Lexington, South Carolina

Formed May 31, 2012; Dissolved April 5, 2013.

I formed this entity immediately upon resigning from the Breibart firm. I practiced for approximately one week under this firm name. I stopped practicing under this firm name upon forming my current firm, Harling & West, LLC. I was the sole administrative and financial manager of this firm and I managed and oversaw the trust account.

(e) Harling & West, LLC

Lexington, South Carolina

June 7, 2012-present.

My practice is dedicated solely to family law litigation, appeals and mediation. In 2024, I began increasing my family law mediation practice and I currently mediate approximately ten cases each month. My partner is Jonathan Harling. I have always been the administrative and financial manager of our firm and I manage and oversee the family law trust account.

Ms. West further reported regarding her experience in the Family Court practice area:

I have practiced solely in the Family Court for more than twenty years and I have been a certified Family Court mediator for nearly twenty years. I currently appear in Family Court three to five times each month and I mediate approximately ten family law cases each month, on average. I regularly represent clients in Family Court motion hearings. In the past five years, I have served as sole trial counsel in numerous Family Court merits hearings, several of which have lasted between four and nine days. In addition to my family law litigation and mediation practice, I regularly serve alongside trial counsel to handle post-trial proceedings and/or appeals taken from the Family Court. Since beginning my career, I maintain at least one pro bono client at all times.

I have represented clients in divorce actions that involve fault-based grounds and no-fault grounds. Divorce and/or separate maintenance are typically alleged in cases I handle. I have proven and defended allegations of adultery, habitual drunkenness and physical cruelty.

The majority of cases I handle involve equitable division. I have litigated and mediated cases involving marital estates with a wide range of size and complexity. Most of my litigation clients have average to high average net worth, but I have also represented clients and mediated matters for individuals with modest or low net worth. I have extensive experience identifying, valuing and allocating retirement and investment accounts, real estate and businesses. I have extensive experience working with consulting experts and trial experts such as Certified Public Accountants, Certified Valuation Analysts and real estate and personal property appraisers.

I have represented fathers, mothers, grandparents and non-relatives in contested child custody and visitation matters. My cases regularly involve a guardian ad litem and many of the cases I litigate and mediate involve therapists and psychological experts. I have represented clients in initial custody determinations and custody modification actions. I have handled routine and complex child support cases.

I have a mastery of the Uniform Child Custody Jurisdiction Enforcement Act and the enforcement and modification of out of state custody orders. I have successfully registered, enforced and modified orders from other states. I have served as South Carolina counsel in cases where an out-of-state resident sought dismissal of a custody action brought in our state.

My experience in abuse and neglect cases includes representing clients from the earliest stages of the Department's investigation through merits hearings on the finding of abuse or neglect. I have also represented clients in permanency planning hearings and judicial review hearings. I have intervened in Department cases on behalf of parents and non-parents, negotiated treatment plans on behalf of clients and helped clients navigate the social services system during an open case. I have represented clients before the foster care review board.

On several occasions, I have been appointed to serve as guardian ad litem in private custody cases. In that role, I conducted an investigation and reported my findings to the parties and the Family Court. I have also defended guardians ad litem in motions filed by a litigant seeking the guardian's removal and, on one occasion, I defended a guardian ad litem in a Family Court action filed by a parent.

I have been involved in several termination of parental rights matters, both in private actions and in the context of a Department of Social Services abuse and neglect case. I have limited experience in adoption cases, but I am familiar with the law in this area and I stay current on the appellate decisions related to adoption. I have not represented juvenile defendants in Family Court, though I have observed juvenile court proceedings.

Ms. West reported the frequency of her court appearances as follows:

- (a) federal: I have not appeared in federal court in the past five years.
- (b) state: I typically appear in Family Court five times each month.

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

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

Ms. West reported the following regarding the percentage of her practice in trial court during the past five years:

In the past five years, approximately 75% of my practice has been in trial court. Approximately six of my cases went to a trial resulting in a verdict. This is an unusually low number due to the Covid-19 court closures. None of the cases I tried resolved after the plaintiff rested. I do not practice before a jury.

Ms. West provided that she serves as sole counsel in nearly all her cases.

The following is Ms. West's account of her five most significant litigated matters:

- (a) McComb v. Conard, 394 S.C.416, 715 S.E.2d 662 (Ct.App. 2011)

I was sole trial counsel for an un-wed mother who sought to relocate to Florida with her child over the father's objection. Both parents were college students when they had their daughter. They shared in parenting their child, but they chose not to marry. Father eventually moved to Charlotte for work but maintained a home in Columbia. Neither party filed for custody until Mother indicated that she wanted to move to Florida upon graduation from the University of South Carolina. Mother prevailed at trial and was permitted to relocate to Florida with the child. The South Carolina Court of Appeals upheld the Family Court's award of joint custody and permission for my client to relocate with the child. This was one of the first cases where the appellate court applied the Latimer relocation factors to an initial custody determination. Father benefitted from a trust valued in excess of \$1,000,000.00. This case was significant for me for several reasons. The parties had a substantial income disparity and I had to build the case using only my client's modest resources. This case involved a psychological expert, extensive discovery, an experienced opposing attorney and a multi-day trial.

- (b) Sanderson v. Sanderson, 391 S.C. 249, 705 S.E.2d 65 (Ct.App. 2010)

I was appellate counsel for Mr. Sanderson. I was not involved in the trial of the underlying case. Mr. Sanderson lost his job during the divorce litigation due to a company-wide reduction-in-force. The trial court imputed substantial income to Mr. Sanderson and set alimony and child support based on the imputed wage. I successfully challenged the amount of the imputed wage. The South Carolina Court of Appeals reversed and remanded the case to the Family Court. I continued my representation of Mr. Sanderson on remand and I was successful in reducing the annual income imputed to my client from \$64,000.00 to \$15,072.00. I did not have the advantage of having tried the divorce case and several issues had not been preserved for appeal by trial counsel. This case was significant because, despite the significant limitations of the record, I was able to obtain substantial financial relief for my client.

(c) Lexington County Case

I represented Wife in a highly contested divorce that involved a fault ground of divorce, an initial custody determination, my client's request to relocate with the child to her home state of California and the marital/nonmarital character of certain assets and debt. I was sole trial counsel for Wife. Discovery was extensive and I took more than twelve depositions of lay and expert witnesses. A guardian ad litem conducted an extensive investigation. After a four-day trial where seventeen witnesses testified, three of whom were experts, I succeeded in achieving my client's goal of obtaining sole custody and relocating to California where her extended family lived. I also prevailed on the property issues and my client received a substantial fee award. I successfully defended Husband's motion for reconsideration. This case is significant because of the volume of discovery involved and the wide range of issues I successfully litigated on behalf of my client.

(d) Richland County Case

I represented Husband in a divorce action. This was a second marriage for both parties and each of them owned substantial assets prior to marrying one another. My client had the burden of proving the nonmarital character of assets he owned. Six years prior to marrying Wife, my client's company merged with a national company. In consideration for his interest in the merged company, my client received stock in the surviving company and agreed to work for the surviving company as a salaried shareholder/employee. Ten years into the marriage the company exercised the first of two calls of my client's shares. The company paid my client a substantial lump sum and signed a note to pay him the balance of the purchase price, plus interest, in annual installments. My client eventually invested the majority of these proceeds in several accounts. This case settled in mediation and my client retained all of his investment accounts, along with a supplemental retirement plan he received in consideration for a noncompetition agreement and his interest in a commercial property acquired just before the parties married. Without assistance from a consulting expert, I waded through thousands of pages of company documents, contracts, business records, bank records and tax records to track my client's shares and sale proceeds from the merger through to the investment account where he ultimately deposited the money. My attention to detail and ability to clearly explain a series of complex transactions convinced opposing counsel of the strength of my client's position and resulted in my client retaining over two million dollars of his nonmarital assets. The case tested my knowledge of the law, my ability to synthesize a large volume of information and my ability to persuade opposing counsel of the strength of my client's position.

(e) Newberry County Case

In this custody modification action, Mother sought sole custody of her two young daughters. The parties vigorously litigated for more than two years before I was retained by Mother. When Mother's first attorney encountered personal obligations that would conflict with trial, we worked together to maintain continuity for the client while I got up to speed and the first attorney transitioned out of the case. In just eight months, I prepared my client's case for a nine-day trial involving serious allegations that Father behaved inappropriately around the children and allegations that Mother alienated the children from Father. Father was represented by two attorneys throughout the litigation and at trial. I prepared for trial and tried the case by myself.

The court-appointed evaluator opined that Mother engaged in alienating behavior and that the children's relationship with Father was at risk as a result. I worked with a consulting expert to learn the weaknesses of the evaluator's methodology. I developed and successfully executed a strategy to discredit the evaluator at trial. The trial court awarded my client sole custody of the children. As sole trial counsel, I presented a case-in-chief of four lay witnesses, three expert witnesses and the guardian ad litem. I cross-examined six lay witnesses, seven expert witnesses and the guardian ad litem. This case is significant because it afforded me an opportunity to learn more about forensic assessment methods and work with and against experts in the field of child custody evaluations. The case was also a physical and mental marathon because of the length of the trial, the gravity of the issues presented and the intensity of my trial preparation.

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

- (a) Bristol v. Lipnevicius, 444 S.C. 373, 906 S.E.2d 618 (Ct.App.2024)
- (b) Carter v. Carter, 443 S.C. 585, 905 S.E.2d 405 (Ct.App.2024)
- (c) Gandy v. Gandy, 422 S.C. 340, 898 S.E.2d 208 (Ct.App.2024)
see also Gandy v. Gandy, Op. No. 28239 (S.C.Sup.Ct. filed November 6, 2024)
(Howard Adv.Sh. No. 43 at 10)
- (d) Montgomery v. Montgomery, Op. No. 2019-MO-027 (S.C.Sup.Ct. filed May 29, 2019)
- (e) Sanderson v. Sanderson, 391 S.C. 249, 705 S.E. 2d 65 (Ct.App. 2010)

Ms. West reported that she has not personally handled any criminal appeals.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Ms. West 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 noted, "She was very impressive and would be a great addition to the judicial system. Knowledgeable in all matters except for the DJJ arena. She is a real advocate for her clients and the family court."

Ms. West is married to Matthew Timothy Page. She has two children.

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

- (a) South Carolina Bar Association (2000-present)
- (b) Fellow, American Academy of Matrimonial Lawyers (2015-present)
- (c) Member, South Carolina Bar Resolution of Fee Disputes Board, Eleventh Judicial Circuit (2015-present)
- (d) South Carolina Bar Continuing Education Committee (2007-2008)

- (e) Lexington County Bar Association (Member 2012-present; President 2014)
- (f) South Carolina Association for Justice (2014-present)
- (g) American Bar Association, Family Law Section (2012-present)
- (h) South Carolina Women Lawyers Association (2012-present)
- (i) South Carolina Bar House of Delegates (Delegate, Eleventh Judicial Circuit 2018).

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

- (a) Mission Lexington Board of Directors (2020-present; Finance Committee 2024-present)
- (b) Lexington County School District One Educational Foundation Board of Directors (2020-present; Governance Committee 2020-present)
- (c) Brookland-Cayce High School Education Foundation (2014-present)
- (d) Ole Miss Alumni Association (2000-present)

Ms. West further reported:

The sudden loss of my mother to injuries sustained in an automobile accident was an event that shaped my temperament and personality. When I was six years old, my father began raising my younger brother and me on his own. We were taught to be independent and to persevere. My father provided us with stability despite the devastation we all experienced. When my father remarried, we formed a new family that proved to be as loving and stable as my first family. I have never considered my mother a “step” mother, but rather my “second” mother. She raised me as her own and modeled for me an exceptional work ethic. She taught me how to have a successful career and simultaneously provide a nurturing home for my children.

Because of these experiences, I developed discipline and a desire to work hard. I learned how to be calm and resilient when faced with difficult circumstances. These qualities have served me well in my law practice and will undoubtedly be an asset to me if I am elected to serve in the judiciary.

(11) Commission Members’ Comments:

The Commission members commented on the overwhelmingly positive responses in Ms. West’s BallotBox surveys regarding her reputation. Additionally, the Commission appreciated her discussion of the importance of listening to all parties in family court and of how her mediation practice has prepared her to be an effective family court judge.

(12) Conclusion:

The Commission found Ms. West qualified, and nominated her for election to Family Court, Eleventh Judicial Circuit, Seat 4.

The Honorable Tarita A. Dunbar
Family Court, Thirteenth Judicial Circuit, Seat 5

Commission’s Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Dunbar was born in 1961. She is 64 years old and a resident of Greenville, South Carolina. Judge Dunbar 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 1990.

(2) Ethical Fitness:

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

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

Judge Dunbar 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 Dunbar testified that she is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Dunbar to be intelligent and knowledgeable.

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

- (a) Lectured on general family law issues at the Greenville Bar annual conference
- (b) Addressed South Carolina Bar on the role of Guardian ad Litem.
- (c) Spoke on various topics in Family Law at a paralegal conference.
- (d) I am scheduled to speak for the Beaufort County Bar in February.
- (e) Addressed fathers enrolled in the Fatherhood Program regarding the importance of fathers and family.
- (f) Shared my insight in the foster care system to a panel of lawyers.
- (g) Panel discussion with members of the Annie Casey Foundation on how to transform our system and practice to best serve families and young people.

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

(4) Character:

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

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

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

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Dunbar was admitted to the South Carolina Bar in 1990.

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

(a) Lawyer in general practice, mainly family law (1990-1991).

(b) Director of Research and Legal Counsel for the South Carolina Senate Corrections and Penology Committee. Conducted legal research, wrote legal memoranda, attended committee meetings, met with different agencies regarding their concerns and related concerns to committee members and staff, and spoke at a number of events on behalf of Senator (1993-1994).

(c) Contract Attorney with SC Labor Licensing and Regulation. Advised Board Members of the statutes and regulations during hearings. Drafted orders for the Board following a hearing. (2002-03).

(d) Attorney with Department of Social Services Child Abuse and Neglect. Litigated cases involving the removal of abused and neglected children, vulnerable adults, permanency planning hearings for the family, termination of parental rights and any other matters relating to the family. Appeared in court in Spartanburg and Cherokee counties four days a week. (2005-06).

(e) Attorney with Department of Social Services Child Support Division. Assisted individuals in establishing and collecting child support, assisted families in resolving their disputes regarding family visitation, and assisted the noncustodial parents

seeking employment. Collaborated with The Fatherhood Coalition about available community resources, employment opportunities and assistance on how best to help the parents have a harmonious relationship with their children. Also, litigated cases involving paternity, modification of child support, and whether to suspend or terminate child support; determined who should rightfully receive child support; and all matters relating directly or indirectly to child support, paternity, and custody. (2006-14).

- (f) Elected to the Family Court Bench Thirteenth Judicial Circuit, Seat 5 on February 5, 2014. Make decisions involving custody, alimony, domestic abuse, youth delinquency, name change, divorce, paternity, child support, disobedience of a court order, bench warrants, abused and neglected children, whether an individual is vulnerable, termination of parental rights, division of marital property, visitation, and adoptions. Draft all orders pertaining to self-represented litigants. Sixty-six thousand two hundred ninety-two (66,292) cases have been heard in Greenville County from January 2015 to June 30, 2025. I attend mostly educational conferences. I have accepted every speaking engagement on which I have been asked to participate. I also participate on committees which promote practices that assist vulnerable families through the legal system.

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

Elected to Family Court Thirteenth Judicial Circuit, Seat 5 on February 5, 2014. Term of Office began July 1, 2014 until present. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court. Thirteenth Judicial Circuit. Family Court has limited jurisdiction.

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

- (a) An Order waiving a minor juvenile charged with Murder, Armed Robbery and Possession of a Weapon during the Commission of a Violent Crime from the jurisdiction of Family Court to the Court of General Sessions. The juvenile subsequently pled guilty in General Sessions and was sentenced to thirty (30) years incarceration.
- (b) Sellers v. Nicholls, Op. No 5754, (S.C. Ct. App.) Filed December 9, 2020
- (c) Hayduk v. Hayduk, Op. No. 5889, (S.C. Ct. App.) Filed May 4, 2022
- (d) South Carolina Dept. of Social Services v. Janella Johnson, Up. Op. No. 2022-UP-386
- (e) South Carolina Dept. of Social Services v. Johnson, Up. Op. No. 2022-Up-387

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

- (9) Judicial Temperament:
The Commission believes that Judge Dunbar's temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualifications found Judge Dunbar 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, “Judge Dunbar’s poise and graciousness is always well received and it is reflected in her courtroom as our investigation revealed. Lawyers and litigants alike are treated fairly and with dignity and respect. She is a credit to the Family Court Bench.”

Judge Dunbar is married to Vernon Fred Dunbar. She has three children.

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

- (a) Greenville Bar Association
- (b) Commission on the Profession
- (c) Served on Bench Bar Committee from 2014 until 2025.
- (d) SC Family American Inn of Court

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

Golden Strip Church of Christ

Judge Dunbar further reported:

First, my experience of not having a relationship with my biological father has made me passionate about the importance of encouraging fathers to be in their children’s lives. Second, my age and experience as a wife of thirty-five (35) years, stay at home mother and later a working mother of three (3) children. Third and most importantly, my experience as a Family Court Judge for over ten (10) years. In sum, these life experiences have taught me to exercise patience, understanding, mercy, and to exert discipline when needed.

(11) Commission Members’ Comments:

One affidavit was filed against Judge Dunbar by Justin Ruzicka. Mr. Ruzicka also provided oral testimony before the Commission. The Commission thoroughly reviewed the affidavit, with the accompanying documents provided by the complainant in addition to information provided in response by Judge Dunbar. After careful consideration of the testimonies and documents provided, the Commission does not find a failing on the part of Judge Dunbar in the nine evaluative criteria.

The Commission commented that Judge Dunbar shows a great deal of compassion and empathy to people who appear before her. Judge Dunbar maintains a respectful courtroom to all litigants as well as courtroom personnel.

(12) Conclusion:

The Commission found Judge Dunbar qualified, and nominated her for reelection to Family Court, Thirteenth Judicial Circuit, Seat 5.

Scarlet Moore

Family Court, Fourteenth Judicial Circuit, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than six persons apply to fill a vacancy or if the Commission concludes that there are fewer than six candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than six names.

For the vacancy for Family Court, Fourteenth Judicial Circuit, Seat 3, two candidates applied for this vacancy. Accordingly, the names of two candidates are hereby submitted in this report as qualified and nominated.

(1) Constitutional Qualifications:

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

Ms. Moore was born in 1968. She is 57 years old and a resident of Greenville, South Carolina. Ms. Moore 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. She was also admitted to the Louisiana Bar in 2001 and to the Massachusetts Bar in 2009.

(2) Ethical Fitness:

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

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

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

Ms. Moore testified she has not:

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

Ms. Moore testified that she Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Moore to be intelligent and knowledgeable.

Ms. Moore reported that she has taught the following law-related courses:

- (a) I taught law courses at Charlotte School of Law from 2011 – 2013. I taught courses related to Civil Rights Litigation, Criminal Law, and Criminal Procedure.
- (b) In 2019, I gave a lecture regarding the definition of “neglect” pursuant to S.C. law at a SCDSS CLE.
- (c) I taught classes at Lander University from 2004 – 2011 in the following particulars: Civil Rights and Civil Liberties, Constitutional Law, Judicial Process, Society and Law, Juvenile Delinquency, Desegregation and the Law, Criminal Justice Systems, and Comparative Criminal Law Systems.
- (d) I taught a CLE family law course at the 2024 SCAJ Convention in Hilton Head Island, S.C. regarding Protecting a Client’s Interests In The Event of an Appeal.
- (e) In 2021, I gave a lecture at a SCDSS CLE titled “Failed Adoptions: The Impact of *DSS v. Wiseman*.”

Ms. Moore reported that she has not published any books or articles.

- (4) Character:
The Commission’s investigation of Ms. Moore did not reveal evidence of any founded grievances or criminal allegations made against her.

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

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

- (5) Reputation:
Ms. Moore reported that she is not rated by any legal rating organization.

Ms. Moore reported that she has not served in the military.

Ms. Moore reported that she has never held public office.

- (6) Physical Health:
Ms. Moore appears to be physically capable of performing the duties of the office she seeks.

- (7) Mental Stability:
Ms. Moore appears to be mentally capable of performing the duties of the office she seeks.

- (8) Experience:
Ms. Moore was admitted to the South Carolina Bar in 2004.

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

1. Tomeny & Fisher (2001) – I clerked for this plaintiff’s personal injury firm following my graduation from law school in May, 2001. I worked there for approximately six (6) months, handling matters related to personal injury lawsuits, such as appearing at depositions, writing memorandums in opposition to summary judgment motions, meeting with clients, and negotiating settlements.
2. Hon. Judge Bonnie Jackson (10/2001 – 07/2002) – I served as a law clerk for Judge Jackson, a criminal court judge in Baton Rouge, LA. My responsibilities were to assist the Judge, conduct research regarding criminal matters, and prepare legal documents on behalf of the Judge.
3. East Baton Rouge Parish Public Defender’s Office (07/2002 – 01/2004) – I served as an Assistant Public Defender, representing criminal clients in District Court – including appearing at arraignments, sanity hearings, plea hearings, sentencing hearings, and motion hearings.
4. Unemployment period (01/2004-09/2004) – I moved to South Carolina from Baton Rouge, LA., and used this time to study for the South Carolina bar exam, and to seek employment.
5. SCDSS (09/2004 – 06/2007) – I served as an in-house attorney representing SCDSS in Family Court in abuse/neglect cases. I appeared in multiple counties during this time – Greenwood, Abbeville, Laurens, Newberry, and Greenville.
6. Lander University (08/2004-08/2011) – I served as an adjunct professor, teaching one (1) course per semester, including Civil Rights and Civil Liberties, Constitutional Law, Judicial Process, and Desegregation and the Law from 2004 – 2007. In 2007, I was hired full-time to teach courses in Criminal Justice Management, and law-based topics in Sociology and Political Science, such as the classes referenced above, and including Comparative Criminal Justice Systems, Criminal Justice Systems, Society and Law, Liability for Police Officers, and Juvenile Delinquency.
7. Scarlet B. Ms. Moore, Attorney at Law (08/2007 – present) -- I opened a private practice in 2007, and am currently still in private practice but have not accepted new retained clients since January, 2024, due to my full-time employment with Laurens County Public Defender – my employer has permitted me to finish my private cases concurrently with my employment as a public defender. In private practice, I performed contract work for SCDSS from 2007 to 2023. My work for SCDSS entailed representing the agency in multiple counties in abuse/neglect matters in trial and appellate courts, including the S.C. Supreme Court. In addition to my DSS contracts, I have handled matters of all description in approximately thirty-seven (37) counties in South Carolina Family Courts – including DJJ actions, divorces, legal separation, custody and visitation actions, name changes, child support matters, alimony actions, contempt matters, termination of parental rights and adoptions, equitable division of marital estates, and a motion to dismiss regarding alleged violation of wiretapping laws. I have been retained by private clients for representation in Family Court, and have taken appointments from S.C. Legal Services for indigent clients seeking representation in Family Court matters. I have also had a contract with the Fourth Circuit Federal Court of Appeals from 2008 to 2024, writing appeals on behalf of indigent federal criminal defendants for the CJA panel. In addition to these practice areas, I have performed contract work through the

- “608” program through the Office of Indigent Defense, on behalf of criminal defendants. Prior to the inception of the 608 contract program, I accepted appointments in criminal courts in Greenville, Spartanburg and Laurens, on behalf of criminal defendants. Lastly, I represented private appellate clients in appeals in the South Carolina Court of Appeals, and the South Carolina Supreme Court. My practice areas have remained consistent since 2007. I have solely handled the financial affairs of my practice, including administration of my trust IOLTA account.
8. Charlotte School of Law (2011-2013) – I served as an adjunct professor teaching criminal law and criminal procedure courses, and civil rights litigation.
 9. Laurens County Public Defender (1/8/24 – Present) – I serve as a Senior Public Defender for Laurens County (as well as other counties in the 8th Circuit including occasionally in Greenwood, Abbeville and Newberry), representing indigent criminal defendants as well as juveniles accused of violation of state and/or municipal ordinances in DJJ matters in Family Court.

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

For nineteen (19) years during my practice, I appeared in a Family Court in the State of South Carolina on at least a weekly basis – sometimes daily, depending on the week.

Abuse and Neglect: Through my association with S.C. Department of Social Services for nineteen (19) years, I have appeared in thirty-seven (37) counties of South Carolina (including Beaufort, Hampton, Colleton, and Jasper counties), representing the agency in child abuse/neglect actions in trial and appellate courts. Through my work with SCDSS, and my experience in Family Court, I developed a successful private Family Court practice.

Divorce and Equitable Division: One of my most significant wins at the S.C. Court of Appeals was in the case of Buist v. Buist, Opinion No. 4982 (S.C. Ct. App., filed June 6, 2012), in which the appellate court reversed the equitable division of the marital estate by the trial court in Greenwood, S.C. I have handled a significant number of divorces - into the hundreds – including matters regarding equitable division of marital estates. In 2019, I was successful in securing an emergency order for my client, the Wife, to have the proceeds of a house closing deposited into my trust account. She was concerned that since the house was solely in the Husband’s name, he would abscond with the proceeds. The result of this case is that the Wife received a settlement from the proceeds. I have assisted most of my family court clients with the completion of financial declarations, which detail the property at stake in equitable division. I also have two (2) appellate court wins in the area of alimony – Deen v. Deen, Memorandum Opinion No. 2021-MO-007 (S.C. Supreme Court 2021), in which the Supreme Court reduced the alimony obligation of my client, the ex-Husband; and Hill v. Hill, Unpublished Opinion No. 2023-UP-099 (S.C. Ct. of Appeals 2023), in which the Court of Appeals reversed and retroactively terminated the alimony obligation of my client, Wife;

Child custody: As stated, I have appeared in hundreds of divorce actions in the Family Courts of South Carolina, and have represented clients in child custody actions. I have represented at least one (1) client successfully at the S.C. Court of Appeals in a bid to reverse a custody award in the case of Huggins v. Pritchett, Unpublished Opinion 2015-UP-369 (S.C. Ct. App. Filed July 22, 2015), in which the appellate court reversed the custody order of the trial court, and restored custody to my client, the Mother. This was a child custody

“change in circumstances” action filed by the Husband. I represented the Wife at trial. My client had sole custody of both of her children, however the trial court split custody of the children following trial. I appealed on behalf of my client, and the child custody order was reversed by the S.C. Court of Appeals – a rare occurrence in South Carolina law. I felt confident that the order would be reversed by the appellate court, as the trial court based its order on the preference of an eleven (11) year-old child – a clear violation of South Carolina case law. I have represented Husbands and Wives, as well as served as a guardian *ad litem* in several cases representing the interests of children of family court litigants. Adoption: I have handled multiple private adoption matters on behalf of adoptive parents, and have served as a guardian in private adoptions. Perhaps my most significant win at the S.C. Supreme Court was the opinion in Swain v. Bollinger, Opinion No. 28078 (S.C. Supreme Court filed January 5, 2022), in which the Supreme Court permitted my client, a maternal grandfather, to terminate the parental rights of the biological father and adopt his grandchild while keeping the rights of the biological mother (my client’s daughter) intact. Swain expanded significantly the options for permanent adoptions for children in South Carolina according to the best interests of each individual child and the realities of each child’s family. Juvenile Justice; I have represented children accused of violations of state and municipal law in multiple counties (Union, Laurens, Newberry, and Greenwood) for approximately five (5) years; in addition, through my work with SCDSS, I have had involvement with dually-involved children in the DJJ/DSS systems. I also taught the course Juvenile Delinquency at Lander University for multiple semesters – one of my favorite and best-received classes.

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

- (a) Federal: My only appearances in federal court are by filings with the Fourth Circuit Federal Court of Appeals from 2008-2023. I do not appear in federal district court on behalf of clients.
- (b) State: Weekly in Family Court; monthly in Court of General Sessions

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

- (a) Civil: 5 percent;
- (b) Criminal: 30 percent;
- (c) Domestic: 65 percent
- (d) Other:

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

- (a) Percentage of practice, including cases that settled prior to trial: Approximately 90 %;
- (b) Number of cases that went to trial and resulted in a verdict: 1 in General Sessions; many (approximately 30) in Family Court while representing SCDSS primarily in TPR/Adoption matters.
- (c) Number of cases that went to trial and resolved after the plaintiff’s or State’s case: 1 in General Sessions.

- (d) Number of cases settled after jury selection but prior to opening statements: None.

Ms. Moore provided that during the past five years she most often served as sole counsel.

The following is Ms. Moore's account of her five most significant litigated matters:

- (a) Buist v. Buist (410 S.C. 569, 574, 766 S.E. 2d 381, 383 (S.C. 2014) – this was an appeal of a equitable division and award of attorney's fees by the family court of Abbeville. I won a significant victory for my client at the appellate court, by the court reversing the trial court's award to the Wife of approximately \$125,000 to resolve equitable division. The award of attorney's fees against my client was affirmed by the S.C. Court of Appeals, however I determined that the reasoning behind the court's decision was incorrect. I filed a Petition for a Writ of Certiorari in the S.C. Supreme Court, which was granted. Although the Supreme Court affirmed the award of attorney's fees against my client on other grounds, the Supreme Court agreed with my conclusion that the reasoning of the S.C. Court of Appeals was incorrect. This case represented my first oral argument at the S.C. Supreme Court. I represented Mr. Buist for approximately eleven (11) years, and the case was finally resolved in an order from Hon. Judge Matthew Turner on April 29, 2019, which order was not appealed by the parties. The case is significant to me due to the length of time I represented Mr. Buist, the favorable result we won in the S.C. Court of Appeals, the fact that the case was heard in the S.C. Supreme Court on my Writ petition, and the fact that this case represented my first oral argument at the S.C. Supreme Court. (Also significant and meaningful to me is that I appeared at the Supreme Court with my mentor, the legendary C. Rauch Wise, as opposing counsel.)
- (b) Huet de Guerville v. Huet de Guerville, Order in Appellate Case No. 2023-000387 (S.C. Ct. App. Filed June 21, 2023) – In this matter, I represented a Father who sought to suppress recordings of phone conversations between my client and his minor child in a pending "change in circumstances" family court custody action, which implicated "wiretapping" as well as a family court order awarding my client private reasonable telephone communication with his son. As I had never handled a matter like this case, I researched the issue and learned that the procedure for challenging illegally-obtained recordings via alleged wiretapping was through a motion to suppress filed in the S.C. Court of Appeals prior to a family court trial. I researched the issue and wrote a motion to suppress which was granted by the S.C. Court of Appeals. As a result, my client was able to secure a favorable settlement of the custody issues and was awarded significant attorney's fees and costs.
- (c) SCDSS v. Walls, Unpublished Opinion No. 2016-UP-482 (S.C. Ct. App. Filed Nov. 16, 2016); Memorandum Opinion No. 2017-MO-018 (S.C. Filed October 25, 2017) – this was an appeal of a termination of parental rights action. SCDSS filed a TPR action against the parents, and the trial court ordered the parents' rights to be terminated. I handled this matter at the S.C. Court of Appeals (affirmed in an unpublished opinion without oral argument), and the S.C. Supreme Court (which latter Court ordered oral argument). The facts of this case represent one of the most heartbreaking scenarios for DSS caseworkers: the medical evidence and expert testimony established that an infant only a few months old suffered very serious non-accidental injuries and trauma. However, the parents had no explanation for the cause

- of the injuries. Throughout my career with SCDSS, I handled multiple of these types of cases at the trial and appellate levels. They are challenging from an evidentiary standpoint, because there are no video recordings for the court to determine exactly how the child sustained the injuries. However, in representing SCDSS, the position of the agency has consistently been that the parents are ultimately responsible for the welfare and safety of their child(ren). I had the privilege of arguing this position at the S.C. Supreme Court in 2016. The Court of Appeals affirmed the termination of the parents' rights, and the Supreme Court ultimately concluded that the Writ of Certiorari was improvidently granted – thus affirming the opinion of the Court of Appeals, cited above. However, in a compelling footnote the Supreme Court held that although the cert petition would be dismissed, the agency had proven the grounds for TPR by clear and convincing evidence. This was significant to me personally, because in prior trials and appeals I had not been completely successful in holding the parents responsible for very serious unexplained non-accidental traumas to their child, despite my belief that termination of both parents' rights under these facts was warranted under South Carolina law.
- (d) Dendy v. Gamble, Opinion No. 6100 (S.C. Court of Appeals filed February 12, 2025) – this case was an action filed in Richland County Family Court by maternal grandparents seeking custody and/or visitation of a minor child who was in the legal custody of the maternal aunt and uncle. I represented the aunt and uncle on appeal. The matter proceeded to a multi-day trial, after which the trial court kept custody with the aunt and uncle, but awarded visitation to the grandparents under the theories of *de facto* custodian, psychological parent and the grandparent visitation statute, as well as awarded attorney's fees to the grandparents. In a significant published opinion applying and addressing the visitation theories/statutes referenced *supra*, the S.C. Court of Appeals reversed the order of the trial court and held that the record did not reflect compelling circumstances justifying overruling the presumption of the soundness of the parenting decisions of the aunt and uncle in restricting contact between the child and maternal grandparents. The Court of Appeals also reversed the award of attorney's fees in favor of the grandparents, and ultimately awarded fees and costs in favor of my clients, the prevailing aunt and uncle.
 - (e) Swain v. Bollinger, Opinion No. 28078 (S.C. Supreme Court filed January 5, 2022), - perhaps my most significant win at the S.C. Supreme Court was this opinion in which the Supreme Court, in reversing both the trial court and the S.C. Court of Appeals, permitted my client, a maternal grandfather, to terminate the parental rights of the biological father and adopt his grandchild while keeping the rights of the biological mother (my client's daughter) intact. Swain significantly expanded the options for permanent adoptions for children in South Carolina according to the best interests of each individual child and the realities of each child's family.

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

- (a) Huggins v. Pritchett, Unpublished Opinion 2015-UP-369 (S.C. Ct. App. Filed July 22, 2015)
- (b) Buist v. Buist (410 S.C. 569, 574, 766 S.E. 2d 381, 383 (S.C. 2014))

- (c) SCDSS v. Walls, Unpublished Opinion No. 2016-UP-482 (S.C. Ct. App. Filed Nov. 16, 2016); Memorandum Opinion No. 2017-MO-018 (S.C. Filed October 25, 2017)
- (d) Swain v. Bollinger, Opinion No. 28078 (S.C. Supreme Court filed January 5, 2022)
- (e) Zortea v. Zortea, Unpublished Opinion No. 2017-UP-281 (S.C. Ct. App. Filed July 12, 2017)

The following is Ms. Moore's account of five criminal appeals she has personally handled:

- (a) U.S. v. Kenneth Shannon, Fourth Circuit Federal Court of Appeals, No. 17-4500 (6/6/18) – unpublished opinion.
- (b) U.S. v. Fortino Maldonado-Guillen, Fourth Circuit Federal Court of Appeals, No. 16-4365 (3/31/17) – unpublished opinion.
- (c) U.S. v. Richard Elmer Sundblad, Fourth Circuit Federal Court of Appeals, No. 16-4787 (10/3/17) – unpublished opinion.
- (d) U.S. v. Chee Davis, Fourth Circuit Federal Court of Appeals, No. 16-4787 – opinion is pending.
- (e) U.S. v. Timothy Crockett, Fourth Circuit Federal Court of Appeals, No. 18-4658 (6/14/19) – unpublished opinion.

Ms. Moore further reported the following regarding unsuccessful candidacies: I ran for an at-large family court seat in 2019 in South Carolina, but withdrew my application after being found qualified by the S.C. Bar Committee.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Lowcountry Citizens Committee reported Ms. Moore to be "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience and judicial temperament; and "Qualified" in the evaluative criteria of physical health, mental stability and constitutional qualifications. The Committee commented: "Deep, impressive, family court experience at trial and appellate levels; extremely sharp and knowledgeable; very good presence, extremely impressive, would make a very good family court judge."

Ms. Moore is not married. She has two children.

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

- (a) Louisiana Bar Association, since 2001
- (b) South Carolina Bar Association, since 2004
- (c) Massachusetts Bar Association, since 2019

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

- (a) Greenville County Bar Association
- (b) Laurens County Bar Association

(11) Commission Members' Comments:

The Commission commented that Ms. Moore has extraordinary experience in handling DSS and criminal matters. The Commission was impressed by her candor and professionalism, as well as her extensive legal career.

However, reservations were expressed about her experience handling complex discovery and litigated financial matters at the trial court level. The Commission expressed concern about the limited number of appearances Ms. Moore has made in the 14th Judicial Circuit courts over her lengthy career. Concerns were further expressed about Ms. Moore's testimony that she has not handled a case in the circuit since 2023. The Commission also questioned Ms. Moore's connection to the local community since she has never owned property in the area. Although Ms. Moore expressed her intent to satisfy the statutorily prescribed residency requirement if elected, the Commission has great concerns about the depth of her ties to the local and legal community in the 14th Judicial Circuit, as well as the impetus for her seeking a judicial seat in the lowcountry when she has predominantly lived and worked in the upstate.

(12) Conclusion:

The Commission found Ms. Moore qualified, and nominated her for election to Family Court, Fourteenth Judicial Circuit, Seat 3.

Representative Jordan provided the following statement:

Although I joined my colleagues in voting to find Ms. Moore qualified for service on the Fourteenth Circuit of the Family Court, I write separately to express serious concerns about the growing practice of residing in one part of our state while seeking judicial office in a distant region. This trend exploits a gap in our residency statute and undermines the purpose of screening judicial candidates.

While Ms. Moore meets the technical requirements of the statute, that technical compliance does not allow the JMSC or, more importantly, the citizens over whom she will preside, to meaningfully evaluate her candidacy. The heart of our screening process must be ensuring that the public in a particular community has confidence in the person seeking to serve as their judge. When a candidate neither lives nor works in the area, the people who will be subject to the immense authority of that judge lose the ability to assess whether she is the right person to represent their community.

This matters. Our courts depend on the consent and trust of the governed, and that trust is built by familiarity, accountability, and a shared sense of place. Anything that weakens that connection should give us pause.

Larry W. Weidner II
Family Court, Fourteenth Judicial Circuit, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than six persons apply to fill a vacancy or if the Commission concludes that there are fewer than six candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than six names.

For the vacancy for Family Court, Fourteenth Judicial Circuit, Seat 3, two candidates applied for this vacancy. Accordingly, the names of two candidates are hereby submitted in this report as qualified and nominated.

(1) Constitutional Qualifications:

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

Judge Weidner was born in 1963. He is 62 years old and a resident of Bluffton, South Carolina. Judge Weidner 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 1996. He was also admitted to the Pennsylvania Bar in 1988.

(2) Ethical Fitness:

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

Judge Weidner 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 Weidner reported that he has made campaign expenditures of less than \$100 for postage and paper.

Judge Weidner 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 Weidner testified that he is aware of the Commission's rule and Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Weidner to be highly intelligent and knowledgeable.

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

- (a) From 1998 – 2007: Adjunct Professor of Aviation Law, Airline Labor Relations, Aviation Regulation and Business Law for Embry-Riddle Aeronautical University.
- (b) 4 December 2014: Continuing Legal Education for the South Carolina Bar: “Military Pension Division.”
- (c) Exact dates unknown: Legal Assistance and Family Law Courses for active-duty Marine Judge Advocates as East Coast Reserve Liaison to the Deputy Judge Advocate for Legal Assistance for the United States Marine Corps.
- (d) Exact date unknown: Continuing Legal Education for the Beaufort County Bar on Mediation.
- (e) February 2022, Exact date unknown: Presentation on mediation to the Sea Island Rotary Club.
- (f) Spring 2002: Instructor of required legal topics at the Port Royal Reserve Police Officer’s Academy.
- (g) Exact dates unknown: Instructor in the National Institute of Trial Advocacy, Advanced Trial Advocacy Courses while on active-duty with the United States Marine Corps.

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

(4) Character:

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

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

The Commission also noted that Judge Weidner 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 Weidner reported the following regarding being rated by any legal rating organization.

“I am not aware that I am currently a member of any rating organization. An internet search reveals the following: Martindale Hubble, Distinguished; Lawyers.com, 4.5. I believe that within the last five years, I was a member of Avvo and an internet search reveals an Avvo rating of 8.6. I do not believe I have a current membership/account with Avvo. I have no recollection of ever requesting a rating and do not know how these ratings were actually assigned.”

Judge Weidner reported the following military service:

I served in the United States Marine Corps on active duty from 3 October 1988 until 30 November 1996 and attained the rank of Major.

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Weidner was admitted to the South Carolina Bar in 1996.

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

August – October 1989: Naval Justice School, Newport, Rhode Island. Attended for certification as a Judge Advocate, intensive course of instruction in civil and military law and intensive trial advocacy training, to include National Institute for Trial Advocacy training (NITA) in preparation for certification as a trial (prosecutor) or defense counsel.

October 1989 – March 1990: Legal Assistance Officer, Marine Corps Air Station, El Toro. Provided general legal services (divorce, landlord-tenant, debtor-creditor, contracts, wills and estates, tax) to active-duty and retired service members and their dependents.

March 1990: Army Judge Advocate General's School, Charlottesville, Virginia. Law of War Course. Training in the Law of Armed Conflict.

August 1990: Advanced Trial Advocacy Course, Hastings College of Law, San Francisco, California. Advanced course in trial advocacy.

1990: Exact date unknown: Regional Defense Bar, Western Region, National Institute of Trial Advocacy, Advanced Trial Advocacy Course.

March 1990 – March 1991: Military Defense Counsel. Represented Marines and Sailors in Courts-Martials, both General and Special as well as in Administrative Discharge Boards and provided advice to Marines and Sailors facing Non-Judicial Punishment.

March 1992 – September 1992: Military Justice Officer/Senior Trial Counsel: Senior Prosecutor for Marine Corps Air Station, El Toro, Marine Corps Air Bases, Western Area and the Third Marine Aircraft Wing. Prepared, managed and prosecuted all criminal cases for Marine Corps Air Station, El Toro. Responsible for case management and oversight of trials conducted at three other Marine Corps Air Bases. Advised

commanders on all aspects of military criminal law. Responsible for the Marines, Office and Enlisted, assigned to the Trial Office.

October 1992 – January 1994 and June 1994 – September 1995: Senior Defense Counsel, Marine Corps Recruit Depot, Parris Island, Beaufort Naval Hospital and all members of the recruiting service in the Eastern United States. Defended service members at both felony and misdemeanor jury and bench trials to include murder, rape, drug trafficking, larceny, child and spousal abuse. Managed and trained six attorneys and support staff. Performed all phases of trial practice (probable cause hearings, discovery, pre-trial negotiations, plea agreements, motions practice, jury selection, trial on the merits, sentencing, and post-trial appeals). Represented service members at administrative law hearings. Area of responsibility for both criminal trials and administrative law hearings included Parris Island, Beaufort Naval Hospital, and all members of the recruiting service in the Eastern United States. Also provided defense services to Marine Corps Air Station, Beaufort.

1993 – Exact date unknown: Regional Defense Bar, Eastern Region, National Institute of Trial Advocacy, Advanced Trial Advocacy Course.

January 1994 – June 1994: Senior Legal Assistance Officer, Marine Corps Recruit Depot, Parris Island, Beaufort Naval Hospital. Managed and supervised two attorneys and four support staff. Provided general legal services to active-duty and retired service members and their dependents. Areas of practice included: wills and estates, landlord-tenant, collection practice, consumer protections, tax and family law. Counseled and prepared service-members for appearance in State Magistrate and Family Courts.

1995 – Exact date unknown: National College of District Attorneys, Evidence of Violent Crime Course.

October 1995 – December 1996: Special Assistant US Attorney/Review Officer/Article 32 Investigating Officer. Designated by United States Marine Corps and Department of Justice as Special Prosecutor. Responsible for prosecuting all civilian criminal offenders within local federal jurisdiction under the auspices of the United States Attorney's Office in federal courts. Review all courts-martial and non-judicial punishments for legal and factual sufficiency. As quasi-judicial Preliminary Hearing officer, investigated offenses committed by military service members and recommended form of charges and level of courts-martial for military offenses committed aboard Marine Corps Air Station, Beaufort, Marine Corps Recruit Depot, Parris Island, the Eastern Recruiting Region and the Beaufort Naval Hospital.

December 1996 – July 1997: Solo Practitioner in a law firm focusing on Family Law, Criminal Law and Military Courts-Martials.

July 1997 – Present: In private practice and partner in a law firm. The name of the Firm has changed slightly over time, but I have been practicing in the same practice, and until he recently became the Beaufort County Master in Equity, with the same law partner,

since I left active duty with the United States Marine Corps. Through the years, the name of the firm has changed chronologically as follows: Law Office of Larry Weidner, LLC; Weidner & Wegmann, LLC; Mikell, Weidner, Wegmann & Harper, LLC; Weidner, Wegmann & Harper, LLC; and most recently Weidner & Harper, LLC. My practice has always been heavily focused on Family Law, and has included criminal defense, both State and Federal, defense in Military Courts-Martials, defense in Administrative Discharge Boards and defense in Federal Aviation Administration Enforcement Actions. Over time my practice has narrowed to primarily focus on Family Law and to a lesser extent Federal Criminal Defense. Through the years as a private practitioner, I have managed employment issues, managed the physical structure of the firm, fulfilled office management duties, managed IOLTA accounts, operating, trust and escrow accounts, reconciliation of those accounts, handled payroll, accounts receivables and payables, addressed building issues, ordered office supplies, purchased office equipment, effectuated wire transfers, etc.; all of the tasks attendant to operating a law firm.

Judge Weidner further reported regarding his experience with the Family Court practice area:

I would estimate that on average approximately 80% of my time for my 28-year career as a private practitioner has been spent representing clients in divorce/separate maintenance, equitable division of property, child custody and related matters in Family Court. I have represented clients in contested litigation in practically every aspect of family law. I have litigated and mediated nearly every facet of equitable division, including identity and divisibility of assets, the marital versus non-marital character of assets, and the divisible value and manner of division of assets. I have litigated and mediated child custody and alimony cases for the entirety of my career as well. Finally, I have served in many cases over the years as a Guardian ad Litem for children enmeshed in Family Court litigation.

Earlier in my career, I represented clients in adoptions. Most of those adoptions were stepparent adoptions, most often involving military families. I have not represented any client in an adoption case in the past five years, but I am familiar with the processes and procedures.

Likewise, earlier in my career, I handled abuse and neglect as well as juvenile justice cases, most to which I was appointed or when I agreed to handle appointments for colleagues. Since the adoption of the contract appointment process, I have handled few abuse and neglect or juvenile justice cases, though I have had them occasionally on my private docket. I have also handled school disciplinary hearings. There is significant overlap between these areas and that portion of my practice which is concerned with criminal defense, and I believe I have a good working understanding of the mental health and educational processes and the challenges that impact children in a given matter.

I believe my experience in working with clients, opposing counsel, guardians, mental health professionals, business professionals, serving as a guardian and my extensive trial experience and my overall experience as a practicing lawyer provide me with the background and training to sit as a judge in Family Court. I believe I possess the ability to

be an attentive listener, to make fair and reasonable inquiries, to research, when necessary, to assess credibility, to understand medical and mental health testimony and reports, to understand financial documents and reports, to understand educational documents and to follow the law in any particular case.

I have been a Certified Family Court Mediator since 2007 and in the past five years I have mediated over 100 family law cases. Those cases have included complex custody, visitation, alimony and equitable division issues.

Over the past five years, I have averaged approximately 30 appearances per year in Family Court. These proceedings have included a broad spectrum of matters, ranging from brief, uncontested hearings, such as those for the approval of settlement agreements, to complex, multi-day contested trials.

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

- (a) Federal: Approximately 12 times per year;
- (b) State: Approximately 30 appearances per year.

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

- (a) Civil: 5%;
- (b) Criminal: 15%;
- (c) Domestic: 80%;
- (d) Other: nominal.

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

- (a) Percentage of practice, including cases that settled prior to trial: 95%
- (b) Number of cases that went to trial and resulted in a verdict: 8
- (c) Number of cases that went to trial and resolved after the plaintiff's or State's case: None
- (d) Number of cases settled after jury selection but prior to opening statements: None.

Judge Weidner 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 Weidner's account of his five most significant litigated matters:

- (a) Digiovanna v. Digiovanna. This case spanned a total of 11 ½ years and required representation in Magistrate's Court, Family Court and in the Master-in-Equity's Court. The Parties were living together when my client received a personal injury settlement of over \$500,000.00. The Husband, then boyfriend, took control of the money and began filtering it through various accounts and purchasing property. The Parties married, had a child together (my client had one child from a prior marriage) and then on Valentine's Day 2013, the Husband restrained my client and held a gun to her head in front of their children for which he was later convicted. The case involved child custody, visitation, forensic custodial

evaluations, spousal and child support, complex financial analysis and forensic accounting because of the Husband's attempts to conceal assets through up to 20 different bank and investment accounts. There were multiple attempts at mediation. Because the Husband had purchased properties premarital from accounts in his name only, with my client's money, he claimed the properties were his separate property. I judged it strategically in my client's favor to bifurcate the case, settling the matters which could be settled in Family Court and pursuing recovery of my client's interest in the alleged premarital properties in Circuit Court under a constructive trust theory. The case settled favorably for my client after a very contentious four-day trial involving voluminous documents and acrimonious testimony. The case was significant because it required me to research deeply into the rules for the various courts and procedures and strategize how the rules and procedures could be woven together to obtain a favorable outcome. Likewise, it required me to develop a deeper understanding of forensic accounting and psychology, discovery rules and enforcement of those rules, analysis and management of a vast amount of documentary evidence and management of a case over a term of years which drew upon nearly the full breadth of my prior training and experience.

- (b) Perkins v. Huntshorse-May. Op. No. 2019-UP193 S.C. Ct. App. May 29, 2019. This case involved application of the Servicemembers Civil Relief Act in the Family Court. My client was an active-duty Marine stationed aboard Marine Corps Base, Camp Pendleton, South Carolina when the Family Court issued a Rule to Show Cause requiring the Marine's attendance at a hearing scheduled for 15 December 2016 in Beaufort, South Carolina. My client was served on 5 December 2016 and contacted me for assistance as her duties with the Wounded Warrior Battalion – West would not permit her to travel to Beaufort on the date required. I explained to her the proper procedure for requesting a stay, which she followed. The Court nevertheless denied the stay and I immediately filed a Return seeking to have the action dismissed. That relief was also denied and my client was held in contempt and sentenced inter alia to a fine and confinement for 365 days. On appeal, the Family Court order was reversed and vacated. This case is significant because it made clear to me again how important it is for our Courts to understand the interplay between the Federal and State laws as they affect our servicemembers, especially areas where there is a large military presence.
- (b) Smith v. Jurjans. This case originally began in 2006 as a divorce case which included allegations of physical abuse. At the time, the parties had one child, not yet two years-old and the mother and child had been residing near her parents. Sadly, shortly after the litigation commenced, the mother passed away and the case was dismissed. Two years would pass, and the child resided with his Maternal Grandparents the entire time. Then in the Spring of 2008, the father began demanding custody of the child. I was retained by the Maternal Grandparents to seek to obtain custody of the child whom they had raised up to that point. The stakes were high as the child had special needs and the father was not at all versed in the child's needs nor was he positioned to care for a young

child with special needs. Fortunately, in the Spring of 2008, the Supreme Court issued an opinion in *Marquez v. Caudill*, 376 S.C. 229, 656 S.E.2d 737 (2008) which stood for the proposition that the presumption that the best interests of a child is to be in the custody of its biological parent could be challenged and elaborated on the concept of a psychological parent. I agreed to pursue this case in light of the Supreme Court's decision. Ultimately, after intense litigation involving complex psychological evaluations and medical evidence, the matter was settled and the child remained with his Maternal Grandparents. The case was significant because it forced me to improve my understanding of psychological and medical evidence, particularly as it relates to the best interests of a child, and it allowed me to pursue an emerging theory of custody law.

- (c) *Ekonomakis v. McPherson*. I was appointed as the Guardian ad Litem for a little boy whose parents were divorcing. Both parents were United States Marine Officers and both parents had received permanent change of station orders. The mother had been ordered to Marine Corps Base, Camp Pendleton, California and the father had been ordered to Marine Corps Base, Quantico, Virginia. The case was difficult because both parents were loving, stable and enjoyed a wonderful relationship with the child. Ultimately, the Court ordered the child into the custody of his father. The case is significant because I believe the outcome was heavily influenced early on by a lack of understanding on the part of counsel of the delicate and sometimes confusing conflict between the Marine Corps' rules and regulations and the Family Court rules and laws. This case highlighted for me just how difficult the decisions of a Family Court Judge can be.
- (d) *Barker v. Barker*. This case involved a divorce between a United States Marine and his civilian wife. At issue was the correct methodology for dividing disposable military retired pay under the Uniformed Services Former Spouses Act. I had been in a long-running discussion and debate with a close colleague for years about this very technical matter of law. We had taught continuing legal education courses on the topic and enjoyed a friendly disagreement. My colleague was called as an expert in the case and our repartee was highly technical, intriguing and challenging. The issue was resolved favorably for my client and that year the National Defense Authorization Act and the Department of Defense Financial Management Regulations were modified to codify the division algorithm.

The following is Judge Weidner's account of the civil appeal he has personally handled:
Perkins v. Huntshorse-May. Op. No. 2019-UP193 S.C. Ct. App. May 29, 2019. Handled in collaboration with Co-Counsel who was familiar with the Appellate Rules and Procedures and I handled the technical legal issues presented by the Servicemembers Civil Relief Act.

Judge Weidner reported that he has not personally handled any criminal appeals.

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

“I was appointed and took the Bench as a Beaufort County Magistrate Judge on 7 May 2025.”

Judge Weidner provided the following list of his most significant orders or opinions:
“As I have been on the Bench only a short time, I have not issued any particularly significant orders or opinions.”

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

Weidner & Harper, LLC. March 2025 to present. Partner in a law firm.

Bear Steele Global, Ltd. Co. May 2015 to present. Member and Chief Executive Officer. Responsibilities include all aspects of managing and operating a minority Native American, Service-Disabled Veteran Owned Small Business providing engineering and construction services primarily to the Federal Government.

- (9) Judicial Temperament:
The Commission believes that Judge Weidner’s temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Judge Weidner 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, “Tremendous vigor, unflappable, even tempered, smart, considerate--his deep military experience is a HUGE Plus; would make [a] great judge.”

Judge Weidner is married to Pamela Kelli (Pastore) Weidner. He has two children.

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

- (a) South Carolina Summary Court Judges’ Association
- (b) South Carolina State Bar Association
- (c) Pennsylvania State Bar Association
- (d) Hilton Head Island Bar Association
- (e) Dartmouth Lawyer’s Association
- (f) National Native American Bar Association
- (g) Lawyer-Pilots Bar Association
- (h) Aircraft Owners and Pilots Panel Attorney
- (i) Veteran’s Administration Accredited Attorney
- (j) Federal Criminal Justice Act Panel Attorney

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

- (a) Disabled American Veterans (DAV) – Life Member
- (b) Association of Former Intelligence Officers
- (c) Alpha Delta Fraternity (Board Member)
- (d) Muscogee Creek Nation – Citizen
- (e) Lady’s Island Professional Village Association – Board Member (Former)
- (f) Dartmouth College – Alumni Admissions Interviewer for South Carolina, 25 years
- (g) Beaufort Chamber of Commerce – Business member
- (h) Bluffton Chamber of Commerce – Business member

Judge Weidner further reported:

Growing up working on the farm with my grandfather instilled a healthy work ethic. Likewise, I believe that my training and experiences as a United States Marine Corps Officer will benefit me greatly. The Marine Corps instills discipline and attention to detail, demanding meticulous prior preparation and standardization in all matters. Additionally, the training in courtroom advocacy as a Marine Corps Judge Advocate was first rate. I believe that having been an active-duty Marine will provide me with unique insight into the struggles military families face and the conflicts which arise between military regulations and orders and Family Court rules and laws.

Serving on the Board of the Child Abuse Prevention Association provided me with a view into and better understanding of the issues presented in child abuse and neglect cases which I think will help me better navigate these types of cases. I have seen first-hand the confusion, fear and disorientation in a child’s eyes when they have been taken into emergency protective custody. I have worked to better the care extended to abused and neglected children and I have worked to better the processes and systems in place to protect these children. This experience has taught me to better understand and see circumstances from the child’s perspective which I think will be invaluable in making decisions as a Family Court Judge.

As a Native American, I have experienced first-hand the challenges of being part of a minority. This perspective will enable me to more deeply understand the concerns of underrepresented individuals who come before me if I am elected. It will also make me more attuned to the often unspoken apprehensions and sentiments they may carry with them into the courtroom.

Serving as a County Magistrate Judge has been an educational experience. After thirty-six (36) years practicing as an advocate and mediator, I have enjoyed the intellectual challenge of sitting on the Bench. The perspective is entirely different from that of an advocate. Concerns with protecting due process, civility and fairness take the forefront and drive the decision matrix. I believe this prior judicial experience will assist me greatly if I am elected to the Family Court Bench.

(11) Commission Members' Comments:

The Commission commented that Judge Weidner has an outstanding reputation in his community and is lauded for his experience and fairness. They spoke on his great intellect and understanding disposition.

(12) Conclusion:

The Commission found Judge Weidner qualified and nominated him for election to Family Court, Fourteenth Judicial Circuit, Seat 3.

Scarlet Moore
Family Court, Fourteenth Judicial Circuit, Seat 4

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than six persons apply to fill a vacancy or if the Commission concludes that there are fewer than six candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than six names.

For the vacancy for Family Court, Fourteenth Judicial Circuit, Seat 4, three candidates applied for this vacancy and one candidate withdrew before the public hearing. Accordingly, the names of two candidates are hereby submitted in this report as qualified and nominated.

(1) Constitutional Qualifications:

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

Ms. Moore was born in 1968. She is 57 years old and a resident of Greenville, South Carolina. Ms. Moore 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. She was also admitted to the Louisiana Bar in 2001 and to the Massachusetts Bar in 2009.

(2) Ethical Fitness:

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

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

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

Ms. Moore testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;

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

Ms. Moore testified that she is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Moore to be intelligent and knowledgeable.

Ms. Moore reported that she has taught the following law-related courses:

- (f) I taught law courses at Charlotte School of Law from 2011 – 2013. I taught courses related to Civil Rights Litigation, Criminal Law, and Criminal Procedure.
- (g) In 2019, I gave a lecture regarding the definition of “neglect” pursuant to S.C. law at a SCDSS CLE.
- (h) I taught classes at Lander University from 2004 – 2011 in the following particulars: Civil Rights and Civil Liberties, Constitutional Law, Judicial Process, Society and Law, Juvenile Delinquency, Desegregation and the Law, Criminal Justice Systems, and Comparative Criminal Law Systems.
- (i) I taught a CLE family law course at the 2024 SCAJ Convention in Hilton Head Island, S.C. regarding Protecting a Client's Interests In The Event of an Appeal.
- (j) In 2021, I gave a lecture at a SCDSS CLE titled “Failed Adoptions: The Impact of *DSS v. Wiseman*.”

Ms. Moore reported that she has not published any books or articles.

(4) Character:

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

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

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

(5) Reputation:

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

Ms. Moore reported that she has not served in the military.

Ms. Moore reported that she has never held public office.

- (6) Physical Health:
Ms. Moore appears to be physically capable of performing the duties of the office she seeks.
- (7) Mental Stability:
Ms. Moore appears to be mentally capable of performing the duties of the office she seeks.
- (8) Experience:
Ms. Moore was admitted to the South Carolina Bar in 2004.

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

10. Tomeny & Fisher (2001) – I clerked for this plaintiff's personal injury firm following my graduation from law school in May, 2001. I worked there for approximately six (6) months, handling matters related to personal injury lawsuits, such as appearing at depositions, writing memorandums in opposition to summary judgment motions, meeting with clients, and negotiating settlements.
11. Hon. Judge Bonnie Jackson (10/2001 – 07/2002) – I served as a law clerk for Judge Jackson, a criminal court judge in Baton Rouge, LA. My responsibilities were to assist the Judge, conduct research regarding criminal matters, and prepare legal documents on behalf of the Judge.
12. East Baton Rouge Parish Public Defender's Office (07/2002 – 01/2004) – I served as an Assistant Public Defender, representing criminal clients in District Court – including appearing at arraignments, sanity hearings, plea hearings, sentencing hearings, and motion hearings.
13. Unemployment period (01/2004-09/2004) – I moved to South Carolina from Baton Rouge, LA., and used this time to study for the South Carolina bar exam, and to seek employment.
14. SCDSS (09/2004 – 06/2007) – I served as an in-house attorney representing SCDSS in Family Court in abuse/neglect cases. I appeared in multiple counties during this time – Greenwood, Abbeville, Laurens, Newberry, and Greenville.
15. Lander University (08/2004-08/2011) – I served as an adjunct professor, teaching one (1) course per semester, including Civil Rights and Civil Liberties, Constitutional Law, Judicial Process, and Desegregation and the Law from 2004 – 2007. In 2007, I was hired full-time to teach courses in Criminal Justice Management, and law-based topics in Sociology and Political Science, such as the classes referenced above, and including Comparative Criminal Justice Systems, Criminal Justice Systems, Society and Law, Liability for Police Officers, and Juvenile Delinquency.
16. Scarlet B. Ms. Moore, Attorney at Law (08/2007 – present) -- I opened a private practice in 2007, and am currently still in private practice but have not accepted new retained clients since January, 2024, due to my full-time employment with Laurens County Public Defender – my employer has permitted me to finish my private cases concurrently with my employment as a public defender. In private practice, I performed contract work for SCDSS from 2007 to 2023. My work for SCDSS entailed representing the agency in multiple counties in abuse/neglect matters in trial

- and appellate courts, including the S.C. Supreme Court. In addition to my DSS contracts, I have handled matters of all description in approximately thirty-seven (37) counties in South Carolina Family Courts – including DJJ actions, divorces, legal separation, custody and visitation actions, name changes, child support matters, alimony actions, contempt matters, termination of parental rights and adoptions, equitable division of marital estates, and a motion to dismiss regarding alleged violation of wiretapping laws. I have been retained by private clients for representation in Family Court, and have taken appointments from S.C. Legal Services for indigent clients seeking representation in Family Court matters. I have also had a contract with the Fourth Circuit Federal Court of Appeals from 2008 to 2024, writing appeals on behalf of indigent federal criminal defendants for the CJA panel. In addition to these practice areas, I have performed contract work through the “608” program through the Office of Indigent Defense, on behalf of criminal defendants. Prior to the inception of the 608 contract program, I accepted appointments in criminal courts in Greenville, Spartanburg and Laurens, on behalf of criminal defendants. Lastly, I represented private appellate clients in appeals in the South Carolina Court of Appeals, and the South Carolina Supreme Court. My practice areas have remained consistent since 2007. I have solely handled the financial affairs of my practice, including administration of my trust IOLTA account.
17. Charlotte School of Law (2011-2013) – I served as an adjunct professor teaching criminal law and criminal procedure courses, and civil rights litigation.
 18. Laurens County Public Defender (1/8/24 – Present) – I serve as a Senior Public Defender for Laurens County (as well as other counties in the 8th Circuit including occasionally in Greenwood, Abbeville and Newberry), representing indigent criminal defendants as well as juveniles accused of violation of state and/or municipal ordinances in DJJ matters in Family Court.

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

For nineteen (19) years during my practice, I appeared in a Family Court in the State of South Carolina on at least a weekly basis – sometimes daily, depending on the week.

Abuse and Neglect: Through my association with S.C. Department of Social Services for nineteen (19) years, I have appeared in thirty-seven (37) counties of South Carolina (including Beaufort, Hampton, Colleton, and Jasper counties), representing the agency in child abuse/neglect actions in trial and appellate courts. Through my work with SCDSS, and my experience in Family Court, I developed a successful private Family Court practice.

Divorce and Equitable Division: One of my most significant wins at the S.C. Court of Appeals was in the case of Buist v. Buist, Opinion No. 4982 (S.C. Ct. App., filed June 6, 2012), in which the appellate court reversed the equitable division of the marital estate by the trial court in Greenwood, S.C. I have handled a significant number of divorces - into the hundreds – including matters regarding equitable division of marital estates. In 2019, I was successful in securing an emergency order for my client, the Wife, to have the proceeds of a house closing deposited into my trust account. She was concerned that since the house was solely in the Husband’s name, he would abscond with the proceeds. The result of this case is that the Wife received a settlement from the proceeds. I have assisted most of my family court clients with the completion of financial

declarations, which detail the property at stake in equitable division. I also have two (2) appellate court wins in the area of alimony – Deen v. Deen, Memorandum Opinion No. 2021-MO-007 (S.C. Supreme Court 2021), in which the Supreme Court reduced the alimony obligation of my client, the ex-Husband; and Hill v. Hill, Unpublished Opinion No. 2023-UP-099 (S.C. Ct. of Appeals 2023), in which the Court of Appeals reversed and retroactively terminated the alimony obligation of my client, Wife; Child custody: As stated, I have appeared in hundreds of divorce actions in the Family Courts of South Carolina, and have represented clients in child custody actions. I have represented at least one (1) client successfully at the S.C. Court of Appeals in a bid to reverse a custody award in the case of Huggins v. Pritchett, Unpublished Opinion 2015-UP-369 (S.C. Ct. App. Filed July 22, 2015), in which the appellate court reversed the custody order of the trial court, and restored custody to my client, the Mother. This was a child custody “change in circumstances” action filed by the Husband. I represented the Wife at trial. My client had sole custody of both of her children, however the trial court split custody of the children following trial. I appealed on behalf of my client, and the child custody order was reversed by the S.C. Court of Appeals – a rare occurrence in South Carolina law. I felt confident that the order would be reversed by the appellate court, as the trial court based its order on the preference of an eleven (11) year-old child – a clear violation of South Carolina case law. I have represented Husbands and Wives, as well as served as a guardian *ad litem* in several cases representing the interests of children of family court litigants. Adoption: I have handled multiple private adoption matters on behalf of adoptive parents, and have served as a guardian in private adoptions. Perhaps my most significant win at the S.C. Supreme Court was the opinion in Swain v. Bollinger, Opinion No. 28078 (S.C. Supreme Court filed January 5, 2022), in which the Supreme Court permitted my client, a maternal grandfather, to terminate the parental rights of the biological father and adopt his grandchild while keeping the rights of the biological mother (my client’s daughter) intact. Swain expanded significantly the options for permanent adoptions for children in South Carolina according to the best interests of each individual child and the realities of each child’s family. Juvenile Justice; I have represented children accused of violations of state and municipal law in multiple counties (Union, Laurens, Newberry, and Greenwood) for approximately five (5) years; in addition, through my work with SCDSS, I have had involvement with dually-involved children in the DJJ/DSS systems. I also taught the course Juvenile Delinquency at Lander University for multiple semesters – one of my favorite and best-received classes.

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

- (a) Federal: My only appearances in federal court are by filings with the Fourth Circuit Federal Court of Appeals from 2008-2023. I do not appear in federal district court on behalf of clients.
- (b) State: Weekly in Family Court; monthly in Court of General Sessions

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

- (a) Civil: 5 percent;
- (b) Criminal: 30 percent;

- (c) Domestic: 65 percent
- (d) Other:

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

- (a) Percentage of practice, including cases that settled prior to trial: Approximately 90 %;
- (b) Number of cases that went to trial and resulted in a verdict: 1 in General Sessions; many (approximately 30) in Family Court while representing SCDSS primarily in TPR/Adoption matters.
- (c) Number of cases that went to trial and resolved after the plaintiff's or State's case: 1 in General Sessions.
- (d) Number of cases settled after jury selection but prior to opening statements: None.

Ms. Moore provided that during the past five years she most often served as sole counsel.

The following is Ms. Moore's account of her five most significant litigated matters:

- (f) Buist v. Buist (410 S.C. 569, 574, 766 S.E. 2d 381, 383 (S.C. 2014) – this was an appeal of a equitable division and award of attorney's fees by the family court of Abbeville. I won a significant victory for my client at the appellate court, by the court reversing the trial court's award to the Wife of approximately \$125,000 to resolve equitable division. The award of attorney's fees against my client was affirmed by the S.C. Court of Appeals, however I determined that the reasoning behind the court's decision was incorrect. I filed a Petition for a Writ of Certiorari in the S.C. Supreme Court, which was granted. Although the Supreme Court affirmed the award of attorney's fees against my client on other grounds, the Supreme Court agreed with my conclusion that the reasoning of the S.C. Court of Appeals was incorrect. This case represented my first oral argument at the S.C. Supreme Court. I represented Mr. Buist for approximately eleven (11) years, and the case was finally resolved in an order from Hon. Judge Matthew Turner on April 29, 2019, which order was not appealed by the parties. The case is significant to me due to the length of time I represented Mr. Buist, the favorable result we won in the S.C. Court of Appeals, the fact that the case was heard in the S.C. Supreme Court on my Writ petition, and the fact that this case represented my first oral argument at the S.C. Supreme Court. (Also significant and meaningful to me is that I appeared at the Supreme Court with my mentor, the legendary C. Rauch Wise, as opposing counsel.)
- (g) Huet de Guerville v. Huet de Guerville, Order in Appellate Case No. 2023-000387 (S.C. Ct. App. Filed June 21, 2023) – In this matter, I represented a Father who sought to suppress recordings of phone conversations between my client and his minor child in a pending "change in circumstances" family court custody action, which implicated "wiretapping" as well as a family court order awarding my client private reasonable telephone communication with his son. As I had never handled a matter like this case, I researched the issue and learned that the procedure for challenging illegally-obtained recordings via alleged wiretapping was through a motion to suppress filed in the S.C. Court of Appeals prior to a family court trial. I researched the issue and wrote a motion to suppress which was granted by the S.C.

Court of Appeals. As a result, my client was able to secure a favorable settlement of the custody issues and was awarded significant attorney's fees and costs.

- (h) SCDSS v. Walls, Unpublished Opinion No. 2016-UP-482 (S.C. Ct. App. Filed Nov. 16, 2016); Memorandum Opinion No. 2017-MO-018 (S.C. Filed October 25, 2017) – this was an appeal of a termination of parental rights action. SCDSS filed a TPR action against the parents, and the trial court ordered the parents' rights to be terminated. I handled this matter at the S.C. Court of Appeals (affirmed in an unpublished opinion without oral argument), and the S.C. Supreme Court (which latter Court ordered oral argument). The facts of this case represent one of the most heartbreaking scenarios for DSS caseworkers: the medical evidence and expert testimony established that an infant only a few months old suffered very serious non-accidental injuries and trauma. However, the parents had no explanation for the cause of the injuries. Throughout my career with SCDSS, I handled multiple of these types of cases at the trial and appellate levels. They are challenging from an evidentiary standpoint, because there are no video recordings for the court to determine exactly how the child sustained the injuries. However, in representing SCDSS, the position of the agency has consistently been that the parents are ultimately responsible for the welfare and safety of their child(ren). I had the privilege of arguing this position at the S.C. Supreme Court in 2016. The Court of Appeals affirmed the termination of the parents' rights, and the Supreme Court ultimately concluded that the Writ of Certiorari was improvidently granted – thus affirming the opinion of the Court of Appeals, cited above. However, in a compelling footnote the Supreme Court held that although the cert petition would be dismissed, the agency had proven the grounds for TPR by clear and convincing evidence. This was significant to me personally, because in prior trials and appeals I had not been completely successful in holding the parents responsible for very serious unexplained non-accidental traumas to their child, despite my belief that termination of both parents' rights under these facts was warranted under South Carolina law.
- (i) Dendy v. Gamble, Opinion No. 6100 (S.C. Court of Appeals filed February 12, 2025) – this case was an action filed in Richland County Family Court by maternal grandparents seeking custody and/or visitation of a minor child who was in the legal custody of the maternal aunt and uncle. I represented the aunt and uncle on appeal. The matter proceeded to a multi-day trial, after which the trial court kept custody with the aunt and uncle, but awarded visitation to the grandparents under the theories of *de facto* custodian, psychological parent and the grandparent visitation statute, as well as awarded attorney's fees to the grandparents. In a significant published opinion applying and addressing the visitation theories/statutes referenced *supra*, the S.C. Court of Appeals reversed the order of the trial court and held that the record did not reflect compelling circumstances justifying overruling the presumption of the soundness of the parenting decisions of the aunt and uncle in restricting contact between the child and maternal grandparents. The Court of Appeals also reversed the award of attorney's fees in favor of the grandparents, and ultimately awarded fees and costs in favor of my clients, the prevailing aunt and uncle.
- (j) Swain v. Bollinger, Opinion No. 28078 (S.C. Supreme Court filed January 5, 2022), - perhaps my most significant win at the S.C. Supreme Court was this opinion in which the Supreme Court, in reversing both the trial court and the S.C. Court of

Appeals, permitted my client, a maternal grandfather, to terminate the parental rights of the biological father and adopt his grandchild while keeping the rights of the biological mother (my client's daughter) intact. Swain significantly expanded the options for permanent adoptions for children in South Carolina according to the best interests of each individual child and the realities of each child's family.

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

- (a) Huggins v. Pritchett, Unpublished Opinion 2015-UP-369 (S.C. Ct. App. Filed July 22, 2015)
- (b) Buist v. Buist (410 S.C. 569, 574, 766 S.E. 2d 381, 383 (S.C. 2014))
- (c) SCDSS v. Walls, Unpublished Opinion No. 2016-UP-482 (S.C. Ct. App. Filed Nov. 16, 2016); Memorandum Opinion No. 2017-MO-018 (S.C. Filed October 25, 2017)
- (d) Swain v. Bollinger, Opinion No. 28078 (S.C. Supreme Court filed January 5, 2022)
- (e) Zortea v. Zortea, Unpublished Opinion No. 2017-UP-281 (S.C. Ct. App. Filed July 12, 2017)

The following is Ms. Moore's account of five criminal appeals she has personally handled:

- (a) U.S. v. Kenneth Shannon, Fourth Circuit Federal Court of Appeals, No. 17-4500 (6/6/18) – unpublished opinion.
- (b) U.S. v. Fortino Maldonado-Guillen, Fourth Circuit Federal Court of Appeals, No. 16-4365 (3/31/17) – unpublished opinion.
- (c) U.S. v. Richard Elmer Sundblad, Fourth Circuit Federal Court of Appeals, No. 16-4787 (10/3/17) – unpublished opinion.
- (d) U.S. v. Chee Davis, Fourth Circuit Federal Court of Appeals, No. 16-4787 – opinion is pending.
- (e) U.S. v. Timothy Crockett, Fourth Circuit Federal Court of Appeals, No. 18-4658 (6/14/19) – unpublished opinion.

Ms. Moore further reported the following regarding unsuccessful candidacies: I ran for an at-large family court seat in 2019 in South Carolina, but withdrew my application after being found qualified by the S.C. Bar Committee.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Lowcountry Citizens Committee reported Ms. Moore to be "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience and judicial temperament; and "Qualified" in the evaluative criteria of physical health, mental stability and constitutional qualifications. The Committee commented: "Deep, impressive, family court experience at trial and appellate levels; extremely sharp and knowledgeable; very good presence, extremely impressive, would make a very good family court judge."

Ms. Moore is not married. She has two children.

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

- (d) Louisiana Bar Association, since 2001
- (e) South Carolina Bar Association, since 2004
- (f) Massachusetts Bar Association, since 2019

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

- (a) Greenville County Bar Association
- (b) Laurens County Bar Association

(11) Commission Members' Comments:

The Commission commented that Ms. Moore has extraordinary experience in handling DSS and criminal matters. The Commission was impressed by her candor and professionalism, as well as her extensive legal career.

However, reservations were expressed about her experience handling complex discovery and litigated financial matters at the trial court level. The Commission expressed concern about the limited number of appearances Ms. Moore has made in the 14th Judicial Circuit courts over her lengthy career. Concerns were further expressed about Ms. Moore's testimony that she has not handled a case in the circuit since 2023. The Commission also questioned Ms. Moore's connection to the local community since she has never owned property in the area. Although Ms. Moore expressed her intent to satisfy the statutorily prescribed residency requirement if elected, the Commission has great concerns about the depth of her ties to the local and legal community in the 14th Judicial Circuit, as well as the impetus for her seeking a judicial seat in the lowcountry, when she has predominantly lived and worked in the upstate.

(12) Conclusion:

The Commission found Ms. Moore qualified and nominated her for election to Family Court, Fourteenth Judicial Circuit, Seat 4.

Representative Jordan provided the following statement:

Although I joined my colleagues in voting to find Ms. Moore qualified for service on the Fourteenth Circuit of the Family Court, I write separately to express serious concerns about the growing practice of residing in one part of our state while seeking judicial office in a distant region. This trend exploits a gap in our residency statute and undermines the purpose of screening judicial candidates.

While Ms. Moore meets the technical requirements of the statute, that technical compliance does not allow the JMSC or, more importantly, the citizens over whom she will preside, to meaningfully evaluate her candidacy. The heart of our

screening process must be ensuring that the public in a particular community has confidence in the person seeking to serve as their judge. When a candidate neither lives nor works in the area, the people who will be subject to the immense authority of that judge lose the ability to assess whether she is the right person to represent their community.

This matters. Our courts depend on the consent and trust of the governed, and that trust is built by familiarity, accountability, and a shared sense of place. Anything that weakens that connection should give us pause.

Catherine Webb
Family Court, Fourteenth Judicial Circuit, Seat 4

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than six persons apply to fill a vacancy or if the Commission concludes that there are fewer than six candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than six names.

For the vacancy for Family Court, Fourteenth Judicial Circuit, Seat 4, three candidates applied for this vacancy and one candidate withdrew before the Commission voted. Accordingly, the names of two candidates are hereby submitted in this report as qualified and nominated.

(1) Constitutional Qualifications:

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

Ms. Webb was born in 1969. She is 56 years old and a resident of Fripp Island, South Carolina. Ms. Webb 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 2001. She was also admitted to the Connecticut Bar in 1995.

(2) Ethical Fitness:

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

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

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

Ms. Webb testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;

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

Ms. Webb testified that she is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Webb to be intelligent and knowledgeable.

Ms. Webb reported that she has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

Ms. Webb reported that she has not published any books or articles.

(4) Character:

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

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

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

(5) Reputation:

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

Ms. Webb reported that she has not served in the military.

Ms. Webb reported that she has never held public office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Ms. Webb was admitted to the South Carolina Bar in 2001.

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

- (a) Chandler Law Firm and contract employment (1995-1996), Washington, D.C. I resided in Washington DC after graduation from law school and worked for James

- Chandler and as a contract attorney for a couple of months. I primarily assisted with the National Intellectual Property Law Institute which addressed issues relating to national security and intellectual property. I do not recall the exact dates, but I resided in Washington for less than six months and returned to my home state of Connecticut and began working at Travelers as referenced below.
- (b) Travelers Insurance, Hartford, Connecticut – (1996 through March 1998) I worked for Travelers’ Special Liability Coverage Unit – I worked in the Environmental Litigation Department handling issues of coverage as it related to environmental claims and related litigation.
 - (c) The Bailey Law Firm, Beaufort, South Carolina (Appx. April of 1998 until August of 2002). Joel Bailey ran a plaintiff’s firm that handled complex civil litigation. I assisted in the preparation of all stages of complex civil litigation: interviewed clients and witnesses, processed all paperwork for new cases, organized case files, prepared legal documents and performed legal research. I assisted in the representations of parents and teachers involved in civil and criminal proceedings relating to allegations of abuse. I participated in mediation and settlement negotiations and sat second chair in trials.
 - (d) David Tedder (March of 2003 through March 2006) I handled a large volume of residential real estate clients. I also incorporated businesses and assisted with the formation of LLCs. I met with clients and reviewed and explained legal documents. I communicated daily with local agencies to organize and obtain client services relating to loan closings for residential property. In addition, I volunteered with the local guardian ad litem’s office to represent both minor children and acted as guardian ad litem in abuse and neglect cases. I worked with local physicians, the Department of Social Services case workers, Foster Care Review Board, and the Beaufort County Family Court in the process of advocating for the best interest of children and representing Guardians.
 - (e) Quindlen Law Firm, Beaufort, South Carolina (Approximately August of 2008 through August 11, 2023) I was responsible for all stages of litigation in a high volume relating to large family law practice. My experience includes, but is not limited to, issues surrounding divorce, custody, equitable apportionment, and visitation. I also acted as a guardian ad Litem for minor children. I prepared affidavits, agreements, pleadings, discovery, and orders. I met with clients, interviewed witnesses and coordinated services with local agencies. I also coordinated the services of paralegals/support staff and I trained new associates and paralegals. I had check signing authority for the firm.
 - (f) Judicial Clerk for the Fourteenth Judicial Circuit (August 13, 2025 – Present). I am currently the Law Clerk for the Honorable Gerald C. Smoak, Jr. and the Honorable Douglas L. Novak for the Fourteenth Judicial District.

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

Divorce and Equitable Division of Property

I worked at Quindlen Law Firm for fifteen years where we focused exclusively on domestic law. During that time, I handled numerous separation and divorce cases,

both contested and uncontested. I have extensive experience in equitable distribution, division of real and personal property, retirement accounts, and business interests. I have worked on multiple cases involving multi-million-dollar estates.

I regularly assisted clients with financial declarations, interrogatories, requests for production, and requests for admission. I also collaborated with financial experts and mediators to help resolve complex disputes. I drafted most pleadings, separation agreements, discovery, motions, decrees of divorce, and orders of separate support and maintenance for our firm. I attended mediations with our clients and assisted with all phases of trial preparation. I typically sat second chair for all motions and trials. We have handled extremely complex financial estates worth millions of dollars. We also represented a large military population and therefore I was required to understand issues related to military retirement. Most of our cases resolved through agreement, but a handful of cases went to trial over my fifteen years of practice.

My experience in this area has given me a solid foundation in understanding the statutory and equitable principles governing property division in Family Court.

Child Custody

Child custody cases have been a substantial part of my family law experience. We represented parents in both initial custody determinations and modification actions, often involving complex issues such as relocation, parental alienation, abuse, addiction, and mental health concerns. I typically sat as second chair for trials unless I was acting as the guardian ad litem. My primary role was writing correspondence to counsel, experts, and communicating with clients. I was also responsible for drafting and completing most pleadings, motions, agreements, orders, and written discovery, including interrogatories, requests for production and requests for admission. I frequently communicated with our witnesses and experts and prepared financial declarations and other documents for temporary and other motion hearings. My work experience has made me deeply familiar with the legal standards and practical challenges involved in custody decisions.

Adoption

While adoption has not been the primary focus of my practice, I have handled cases involving stepparent and relative adoptions. I have also been the guardian ad litem in a stepparent adoption. This experience included navigating the termination of parental rights process, coordinating with child-placement agencies, and ensuring compliance with statutory requirements. My familiarity with the adoption process, combined with my broader Family Court experience, prepares me to preside over adoption matters with both legal knowledge and sensitivity to its emotional impact on families. As a Clerk with the Court, I also

intend to observe several adoptions to further deepen my understanding of issues relating to adoption.

Abuse and Neglect

I have represented both parents and guardians in abuse and neglect proceedings. I have worked with the Department of Social Services, guardians, and service providers to address safety concerns, and addressed issues relating to family reunification efforts and permanency planning, especially at the beginning of my career when I was assigned DSS cases, and again when I volunteered with the guardian ad litem program. I understand the importance of balancing child protection with the preservation of family relationships and parents' due process rights.

Juvenile Justice

While I have not personally handled juvenile justice cases as an attorney, I currently serve in a position within the Family Court system and am actively working to deepen my knowledge in this area. I have been studying the relevant statutes, familiarizing myself with available diversion and rehabilitative programs, and observing juvenile proceedings. My judicial training and commitment to understanding the legal needs of juveniles ensure that I will be well prepared to preside over these matters with fairness and diligence.

Frequency of Appearances in Family Court (Past 5 Years)

Over the past five years, I have regularly appeared before Family Court judges—typically several times each month—in a wide range of matters, including divorce, separation, custody, visitation, child support, alimony, matters of equitable apportionment, and enforcement proceedings. While in private practice, I typically sat second chair, unless, of course, I was a Guardian ad litem. I am currently working with the Court as a Law Clerk which I expect to give me an even stronger grasp of Family Court procedures and the practical considerations involved in presiding over emotionally and legally complex case. The past five years involved COVID which essentially shut down the Court to trials in Family Court for approximately two years.

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

- (a) Federal: None;
- (b) State: I would appear in Court a couple of times a month while in private practice over the last five years. The last five (5) years includes COVID which changed the practice of law in Family Court. Most matters were handled out of court and/or via Webex. I am currently in Court on a regular basis because I am working with the Family Court for the Fourteenth Judicial Circuit for the Honorable Douglas L. Novak, and the Honorable Gerald C. Smoak, Jr.).

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

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

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

(a) Percentage of practice, including cases that settled prior to trial: All of my cases were Family Court matters. Most of our cases settled prior to trial. This was period of time also overlaps with COVID. As a result of COVID, the Family Courts were essentially stalled for contested trials in Family Court for the period of 2020 – 2022.

(b) Number of cases that went to trial and resulted in a verdict: Two. I was second chair in *Arleigh Burke Lacefield vs. Ginger Yvonne Lacefield*, Case Number: 2022DR0700237 and *Liane Crouse F/K/A Liane N. Croft vs. Leon Croft*, Case Number: 2012-DR-07-0769.

(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: None

(d) Number of cases settled after jury selection but prior to opening statements: None. There are no jury trials in Family Court.

Ms. Webb provided that during the past five years she most often served as second chair.

The following is Ms. Webb's account of her five most significant litigated matters:

- (a) Elizabeth Deyermund v. Paul B. Zeisler, III, Case Number: 2009-DR-07-0529.

This case was a long-term marriage that involved a complex marital estate and equitable apportionment. I represented the wife who was a retired nurse, and her husband left their long-term marriage after admittedly engaging in an adulterous relationship. The husband was an actuary, and his retirement plans and the stocks were very complex. There were several financial experts involved in this matter. The wife's position was that the husband's stock options, a form of deferred compensation, had been "earned" during the marriage and therefore such options were marital. The stock options did not vest until after the date of separation, and opposing counsel and the husband argued that the options were non-marital. It was a difficult case because of the complexity of the retirement. The wife was granted 50 percent of all of the stock options that we identified as marital.

- (b) Natasha Langford vs. Sam Langford, Jackie Langford, and O.W. Langford, Case Number: 2013-DR-07-1406. I was the guardian ad litem for the minor children in a private custody action. This case was an interesting and significant in that it involved parental fitness, grandparents' rights, as well as the best interests of the minor children. Although the goal was ultimately family reunification, the need to protect the minor children in the light of parents struggling with addiction, and therefore parental fitness, was ever present. The role of the guardian, in compliance with the guardian ad litem statute, to assist the Court in fully understanding the facts when there is substantial dispute is important, and in this case it was essential. I took my responsibility of investigating the facts impartially

and reporting the same to the Court seriously. This case like many of my guardian cases, involved the Courts need to protect the best interest of the minor children while balancing the parents' interests to raise their own children.

- (c) Susan P. Mayo vs. Kerry B. Mayo, Case Number: 2016-DR-07-00004. I was co-counsel for the plaintiff/wife. This was a complex case involving a long-term marriage, custody and equitable apportionment. During the litigation, one of the minor children, who was adopted alleged the defendant/Father sexually abused her. The parties litigated over whether this young teenager would be required to testify in open Court pursuant to the South Carolina Family Court Rule 23 and how this disclosure would impact custody and visitation of the remaining four children. This was legally significant because allegations of sexual abuse directly impact the court's assessment of parental fitness and the best interests of the children, both of which are central to custody determinations. Additionally, whether the teenage daughter was required to testify in open court raises critical issues of due process for the accused parent and protection from potential trauma for the child, requiring the court to carefully balance the parent's rights with child welfare concerns. We had several experts involved in this case to address the financial issues and the best interests of the children.
- (d) Robert Jimenez v. Laurie Jimenez, Case Number: 2018-DR-07-0647. I was co-counsel for the plaintiff/husband. This case involved divorce and equitable apportionment of their assets and debts. The Court also addressed the issues of custody, visitation, and support of two minor children, which was complicated by the high conflict between the parties and the mother and the parties' oldest child. We represented the plaintiff/husband who was a retired service member and employed as a civilian for the Department of Defense. The case involved the division of a military pension, Thrift Savings Plans, and a Federal Employee Retirement System (FERS) plan as well as a complex custody battle. The parties submitted to a custody evaluation and depositions were taken in Georgia and South Carolina. Ultimately, after a week-long trial, husband was awarded custody and a greater than 50% equitable apportionment. This case is legally significant for its successful application of South Carolina equitable apportionment principles to award a greater than 50% share of marital assets, including complex retirement benefits. It also underscores the court's willingness to award primary custody to the father in a high-conflict case, emphasizing the weight of custody evaluations, the testimony and evidence.
- (e) Arleigh Burke Lacefield vs. Ginger Yvonne Lacefield, Case Number 2022DR0700237. I was co-counsel for the defendant/mother in this matter. The central issue was whether the father should be granted custody of the minor children despite his stated intent to relocate out of state. The mother, a fit parent and stay-at-home mother during most of this long-term marriage, agreed to a summer visitation schedule to support the husband/father's time with the children while he remained in South Carolina. Initially, the husband/father indicated he was retiring from the military, but later testified he would remain active in the military and relocate to Virginia. The defendant was also held in contempt of court for violating a temporary order by spitting on the mother and swearing at the mother in front of the children. This case raises key issues about custodial

determinations in the context of interstate relocation, parental conduct during litigation, and the weight courts give to stability, prior caregiving roles, and demonstrated fitness. This case was referred to an appellant attorney and is pending in the Court of Appeals.

Ms. Webb reported she has not personally handled any civil or criminal appeals.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications found Ms. Webb 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: "Committed to community. Personal connection through her life experience w/ family court. Many years of practice in family court. Compassionate. Dedicated."

Ms. Webb is married to Wayne Hampton Webb. She has two children.

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

- (a) American Bar Association
- (b) Beaufort County Bar Association
- (c) South Carolina Bar Association
- (d) South Carolina Women Lawyers

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

- (a) Fripp Island Resort
- (b) Fripp Island Book Club
- (c) St. Helena's Anglican Church
- (d) Fripp's Ferals

Ms. Webb further reported:

I believe my life experiences are critical in shaping my values, my work ethic, and my approach to public service. Two aspects of my life that have impacted me, and likely the type of judge I would be, are my background as an adult adoptee and my experience as an All-American swimmer.

I was adopted by tremendous parents, who were brilliant and loved me and my brothers unconditionally. My father attended Princeton and my mother attended Vassar. While my father was serving as a pilot in the Air Force, he met my mother and fell in love after only five dates. Despite their short courtship, they were happily married for sixty-seven years.

When they were unable to have children, they opened their hearts and their minds to my brothers and me. Being adopted taught me early on about the complexities of identity, family, and belonging. It gave me a deep appreciation for the diverse paths that people take in life, often shaped by circumstances beyond their control. That understanding fuels my commitment to ensuring that every person who comes before the court feels seen, heard, and treated with fairness and respect. I carry with me a strong sense of empathy, especially for those navigating the legal system.

I attended the Mercersburg Academy for high school in Mercersburg, Pennsylvania and swam competitively. We were National Champions in swimming, and I was an All-American swimmer. An All-American swimmer is selected by NISCA All-American program, and it selects the top 100 swimmers per event. I trained rigorously with several Olympians and other All-American swimmers. My experience instilled in me discipline, consistency, and a relentless pursuit of excellence—qualities I would bring to the bench every day. In my opinion, these traits would serve me well in a role that demands careful deliberation, consistency, and the ability to make difficult decisions with clarity and composure.

In addition, to the foregoing personal aspects of my private life, I believe my experience as a real estate attorney would be beneficial. I closed hundreds of residential transactions and assisted our family business, Neighborhood Realty, in the development of three residential communities in Beaufort County including Wright's Point, Battery Point and Polowana Island. Understanding concepts related to real estate has assisted me in my domestic practice including understanding complex marital estates. I also assisted in managing the financial records of our business, including the trust account, and operating account. I also managed the Homeowner's Associations' business records and assisted in-house with the real estate litigation. Most recently I have assisted in the management of thirty rental properties on Fripp Island, which further allows me to understand the dynamics of a small business and the financial issues associated with the same.

Throughout my legal career, I have worked to protect the interests of vulnerable children. I have done so through my work as a volunteer for the guardian ad litem program and as a court appointed guardian. I have worked as a guardian in many challenging cases to include cases with minor children and parents suffering from addiction to violent sexual abuse cases. I have also worked with my local rural community on Saint Helena Island as an advocate through my prior firm on a pro bono basis.

(11) Commission Members' Comments:

The Commission noted her commitment to family law as well as to her own family. They noted her willingness to offer for judicial service following a long career in private family law practice.

(12) Conclusion:

The Commission found Ms. Webb qualified and nominated her for election to Family Court, Fourteenth Judicial Circuit, Seat 4.

The Honorable Melissa M. Frazier
Family Court, Fifteenth Judicial Circuit, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Frazier was born in 1969. She is 56 years old and a resident of Myrtle Beach, South Carolina. Judge Frazier 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 1996. She was also admitted to the North Carolina Bar in 1998.

(2) Ethical Fitness:

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

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

Judge Frazier 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 Frazier testified that she is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Frazier to be intelligent and knowledgeable.

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

- (a) I lectured on the topic of Name Changes at the December 2002, Horry County Bar Procedure and Substantive Family Law Seminar;
- (b) I lectured on the topic of Contested Termination of Parental Rights at the December 2005, Horry County Bar Procedure and Substantive Family Law Seminar – spoke on the topic of Contested Termination of Parental Rights;
- (c) I lectured on the topic of Adult Name Changes at the December 2006, Horry County Bar Procedural and Substantive Law Seminar;
- (d) I spoke on the topic of Mediation at the October 2007, Horry County Bar Procedural and Substantive Law Seminar;

- (e) I lectured on the topic of Visitation Schedules at the December 2008, Horry County Bar Procedural and Substantive Law Seminar;
- (f) I lectured on the topic of Visitation at the December 2009, South Carolina Bar, Family Law Seminar;
- (g) I presented on the topic of Introduction of Exhibits at the December 2009, Horry County Bar Procedural and Substantive Law Seminar;
- (h) I spoke on the topic of Interviewing a Parent at the October 29, 2010, Horry County Bar Guardian ad Litem Training Seminar;
- (i) I presented on the topic of Preparation for Mediation on Children's Issues December 2010, Horry County Bar Procedural and Substantive Law Seminar;
- (j) I lectured on Mediation Etiquette at the December 2011, Horry County Bar Procedural and Substantive Law Seminar;
- (k) I presented on the topic of Family Court Rule 14 at the December 2012, Horry County Bar Procedural and Substantive Law Seminar;
- (l) I coordinated and moderated at the December 2013, Horry County Bar Procedural and Substantive Law Seminar;
- (m) I spoke on the issue of Guardian ad Litem at the May 2015, Family Law Intensive Class sponsored by the Horry County Bar;
- (n) I served as coordinator and moderator at the February 2015, February 2016, February 2017, Horry County Bar Procedural and Substantive Law Seminar;
- (o) Retired Judge Lisa A. Kinon and I spoke together on the topic of mediation at the November 17, 2017, South Carolina Bar, Effective Mediation Practice for Advocates and Mediators;
- (p) I served as the course planner and moderator at the January 19, 2018, Family Law Section seminar of the S.C. Bar Convention;
- (q) I served as coordinator, moderator and panel member at the February 2018, Horry County Bar Procedural and Substantive Law Seminar;
- (r) I lectured on the topic of Child Support and Alimony at the September 20, 2019, South Carolina Bar, Hot Tips From the Coolest Domestic Law Practitioners;
- (s) I served as coordinator, moderator, and spoke on the issue of Guardians ad Litem February 7, 2020, Horry County Bar Procedural and Substantive Law Seminar;
- (t) I spoke on the topic of Client Credibility September 2020, South Carolina Bar, Hot Tips From the Coolest Domestic Law Practitioners;
- (u) I served as course planner and moderator at the S.C. Bar Hot Tips from the Coolest Domestic Law Practitioners held on September 24, 2021;
- (v) I served as course planner and moderator at the S.C. Bar Family Law Intensive CLE held on October 22-24, 2021;
- (w) I spoke on the issue of Termination of Parental Rights and Adoptions at the Horry County Bar Procedural and Substantive Law Seminar on December 10, 2021;
- (x) I spoke about issues from the bench as a new judge on February 10, 2023 at the Horry County Bar Procedural and Substantive Law Seminar;
- (y) I spoke on the issue of Family Court Rules at the Horry County Bar Procedural and Substantive Law Seminar on February 16, 2024;
- (z) I spoke on the issue of Guardian ad Litem at the February 2025 at the Horry County Bar Procedural and Substantive Law Seminar.

Judge Frazier reported that she has published the following:

South Carolina Family Lawyer's Toolkit, 3rd Edition, South Carolina Bar 2017, co-editor and contributor.

(4) Character:

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

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

The Commission also noted that Judge Frazier 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 Frazier reported that her rating by a legal rating organization, Martindale-Hubbell, is Distinguished.

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Frazier was admitted to the South Carolina Bar in 1996.

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

- (a) Law Office of Walter J. Wylie, September 1996 –1999. Worked as an associate in the primary area of family law.
- (b) Wylie & Frazier, P.C., 1999 - March 2010. Became a junior partner, practicing in the area of family law. I would review the financial accounts, including trust accounts on a regular basis.
- (c) Frazier Law Firm, P.C., March 2010 – September 2022. Opened my own law firm where I continued my family law practice. I oversaw the administration and financial management of this practice, including all bank accounts and trust accounts.

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

Family Court Judge, Fifteenth Judicial Circuit, Seat 3, Elected February 2022 and have served in this position from October 1, 2022 - present.

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

- (a) In the Interest of Micah Pressley, 2022-JU26-246,247. This was my first waiver hearing that was held on January 27, 2023. A football player from Florence was shot and this juvenile and an adult co-Defendant were arrested for his murder. After weighing the *Kent* factors, I determined that it was appropriate to waive this juvenile up to General Sessions. I later found out that this juvenile was found guilty and sentenced to forty years.
- (b) Swing vs. Swing, 2023-DR-10-484. This was a seven-day modification of custody trial where the minor child in question is almost eighteen. The child suffers from cerebral palsy and epileptic seizures. This case involved multiple expert witnesses, including medical professionals. The main issue was custody and visitation for the minor child when there were allegations that the minor child was suffering more epileptic seizures during one parent's time. DSS was also involved, but moved to dismiss after hearing the testimony.
- (c) Jackson vs. Jackson, 2023-DR-26-1257. This case was a private termination of parental rights action. It was a very sad case, where mother had a drug problem and did not see her children for several years. However, years later she had overcome her drug problem and filed for custody and/or visitation and the father and step-mother counterclaimed for termination of parental rights and adoption. After hearing the testimony, I terminated mother's parental rights and granted the step-mother's adoption. So much time had passed where these children were without their biological mother and I found the termination and adoption were in the best interests of the minor children.
- (d) In the Matter of Mollie Brooks, Minor Name Change 2023-DR-26-744. This matter was before me for a contested minor name change for a four year old. After considering the factors in *Mazzone vs. Miles*, I allowed the mother to change the minor child's last name to Mother's current last name. This matter was very fact specific in that the child's father had been incarcerated and has not seen the minor child since she was less than a year old. While father had been released from prison, he had not yet petitioned for visitation. Father argued that the child's surname was particularly important to him based on his culture.
- (e) Ronnie June Carraway vs. Lillie Mae Carraway, 2021-DR-21-843. This matter came before me on a Motion to Compel Settlement to approve the parties' mediated agreement. While it was not a difficult case, this was the first case in which I was asked to enforce an Agreement, where one party was asking me to set aside the agreement they reached. After an evidentiary hearing, I did determine that the agreement was entered freely and voluntarily and that it was within the bounds of reasonableness from both a procedural and substantive perspective based on the relevant equitable division and alimony factors.

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

Judge Frazier further reported the following regarding unsuccessful candidacies:

I previously ran for Family Court Judge At Large, Seat 7, 2016.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Pee Dee Citizens Committee reported Judge Fraizer 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.

Judge Frazier is not married. She has two children.

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

- (a) South Carolina Bar Association, 1996 – present;
- (b) South Carolina Bar, Family Law Section Council from 2014- present. Served as Secretary, Chair-Elect, Chair and Past Chair from 2015- 2019;
- (c) Horry County Bar Association, 1996- present. Served as Secretary, Treasurer, Vice President and President from 2005- 2008;
- (d) Horry County Bar Association, Family Court Executive Advisory Committee, 2007- 2022;
- (e) Coastal Inn of Court Pupilage and Mentoring Organization, Master 2014 – present; Served as Secretary, 2019 -2020, Treasurer, 2020- 2022, Vice-President 2022-2024, President-Elect 2024-present;
- (f) South Carolina Bar Association Fee Dispute Board, August 2018 – 2022;
- (g) South Carolina Family Law American Inn of Court, Master, 2022 - present

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

- (a) Coastal Inn of Court Pupilage and Mentoring Organization, Master 2014 - present. Served as Secretary, 2019 -2020 and currently serving as Treasurer, 2020-2022, Vice President 2022-2024, President-Elect 2024-Present;
- (b) South Carolina Family Law American Inn of Court, Master 2022-Present

Judge Frazier further reported:

I was married for over twenty years and have two children, both of whom are enrolled in law school in South Carolina. I have been impacted by divorce myself, as well as through members of my family over the years. These experiences have provided me with a unique perspective and I have gained a great deal of empathy for litigants going through the process of divorce. I have been honored to serve this state in my position of family court judge over the last three years. I have a great deal of respect for this position and I am humbled that I get to serve in this capacity and hope to continue to do so. I believe that I treat litigants with respect

and I try to keep the best interest of minor children in mind at all times. I believe that I approach this position with knowledge, experience, compassion and respect.

(11) Commission Members' Comments:

The Commission commented that Judge Frazier's presence on the bench provides a real service to the litigants before her and to the public in general. Further, the Commission noted she is someone the public can be proud of serving on the bench. The Commission was impressed that the Clerk of Court wrote her a recommendation.

(12) Conclusion:

The Commission found Judge Frazier qualified, and nominated her for reelection to Family Court, Fifteenth Judicial Circuit, Seat 3.

ADMINISTRATIVE LAW COURT QUALIFIED AND NOMINATED

Jason P. Luther
Administrative Law Court, Seat 4

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than six persons apply to fill a vacancy or if the Commission concludes that there are fewer than six candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than six names.

For the vacancy for Administrative Law Court, Seat 4, eight candidates applied for this vacancy, two candidates withdrew before the public hearing, and one candidate was found not qualified. Accordingly, the names of five candidates are hereby submitted in this report as qualified and nominated.

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Luther meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Mr. Luther was born in 1980. He is 45 years old and a resident of Columbia, South Carolina. Mr. Luther 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 2009.

(2) Ethical Fitness:

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

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

Mr. Luther reported that he has made \$160.20 in campaign expenditures for printing, \$143.15 for postage, and \$25.39 for a name tag.

Mr. Luther testified he has not:

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

Mr. Luther testified that he is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Luther to be intelligent and knowledgeable.

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

- (a) I served as judge for USC School of Law's annual Kate Bockman Moot Court competition on numerous occasions since 2012
- (b) Co-presenter for breakout session on the "Reptile Theory" in trucking litigation, SC Defense Trial Attorneys Association Summer Meeting (2015)
- (c) Understanding Tort Litigation in South Carolina, presentation to insurance adjusters (~2016)
- (d) State and Local Tax Case Law Update, 2018 Annual SC Bar Convention
- (e) Update from the SCDOR, Council on State Taxation Southeast Regional State Tax Seminar (April 2018)
- (f) Top 10 Things OGC Learned at SCDOR, 2019 Annual SC Bar Convention
- (g) I was a panelist for a USC School of Law panel re: careers as an in-house attorney
- (h) Beware – the Taxman Cometh, 2020 Annual SC Bar Convention
- (i) I participated in an Alcohol Laws and Regulation Education Seminar with SLED and Columbia Police Department
- (j) State and Local Tax Case Law Update, 2021 Annual SC Bar Convention
- (k) OMG, I'm being audited! What do I do now?, recorded CLE as round table panelist for South Carolina Administrative and Regulatory Law Association seminar (December 2021)
- (l) State and Local Tax Case Law Update, 2022 Annual SC Bar Convention
- (m) SALT Seminar, hosted by Nexsen Pruet (January 2022)
- (n) The Twelve Days of Taxmas, 2023 Annual SC Bar Convention
- (o) I presented at the SALT Seminar - South Carolina Association of CPAs, hosted by Nexsen Pruet (February 2023)
- (p) Tax Update, 2024 Annual SC Bar Convention
- (q) Sales and Income Tax Case Law Update – SALT Seminar hosted by Adams & Reese (February 2024)
- (r) Tax Update, 2025 Annual SC Bar Convention
- (s) Sales and Income Tax Case Law Update - SALT Seminar hosted by Adams & Reese (February 2025)

Mr. Luther reported that he has published the following:

- (a) A Tale of Two Cities: Is *Lozano v. City of Hazleton* the Judicial Epilogue to the Story of Local Immigration Regulation in Beaufort County, South Carolina?, 59 S.C. L. Rev. 573 (2008).
- (b) Reflections on Professionalism: A Student Perspective, S.C. YOUNG LAW., February 2009 (Vol. 1, Issue 2)
- (c) Peer Review as an Aid to Article Selection in Student-Edited Legal Journals, 60 S.C. L. Rev. 959 (2009) (co-authored with John P. Zimmer)

(d) South Carolina Nonprofit Corporate Practice Manual (3rd Ed., 2025) (contributing author/editor for chapter dealing with state taxes)

(4) Character:

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

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

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

(5) Reputation:

Mr. Luther reported the following regarding his rating by any legal rating organization: I do not recall ever seeking a rating from Martindale-Hubbell. I was selected as a Rising Star by the South Carolina Super Lawyers publication in 2014, 2016, and 2017.

Mr. Luther reported that he has not served in the military.

Mr. Luther reported that he has never held public office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Luther was admitted to the South Carolina Bar in 2009.

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

(a) From 2009 to 2010, I was in private practice with Nelson Mullins Riley & Scarborough LLP in Columbia. I worked primarily on a team that handled commercial litigation and business torts, with a focus on franchise & distribution litigation. However, because of my interest in appellate practice, I also had the opportunity to brief an appeal to the United States Court of Appeals for the Fourth Circuit and work on an amicus brief to the United States Supreme Court. No administrative or financial management.

(b) From August 2010 to August 2012, I served as a judicial law clerk to the Honorable Dennis W. Shedd, United States Court of Appeals for the Fourth Circuit. While clerking for Judge Shedd, I reviewed briefs and records in a variety of different appeals, including criminal, civil, employment and labor, energy and utilities, environmental law, finance and banking, immigration, taxation, insurance,

- construction, intellectual property, government contracts, products liability, administrative law, civil rights, family law, etc. For each appeal, I researched legal issues and prepared bench memoranda for Judge Shedd, assisted him in preparing for oral arguments, attended oral arguments during each term of court in Richmond, VA, and drafted opinions. No administrative or financial management.
- (c) After completing my judicial clerkship I returned to private practice to work for Murphy & Grantland, P.A. from September 2012 to May 2017. There, I was primarily a civil litigator focusing on general commercial and business litigation, insurance defense and coverage matters, and any appellate matters that arose out of my civil litigation practice. This included appeals both at the South Carolina Court of Appeals and the United States Court of Appeals for the Fourth Circuit. No administrative or financial management.
 - (d) In May 2017, I accepted a job as the General Counsel for Litigation at the South Carolina Department of Revenue. In that role, I served as Deputy Director and the managing head of the litigation division, providing senior leadership, oversight, and direction on all legal matters impacting the agency, including civil and administrative litigation and criminal tax prosecutions, bankruptcy, and foreclosures. I also provided general legal advice and counsel on a variety of matters including Freedom of Information and alcohol beverage licensing. One of the reasons I chose to leave private practice and join the Department was because it presented a unique opportunity to be involved in more appellate work, and especially appeals that dealt with novel legal and constitutional issues. This job has not disappointed; since joining the Department six years ago I have had an active role in over 30 appellate matters at the South Carolina Court of Appeals or Supreme Court, as well as one matter at the United States Court of Appeals for the Fourth Circuit. No financial management.
 - (e) In the summer of 2020, the Department of Revenue restructured and consolidated all of its legal services and functions in a single, centralized Office of General Counsel. My title changed to Chief Legal Officer. In addition to my prior duties, I also assumed oversight of the Department's Appeals Section, as well as an expanded role in providing advice and counsel on matters related to high-balance collections, contracts and procurement, and agency policy on wide-ranging tax, regulatory, and administrative law issues.

Mr. Luther further reported regarding his experience with the Administrative Law Court practice area:

Since joining the Department of Revenue in 2017, the majority of my practice has been in the Administrative Law Court. Our Office of General Counsel handles hundreds of contested cases each year, and I have supervisory responsibility for all of these cases. I appear before the ALC regularly, most often in those larger matters involving our agency (i.e. multi-day contested case hearings).

The contested cases I have handled at the ALC typically involve either tax or regulatory (alcohol beverage licensing) disputes. Here is a sampling of the issues discussed in the cases I have appeared in during the past five years:

Bank tax — whether South Carolina banks can deduct net operating loss carry forwards when computing their entire net income for bank tax purposes.

Corporate income tax — what is the proper method for apportioning the income of multi-state corporations who do business in South Carolina; what constitutes a multi-state corporation's income producing activity in South Carolina for purposes of sourcing that income to the state.

Sales tax — whether a online e-commerce retailer is liable for sales tax on the items it sells through its website (even if those items are owned by a third-party merchant); whether items sold by a big-box DIY retailer under an installed sales contract should be taxed on the fair market value (rather than wholesale value) of the item; whether items purchased in conjunction with the construction of a new manufacturing facility are exempt from sales tax if the facility is never completed or operational.

Property tax — whether property of a rural telephone cooperative is exempt from ad valorem tax if it is used to provide telecommunication services other than traditional landline telephone service; whether a single-family home in a neighborhood can qualify for a property tax exemption for churches.

Cases involving disputes over a number of different corporate and individual credits, deductions, or exemptions.

Alcohol beverage licensing — public protests of businesses seeking a beer, wine, or alcoholic liquor permit or license; violations of ABL laws or regulations (e.g. sales to a minor; after hour sales; etc.)

In addition to the specific substantive issues at issue in these cases, many of the contested cases I have handled at the ALC have involved discovery disputes; evidentiary issues; qualification of experts and admissibility of their testimony; statutory construction; facial versus as-applied constitutional challenges; the relevance of an agency's administrative interpretation of a statutory scheme; etc.

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

- (a) Federal: Infrequent. I can recall three cases. CSX Transportation, Inc. v. S.C. Dep't of Revenue, 959 F.3d 622 (4th Cir. 2020) was litigated and tried in federal court prior to my joining the Department. The Fourth Circuit vacated and remanded the case to the district court. I appeared as co-counsel in the remanded proceedings, a second appeal to the Fourth Circuit, and subsequent reversal and remand to the district court, all of which occurred between 2017–2020. In

Sanders v. South Carolina Department of Revenue et al (3:23-cv-04441-SAL), I was the sole attorney of record for the Department; the case was ultimately dismissed. I am also the sole attorney of record for the Department in a federal case currently pending in the District of Columbia;

- (b) State: Frequent. The majority have been in the Administrative Law Court and appellate courts, along with occasional Circuit Court appearances.

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

- (a) Civil: 15%;
- (b) Criminal: 10%;
- (c) Domestic: 0%;
- (d) Other: 75% (administrative/government practice).

Mr. Luther reported the following regarding the percentage of his practice in trial court during the past five years:

My practice and role at the Department of Revenue is unique. Our Office of General Counsel handles hundreds of administrative appeals, criminal cases, and civil matters each year. As the Chief Legal Officer, I have supervisory responsibility for all of these cases, in addition to a host of other non-trial legal matters.

I would estimate that during the past 5 years approximately 30% of my practice has been in trial court, 30% has been on appellate matters, and 40% has dealt with other non-trial matters. Nearly all of the Department's cases are non-jury contested case hearings (trials) in the Administrative Law Court, and therefore do not result in a jury verdict. To the best of my knowledge, in the past five years our criminal prosecutor has had six trial verdicts—three in favor of the State—and one case in which the defendant pled guilty after the first day of trial.

Mr. Luther provided the following regarding his role as counsel during the past five years:

I serve as co-counsel on many of the administrative cases, although my level of involvement varies widely depending on the complexity and policy implications of the case. In many cases, my involvement is limited primarily to assisting with developing case strategy and reviewing significant pleadings and filings. I am more involved in the complex or significant matters, including actively participating in the discovery process and serving as part of the trial team. I also maintain a more limited caseload in which I serve as sole counsel or lead counsel. I am lead counsel on all Circuit Court matters. On the appellate matters where I am not the chief or sole counsel, I am heavily involved in the brief-writing process and conducting moot court sessions to prepare our attorneys for oral argument. We have a Special Assistant Attorney General in our office that has

primary responsibility on all criminal matters; I supervise this attorney and we frequently collaborate on prosecution strategy.

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

- (a) Dominion Energy South Carolina, Inc. f/k/a SCE&G v. S.C. Dep't of Revenue, Docket No. 19-ALJ-17-0170-CC: This involved whether South Carolina Electric and Gas Company (SCE&G) owed sales and use tax on all of the materials and equipment it had purchased tax-free during construction of the two-unit nuclear project at the VC Summer Nuclear Station, even though it abandoned the project and the reactors were never completed or operational. We ultimately negotiated a resolution in which SCE&G (now Dominion) reimbursed the State for the sales tax revenues the State had foregone during SCE&G's construction of the project, and transferred to the State four unique and desirable properties (in Georgetown County, Aiken County, and two islands on Lake Murray) that will become new state parks or public lands for all South Carolinians to enjoy for generations to come.
- (b) Richland Cty. v. S.C. Dep't of Revenue, 422 S.C. 292, 811 S.E.2d 758 (2018): I was lead counsel in the "second half" of a case involving Richland County's expenditure of certain sales and use tax revenues, commonly known as the "Penny Tax." After the Supreme Court issued its opinion in March 2018, there was over three years of subsequent litigation on remand to the Circuit Court (including an audit that was conducted in conjunction with discovery), as well as a companion case that Richland County filed in the Administrative Law Court. We also filed an amicus brief in a separate appeal that also dealt with Richland County's and the Central Midlands Regional Transit Authority's (CMRTA) use of penny tax revenues. Ultimately, in July 2021 we reached an agreement with Richland County and CMRTA that brought to a final conclusion a very public dispute that had been ongoing for over six years. The case established, as a matter of first impression, the Department's authority to review and audit a local government's use of penny tax funds. The case also resulted in the County and CMRTA reimbursing the penny tax program for improper expenditures, and led to the development of a uniform standard of guidelines to be applied to all local governments to ensure that transportation penny tax funds are spent only on transportation-related projects, in compliance with state law.
- (c) Amazon Services, LLC v. S.C. Dep't of Revenue, 898 S.E. 2d 194, 442 S.C. 313 (2024): This case involves whether the company that owns and operates Amazon.com is a retailer under South Carolina law and, therefore, responsible for collecting and remitting sales tax on all purchases of tangible personal property that occur on its website. This dispute began in 2016, after the expiration of a five-year sales tax moratorium (which Amazon had lobbied for in exchange for building a distribution facility in South Carolina) and has received continuous national attention throughout the pendency of the litigation and subsequent appeals. The Supreme Court heard oral arguments in this case earlier this year.
- (d) Clarendon County et al. v. S.C. Dep't of Revenue, Farmers Telephone Cooperative, Inc. et al., Docket No. 17-ALJ-17-0237-CC; Appellate Case No. 2020-000983: This contested case in the Administrative Law Court dealt with

whether the rural telephone service exemption in S.C. Code § 12-37-220(B)(10) extends to property used to provide rural *wireless* telephone service, or only rural *landline* telephone service. The ALC's final decision agreed with the Department's position that wireless assets qualify for the exemption, at least partially. During the pendency of the appeal at the Court of Appeals, the General Assembly amended section 12-37-220(B)(10) to clarify the exemption applies to modern facilities and technology as well as dual-use assets/property. This clarification confirmed the Department's interpretation of the exemption. As a result of the amendment, the counties and telephone cooperative reached a settlement, and the appeal was dismissed.

- (e) Grange Mutual v. 20/20 Auto Glass, Unpublished Opinion No. 2019-UP-419 (Dec. 31, 2019). This case addressed issues related to offer, acceptance, specific performance, and the creation of a unilateral contract between an insurance company and auto glass repair company. This represented the first time the Court of Appeals had addressed an issue like this since deciding S. Glass & Plastics Co. v. Kemper, 399 S.C. 483, 732 S.E.2d 205 (Ct. App. 2012), which dealt with a similar scenario as a matter of first impression. This same issue was being litigated around the country, and courts in other jurisdictions had diverged on how to resolve this particular unilateral contract issues. (Note: I was sole counsel on this case through trial and early in the appeal; when I joined SCDOR, one of my colleagues at my former firm took over for the remainder of the appeal).

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

- (a) Duke Energy Corp. v. S.C. Dep't of Revenue, 445 S.C. 499, 914 S.E.2d 873 (Ct. App. 2025).
- (b) Synovus Bank v. S.C. Dep't of Revenue, 444 S.C. 30, 906 S.E.2d 85 (Ct. App. 2024).
- (c) Lowe's Home Centers, LLC v. S.C. Dep't of Revenue, 443 S.C. 388, 904 S.E.2d 880 (Ct. App. 2024)
- (d) Aiken v. S.C. Dep't of Revenue, 429 S.C. 414, 839 S.E.2d 96 (2020).
- (e) Pa. Nat'l Mut. Cas. Ins. Co. v. Lewis, 650 Fed. Appx. 159 (4th Cir. 2016)

Mr. Luther reported the following regarding personally handling criminal appeals:

All of the Department's criminal appeals are handled by the Attorney General's office. We have had one criminal appeal involving felony tax evasion during my time at the Department, see State v. Hughes, 2018 WL 679482 (S.C. Ct. App. Jan. 24, 2018).

Mr. Luther further reported the following regarding unsuccessful candidacies:

In 2023, the Judicial Merit Selection Commission found me Qualified, but not nominated, for the Court of Appeals, Seat 9.

In 2024, the Judicial Merit Selection Commission found me Qualified and Nominated for the Court of Appeals, Seat 2; I withdrew prior to the election.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Mr. Luther to be "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee had the following comments: "Very organized, intelligent, great temperament, well-qualified to be an ALJ"; and "A great candidate with significant experience in the ALC arena. He will be a great ALJ."

Mr. Luther is married to Emily Suzette Luther. He has three children.

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

- (a) South Carolina Bar Association (2009 to present)
- (b) Torts and Insurance Practices Section Council (approximately 2015—2017)
- (c) Richland County Bar Association (2009 to present)
- (d) South Carolina Administrative Law Court Rules Committee (2022 to present)

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

- (a) South Carolina Law Review Association, Board Member
- (b) Junior Achievement of Greater South Carolina, Midlands District Board Member
- (c) Chair, Christian Youth Basketball League
- (d) Volunteer coach, Palmetto Baseball League
- (e) First Presbyterian Church, Elder and adult Sunday School teacher (Columbia, SC)
- (f) Historic Columbia, Palladium Member
- (g) South Carolina Philharmonic Conductor's Cabinet
- (h) South Carolina Executive Institute, Class of 2023
- (i) School Improvement Council, Brennen Elementary (2022–2023)
- (j) 20 Under 40 (The State Newspaper) (2019)
- (k) Leadership Columbia, Class of 2017
- (l) The Federalist Society (reactivated membership in Oct. 2025)

Mr. Luther further reported:

I am excited to pursue a new opportunity in public service. For me, law and service are intrinsically connected. I do not come from a family of lawyers, but service is part of my family's DNA, and I grew up seeing the virtues of hard work and selflessness modeled by my parents and grandparents. I was drawn to a career in law as a teenager by the example of a lawyer-legislator, who volunteered his time (pro bono) to represent a family friend in a federal lawsuit.

Throughout my career, I have tried to steward the talents entrusted to me and honor those who have invested in my life by working diligently and zealously for

my clients and community. To pay it forward, in a sense. In my role as general counsel at the Department of Revenue, I have found it incredibly rewarding—both professionally and personally—to play a small part in helping our state government work best for its constituents and stakeholders by being timely, responsive, diligent, even-handed, and efficient. It would be a great privilege to continue serving the people of South Carolina as an administrative law judge.

(11) Commission Members' Comments:

The Commission commented that Mr. Luther has an outstanding reputation in the legal community. They noted that his intellect, demeanor and experience will serve him well in discharging his responsibilities on the Administrative Law Court, if elected.

(12) Conclusion:

The Commission found Mr. Luther qualified, and nominated him for election to Administrative Law Court, Seat 4.

Kelly Rainsford
Administrative Law Court, Seat 4

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than six persons apply to fill a vacancy or if the Commission concludes that there are fewer than six candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than six names.

For the vacancy for Administrative Law Court, Seat 4, eight candidates applied for this vacancy, two candidates withdrew before the public hearing, and one candidate was found not qualified. Accordingly, the names of five candidates are hereby submitted in this report as qualified and nominated.

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Rainsford meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Ms. Rainsford was born in 1973. She is 52 years old and a resident of Columbia, South Carolina. Ms. Rainsford provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1998.

(2) Ethical Fitness:

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

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

Ms. Rainsford reported that she has made \$271.62 in campaign expenditures for fingerprints at IdentoGo, printing, resume cards, stationery, envelopes, and postage.

Ms. Rainsford testified she has not:

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

Ms. Rainsford testified that she is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Rainsford to be intelligent and knowledgeable.

Ms. Rainsford reported that she has taught the following law-related courses:

- (a) In the past five years, I taught Consumer Law at the Orientation School for Magistrates numerous times (8/14/2020, 3/26/2021, 7/19/2021, 3/14/2022, 7/18/2022, 3/30/2023, 7/22/2024).
- (b) I taught Consumer Law and enforcement actions at the South Carolina Bar Consumer Law Section CLE (1/19/2021). 12
- (c) I participated in a panel about changes in the athlete agent law in the Law School's Sports Law class (10/14/2021, 11/3/2022).
- (d) I taught the State of Consumer Credit at Hot Topics and Cool Trends in South Carolina Consumer Law (12/8/2023).

Ms. Rainsford reported that she has not published any books or articles.

(4) Character:

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

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

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

(5) Reputation:

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

Ms. Rainsford reported that she has not served in the military.

Ms. Rainsford reported that she has held the following public office:

I was appointed as a Deputy Administrator for the South Carolina Department of Consumer Affairs in March 2015 and have served in that capacity continuously since appointment. As such, I file a Statement of Economic Interests timely every year and have never been subject to a penalty.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Ms. Rainsford was admitted to the South Carolina Bar in 1998.

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

(a) Law Clerk/Temporary Attorney, South Carolina Department of Revenue (August 1998 to May 1999).

During law school, I clerked for Dean Secor, Assistant Attorney General, who prosecuted criminal tax matters assigned to the Attorney General's Office. After completing the bar exam, I returned to work for Mr. Secor while searching for a permanent position. In this job, I drafted orders, trial briefs, indictments, motions, and responses to discovery requests; researched legal issues; and managed the case docket.

(b) Judicial Law Clerk/Administrative Assistant, South Carolina Court of Appeals (May 1999 to June 2000)

During my employment at the Court of Appeals, I was a judicial law clerk for Judge C. Tolbert Goolsby, Jr. (May to August), administrative assistant for Chief Judge William T. Howell (August to February), and judicial law clerk for Acting Judge A.E. Morehead, III (February to June). While working for this Court, I reviewed appellate briefs and records on appeal; identified and researched legal issues; attended oral arguments; attended conferences with the judges; and drafted opinions and memoranda. I worked on appeals regarding various areas of the law, including administrative, criminal, civil, and family. During my service as Chief Judge Howell's administrative assistant, I also answered phone calls and performed other administrative tasks.

(c) Judicial Law Clerk, South Carolina Administrative Law Court (June 2000 to May 2002)

For nearly two years, I clerked for Chief Judge Marvin F. Kittrell. In this job, I managed cases filed; researched, summarized, and evaluated motions, petitions, transcripts, and briefs; attended hearings; and drafted and reviewed orders. I answered

phone calls and performed other administrative tasks as well. I worked on cases in most areas for which the Court had jurisdiction at that time.

- (d) Attorney, Austin, Lewis & Rogers, P.A. (May 2002 to March 2004)

In private practice, I worked primarily with E. Crosby Lewis, Esquire. My practice focused on administrative law (mostly matters involving the Department of Health and Environmental Control) but I gained experience in civil matters as well. I prepared briefs, motions, pleadings, and proposed orders; researched legal issues; conducted discovery; prepared for and conducted depositions; prepared for trial; and supervised the firm's law clerks.

- (e) Legal Counsel for the State Budget and Control Board—South Carolina Retirement Systems (March 2004 to January 2007)

Initially, I managed the agency's entire docket of Administrative Law Court cases including preparing cases for trial, conducting discovery, preparing for and conducting depositions, and filing pleadings; managing all disability matters at the Director's level and on appeal; and drafting Final Agency Determinations. During this period, I tried 20 cases and managed a docket that reached more than 30 cases at one time.

- (f) Legal Counsel for the State Budget and Control Board—South Carolina Retirement Systems (January 2007 to May 2008)

In January 2007, I was promoted to a position where I assisted with complex litigation; provided program support; created and maintained databases to manage cases, subpoenas, qualified domestic relations orders, and Final Agency Determinations; established procedures and created a database to manage a new disability monitoring project; and researched miscellaneous program and legal issues.

- (g) Assistant General Counsel, State Budget and Control Board—Office of General Counsel (May 2008 to March 2009)

Initially, I was assigned to the Employee Insurance Program to manage the internal appeals and draft appeal decisions. My responsibilities also included participating in all litigation, either as lead counsel or along with outside counsel, researching various legal issues, and writing legal memoranda.

- (h) Legal Counsel and Manager of Program Policy and Legal Affairs, State Budget and Control Board—Employee Insurance Program (March 2009 to September 2012)

In March 2009, I became a member of the Employee Insurance Program's leadership team in determining policy, making program decisions, and directing staff. During this period of employment, the team I supervised increased from one to six employees. My responsibilities included directing all internal appeals processes; reviewing and editing all contracts, plans of benefits, communications, and other legally significant documents to ensure compliance with state and federal requirements, including COBRA and the Affordable Care Act; overseeing the procurement, implementation, and management of thirteen insurance product contracts; participating in all litigation involving EIP, either as lead counsel or along with outside counsel; and assisting in the development of the HIPAA privacy and security program.

- (i) Senior Staff Counsel, South Carolina Administrative Law Court (December 2012 to March 2014)

During this time, I worked on cases for Chief Judge Ralph K. Anderson, III, and Judge S. Phillip Lenski. My responsibilities included researching, summarizing, and evaluating motions, petitions, transcripts, and briefs; attending administrative hearings; and drafting and reviewing orders. I also updated and maintained the court's website content, which included overseeing a project in which the staff attorneys and I scanned all orders from 1995 to 2014 in a searchable portable document format and uploaded them to the website.

- (j) Director of the Legal Division/Deputy Administrator/General Counsel, South Carolina Department of Consumer Affairs (March 2014 to present)

In March 2014, I was hired to lead the legal division while learning from and training with Danny Collins, Esquire, in preparation for his retirement. When I was appointed as a Deputy Administrator for the agency in March 2015, my duties expanded to include participating in agency operations. In September 2016, I became General Counsel. The legal division is responsible for the licensing, administration, and enforcement of a majority of the 120 laws under the agency's jurisdiction, which includes twelve regulated industries and other regulatory filings. My responsibilities include supervising a team of licensing staff, investigators, attorneys, and paralegals; training employees; overseeing work product to ensure the legal division meets agency goals and accountability measurements; communicating with the Administrator, Commission, and staff about progress in each area of the legal division; overseeing various projects (implementation of databases, new licensing programs); and assisting in drafting of policies, procedures, legislation, and court documents. During my employment, I also have served as the agency's InfoSec Policy Champion (beginning June 2014), Privacy Liaison (secondary beginning 2015, primary beginning 2017), and SLED CJIS Point of Contact (beginning May 2020).

Ms. Rainsford further reported regarding her experience with the Administrative Law Court practice area:

During the past five years, I have appeared on behalf of the Department of Consumer Affairs in only one case at the Administrative Law Court. The Department of Revenue required a court order to provide our office access to records regarding a deceased individual who had not placed preneed trust funds into a trust account or insurance prior to death. Our agency filed the documents provided by the Department of Revenue to get access to those records. Our agency has been a party in at least ten other cases during the past five years. For those cases, I supervised the attorneys who appeared on behalf of our agency, which included making policy decisions as well as reviewing and editing documents prior to filing. In those cases, the issues involved a funeral home accepting funds for preneed arrangements without a license and without putting the funds into trust or insurance, denial of applications for a license (mortgage broker, credit counselor), refusal to provide access to books and records, and penalties for delinquent filings of mortgage log data.

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

- (a) Federal: none
- (b) State: three or less times per year

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

- (a) Civil: 10%;
- (b) Criminal: None
- (c) Domestic: None
- (d) Other: 90% (administrative)

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

- (a) Percentage of practice, including cases that settled prior to trial: Less than 5%;
- (b) Number of cases that went to trial and resulted in a verdict: None
- (c) Number of cases that went to trial and resolved after the plaintiff's or State's case: None
- (d) Number of cases settled after jury selection but prior to opening statements: Not applicable

Ms. Rainsford provided that during the past five years she most often served as chief counsel

The following is Ms. Rainsford's account of her five most significant litigated matters:

- (a) S.C. Dep't of Consumer Affairs v. Cash Central of S.C., LLC, 435 S.C 197, 865 S.E.2d 789 (Ct. App. 2021). In this case, the Department sued an online lender that failed to comply with the Consumer Protection Code, particularly the requirement to file and post a maximum rate schedule, prior to offering triple-digit interest loans to South Carolina consumers. The Department sought refunds of excess charges paid by consumers, which included all interest collected over 18% annual percentage rate. The trial court ruled that the lender was excused from refunding excess charges based on the defenses of bona fide error pursuant to S.C. Code Ann. § 37-3-201(6), bona fide error pursuant to S.C. Code Ann. § 37-5-202(7), and substantial compliance. On appeal, the Court of Appeals reversed the trial court, holding that unless and until the lender complies with the requirements to file a maximum rate schedule with the Department and post the required disclosures on its website, the lender is not authorized to contract for or receive finance charges in excess of 18% annual percentage rate.
- (b) Portfolio Recovery Assocs., LLC v. Campney, 441 S.C. 36, 892 S.E.2d 321, (Ct. App. 2023), cert. dismissed, 445 S.C. 564, 915 S.E.2d 512 (2025). This case involved the issues of whether consumer debt incurred pursuant to a lender credit card is a consumer credit transaction under the South Carolina Consumer Protection Code, Title 37 of the South Carolina Code of Laws, as well as whether the obligation of an original creditor to send a consumer a notice of right to cure transfers from the original creditor to an assignee upon assignment. The Department filed a brief of amicus curiae at the Court of Appeals arguing the answer to both questions was yes. The Court of Appeals agreed and ruled that lender credit card debt is a consumer loan and, therefore, a consumer credit transaction. As a result, the notice of right to cure

- requirements contained in the South Carolina Consumer Protection Code apply to lender credit card debt. The Court of Appeals also ruled that the notice of right to cure requirements must be met before an assignee can accelerate the debt. On appeal to the Supreme Court, the Department filed a brief of amicus curiae addressing new arguments made by the debt buyer/assignee, including whether the National Bank Act preempts South Carolina's right to cure requirements. The Supreme Court ultimately dismissed the appeal as improvidently granted.
- (c) Consumer Financial Protection Bureau, Arkansas Office of the Attorney General, and South Carolina Department of Consumer Affairs v. Kern, et al., 6:20-cv-00786 (D.S.C. 2021). Plaintiffs filed a joint complaint in federal court in February 2020 alleging Kern, Sutter, and Upstate Law Group (ULG) helped broker companies target retired veterans and other pensioners with high-interest loans. Specifically, Kern, Sutter, and ULG aided in creating contracts that were illegal and void based on federal and state law, misrepresenting the type of transaction to consumers and collecting payments from consumers. The Department of Consumer Affairs also alleged the attorneys and company engaged in unconscionable debt collection by filing court actions against consumers who took out the loans. Federal law prohibits someone from acquiring the right to receive a veteran's pension payments. South Carolina law prohibits the "sale" or assignment of earnings for payment or security of payment for a consumer loan, regardless of whether the consumer is a veteran. "Earnings" includes periodic payments from a pension, retirement, or disability program. The combination of these laws allowed military and non-military consumers in South Carolina and across the nation to benefit from the settlement reached by the parties, which included \$750,000 for consumer refunds as well as bans on brokering or offering pension loans, collecting money related to pension loans, and providing financial services in South Carolina unless acting in the regular course of practicing law.
- (d) Anderson v. S.C. Retirement Systems, 06-ALJ-30-0008-CC (Interlocutory En Banc). This case involved a question about the Retirement Systems' interpretation and application of its disability statute. Prior to this case, two separate Administrative Law Judges had issued orders resulting in conflicting interpretations. One judge found that the disability statute required an application to be filed while a member was in service. Another judge found that the member merely needed to prove his disability arose while he was in service. After the Anderson case was filed, the Court granted the Retirement Systems' request for en banc consideration in order to maintain uniformity of its decisions. The Court heard oral arguments and ultimately issued a unanimous ruling that a member must be in service when he files his application for disability retirement benefits. It is my understanding this was only the second time the Court had held an en banc hearing after the Court added Rule 70.
- (e) Duvall v. S.C. Budget and Control Board, 377 S.C. 36, 659 S.E.2d 125 (2008). In this appeal, Mr. Duvall challenged the Retirement Systems' calculation of his monthly retirement benefit. When calculating Mr. Duvall's benefit, the Retirement Systems included a payout made at retirement for 45 days of unused annual leave as allowed by statute. Mr. Duvall, however, sought to include in his salary a payout made prior to retirement for additional unused annual leave. Significantly, Mr. Duvall argued that because he was not a state employee but rather an employee of the Municipal

Association of South Carolina, the 45-day cap on unused annual leave did not apply to him. The Court held that the legislature's provision for the inclusion of a payout for 45 days of annual leave applies to all participants in the retirement system, regardless of whether they are state employees. This appeal was significant because it promoted equity in the calculation of retirement benefits.

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

- (a) S.C. Dep't of Consumer Affairs v. Cash Central of S.C., LLC, 435 S.C. 197, 865 S.E.2d 789 (Ct. App. 2021).
- (b) Portfolio Recovery Assocs., LLC v. Campney, 441 S.C. 36, 892 S.E.2d 321, (Ct. App. 2023), cert. dismissed, 445 S.C. 564, 915 S.E.2d 512 (2025).
- (c) Morgan v. S.C. Budget and Control Board Retirement Systems, 377 S.C. 313, 659 S.E.2d 263 (Ct. App. 2008).
- (d) Lazicki-Thomas v. S.C. Budget and Control Board Retirement Systems, 378 S.C. 72, 661 S.E.2d 374 (2008).
- (e) Duvall v. S.C. Budget and Control Board, 377 S.C. 36, 659 S.E.2d 125 (2008).

Ms. Rainsford reported that she has not personally handled any criminal appeals.

Ms. Rainsford further reported the following regarding unsuccessful candidacies:

In 2008, I ran for Seat 4 on the Administrative Law Court. In the draft report issued January 15, 2009, the Judicial Merit Selection Commission found me qualified, but not nominated, to serve as an Administrative Law Judge.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee found Ms. Rainsford "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: "Great candidate; substantial experience in the ALC; Smart, well organized, can do lots to improve the ALC with her math/computer background;" and "She will be a fantastic candidate for this seat. She has run a legal department and works well with attorneys, litigants, and judges."

Ms. Rainsford is married to Mathew Stevens Rainsford. She does not have any children.

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

- (a) South Carolina Bar Association, 1998
- (b) South Carolina Administrative and Regulatory Law Association (SCAARLA)
 - Member, 2002 to present
 - Member, Board of Directors, 2003 to present

- (c) Administrative Law Court Rules Committee, Member, 2010 to present
- (d) American Conference of Uniform Consumer Credit Code States (ACUCCCS)
Member, 2014 to present
Secretary/Treasurer, 2023 to present
- (e) National Association of Consumer Credit Administrators
Member, 2014 to present
NACCA Appointee on the Nationwide Multistate Licensing System Policy Committee, July 2018 to June 2022

Ms. Rainsford provided that she was not a member of any civic, charitable, educational, social, or fraternal organization.

Ms. Rainsford further reported:

For nearly 27 years, my professional career has involved administrative law. As a result, I have an appreciation for the far-reaching impact that administrative law has on the citizens of South Carolina. I have the unique experience of having worked on cases at the Administrative Law Court from every point of view: a judge's, a private citizen's, and a state agency's. As an Administrative Law Judge, I would be able to draw on this experience in order to perform my duties impartially. In addition, my longstanding participation in SCAARLA and the 4 Administrative Law Court Rules Committee has enabled me to remain informed about developments in the court's jurisdiction.

Throughout my career, I have prided myself in following the letter of the law and advising my client how to comply with it. By focusing on the law and applying it to the facts of each case, I would strive to uphold the integrity and independence of the judiciary every day. I am thorough in my approach, listening to both sides, processing the information, and conducting any necessary research before drawing conclusions. All my life experiences—personal and professional, good and bad—have led me once again to apply for Seat 4 at the Administrative Law Court. My foundation in administrative law combined with my strong work ethic and desire to do the right thing have prepared me to be a fair, impartial, and diligent Administrative Law Judge.

(11) Commission Members' Comments:

The Commission noted that Ms. Rainsford received multiple positive remarks on her BallotBox survey responses and has experience in administrative law.

(12) Conclusion:

The Commission found Ms. Rainsford qualified, and nominated her for election to Administrative Law Court, Seat 4.

Michael S. Traynham
Administrative Law Court, Seat 4

Commission's Findings: QUALIFIED, NOMINATED

Pursuant to § 2-19-80(A), if fewer than six persons apply to fill a vacancy or if the Commission concludes that there are fewer than six candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than six names.

For the vacancy for Administrative Law Court, Seat 4, eight candidates applied for this vacancy, two candidates withdrew before the public hearing, and one candidate was found not qualified. Accordingly, the names of five candidates are hereby submitted in this report as qualified and nominated.

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Traynham meets the qualifications prescribed by law for judicial service as an Administrative Law judge.

Michael Traynham was born in 1982. He is 44 years old and a resident of Columbia, South Carolina. Mr. Traynham 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 2007. He was also admitted to the North Carolina Bar in 2020.

(2) Ethical Fitness:

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

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

Mr. Traynham reported that he has made \$1,166.14 in campaign expenditures on a nametag, printing, office supplies, and postage.

Mr. Traynham testified he has not:

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

Mr. Traynham testified that he is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Traynham to be intelligent and knowledgeable.

Mr. Traynham reported that he has taught the following law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs as follows:

- (a) I taught as part of the faculty for the CLE "Sales and Use Tax in South Carolina," on Nov. 7, 2013, in Columbia, South Carolina.

- (b) I taught as part of the faculty for the CLE “Natural Resources and Environmental Law Seminar,” on August 22, 2014, in Columbia, South Carolina.
- (c) I was part of the CLE panel for the “2016 Government Law Section Mid-Year Update - Hot Topics with DHEC,” on June 17, 2016, Columbia, South Carolina.
- (d) I taught the CLE “What is Effective Regulation?; Overview of the Regulatory Promulgation Process,” on October 28, 2016, in Columbia, South Carolina.
- (e) I taught the CLE “Dams in Post Flood South Carolina” as part of the Environment & Natural Resources Section CLE at the 2017 SC Bar Convention on January 19, 2017, in Greenville, South Carolina.
- (f) I was part of a panel for the CLE “Competing for SC’s Water Resources” as part of the Environmental & Natural Resources Section CLE at the 2018 SC Bar Convention on January 18, 2018, in Kiawah Island, SC.
- (g) I gave the law related presentation “Hot Topics in Agriculture” at the Farm Bureau Annual Conference on November 30, 2018 in Myrtle Beach, SC.
- (h) I was part of a team of presenters that taught the CLE “DHEC Tonight!” for SCAARLA 2019, on February 1, 2019, in Columbia, SC.
- (i) I taught the law related presentation “Environmental Law for ECOs,” monthly while serving as Environmental Attorney at Fort Jackson in 2019 and 2020.
- (j) I taught the CLE “Clean Water Act Developments,” as part of the Environmental and Natural Resource Section CLE at the 2020 SC Bar Convention in Myrtle Beach, South Carolina.
- (k) I taught the CLE “Standing: Not as Easy as it Looks” along with co-presenter Dawn Miller, as part of the Environmental & Natural Resources Section CLE for the 2019 SC Bar Convention on January 17, 2019, in Myrtle Beach, SC.
- (l) I taught the CLE “Environmental Update” (co-presented with Elizabeth Dieck) for the S.C. Bar Government Law Section, on May 3, 2019, in Columbia, SC.
- (m) I taught the CLE “Environmental Update,” as part of Nexsen Pruet’s In-House Counsel CLE in October 2021 in Columbia, SC.
- (n) I recorded the CLE “Uncertain Standing in Environmental Litigation” for the SC Bar in May 2021 (available as an on demand CLE).
- (o) I taught the law related presentation “Carbon Credits and Conservation Easements” at the Farm Bureau Annual Meeting in October 2021 in Myrtle Beach, SC.
- (p) I co-taught the law related presentation “Stormwater, Agency Enforcement, Professional Requirements,” (with Mary Shahid) to the ACEC/NSPE-SC Annual Meeting on Feb. 16, 2022, in Columbia, SC.
- (q) I served as a moderator for CLE presentations at the Tri-State Environmental Conference (SC/NC/GA Bar) in June 2022, in Charleston, SC.
- (r) I taught the law related presentation “Agricultural Permitting Update” to the S.C. Poultry Federation Annual Meeting, on July 6-8, 2022, in Hilton Head Island, SC.
- (s) I presented portions of the law related presentation “BSI Environmental Bootcamp - Environmental Law Overview” on August 23, 2022 (Hilton Head, SC) and on November 29, 2022 (Austin, TX).
- (t) I taught the CLE “Where Goeth Deference?” as part of the Environmental & Natural Resource Section’s CLE Presentation for the 2023 SC Bar Convention, on January 20, 2023, in Columbia, SC. I also served as facilitator and course planner for the E&NR Section Presentation that year.

- (u) I taught as part of a panel for the CLE “South Carolina Case Law Update” for the June 2024 Tri-State Environmental Conference in Savannah, GA.
- (v) I taught the CLE “A Look at What’s Emerged; PFAS in the World of CERCLA” as part of CAPCA, Fall 2024, in Myrtle Beach, SC.
- (w) I taught as part of a panel for the CLE “Chevron. We Hardly Knew Ye” for the S.C. Bar on October 31, 2024, Columbia, SC.
- (x) I taught as part of a panel for the CLE “Ripple Effects: Possible Outcomes from the End of the Chevron Doctrine in Environmental Law” as part of the Environmental & Natural Resource Section CLE for the 2025 SC Bar Convention in Columbia, SC.

Mr. Traynham reported that he has published the following articles:

- (a) Various “Client Insights” (Maynard Nexsen Firm Blog Posts), available at <https://www.maynardnesen.com/professionals-michael-traynham#Media>.
- (b) *Opening the Flood Gates?* SC Lawyer, November 2020.
- (c) *The Shape of Water (Law): The Evolving Regulation of Surface Water in South Carolina*, American Bar Association, Water Resource Committee Newsletter, October 2, 2018.
- (d) *What Every Lawyer Needs to Know about Investment Fraud*, S.C. Young Lawyer, August 2011.

(4) Character:

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

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

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

(5) Reputation:

Mr. Traynham reported that he has the following ratings by legal rating organizations:

- (a) Listed in Best Lawyers in America, Environmental Law (2025)
- (b) Listed in Best Lawyers in America: Ones to Watch, Litigation – Environmental (2023-2024)
- (c) Recognized by Chambers USA, Environmental, South Carolina (Band 3), (2024-2025)
- (d) Listed in Columbia Business Monthly’s Legal Elite of the Midlands, 2025

Mr. Traynham reported that he has not served in the military.

Mr. Traynham reported that he has never held public office.

- (6) Physical Health:
Mr. Traynham appears to be physically capable of performing the duties of the office he seeks.
- (7) Mental Stability:
Mr. Traynham appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Mr. Traynham was admitted to the South Carolina Bar in 2007. He was also admitted to the North Carolina Bar in 2020.

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

- (a) South Carolina Department of Revenue, Counsel for Litigation, August 2007 to April 2010. I litigated state and local tax controversies and alcohol licensing matters in the South Carolina Administrative Law Court, including a number of contested case hearings tried to Final Order. I assisted with prosecutorial responsibilities of the Department in criminal tax matters. This included taking pleas, attending preliminary hearings, and communicating with defense counsel, but I did not try any criminal matters to verdict in this role. I had no role in the administrative and financial management of the agency.
- (b) Office of the South Carolina Attorney General, Assistant Attorney General, May 2010 to September 2011. I represented the state's interest in civil securities enforcement matters and served as a criminal prosecutor in first offense criminal domestic violence matters. This included a number of pleas and one municipal court trial to verdict (non-jury). I had no role in the administrative and financial management of the agency.
- (c) Howser, Newman & Besley, LLC, Columbia, South Carolina. Associate, October 2011 to February 2014. I defended clients in numerous personal injury litigation matters which included auto accidents, premises liability, government liability, and other types of insurance defense matters. My responsibilities included trying a number of cases to verdict in state circuit and magistrate court (jury and non-jury), as well as conducting discovery, negotiating and mediating settlements, and other case management responsibilities. I had no role in the administrative and financial management of the firm, or in managing trust accounts.
- (d) South Carolina Department of Health and Environmental Control (now known as South Carolina Department of Environmental Services). February 2014 to September 2019. I served in two different roles during my tenure:
Assistant General Counsel, February 2014 to April 2017. I advised agency staff in various environmental programs on matters both internal and external and represented the agency in the South Carolina Administrative Law Court, South Carolina Circuit Court, and before other judicial bodies as necessary. This included serving as both first chair/sole counsel and as co-counsel in numerous trials and hearings.
Chief Counsel for Environmental Quality Control, April 2017 to September 2019. In addition to continuing in the above responsibilities, this role required me to supervise a team of environmental lawyers and paralegals providing legal advice to the agency's various environmental regulatory programs, and to provide direct

legal advice to senior agency management with respect to policy, litigation risk, and other matters. I had no role in the administrative and financial management of the agency aside from providing input into budgetary needs for those individuals reporting to me directly.

- (e) Department of the Army. Environmental Law Attorney, September 2019 to February 2020. In this role I provided legal advice to Fort Jackson's Department of Public Works and Environmental Branch, and provided environmental compliance officer training to enlisted personnel. I was not directly involved in litigation in this role. I had no role in the administrative and financial management of the agency.
- (f) Maynard Nexsen (formerly known as Nexsen Pruet). Of Counsel, February 2020 to Present. In this role I provide legal counsel to a variety of clients on litigation matters, real estate transactions, environmental permitting and enforcement issues, and other legal matters. This role has required me to serve as both sole counsel and co-counsel in trials and hearings in the South Carolina Administrative Law Court, and to argue before the South Carolina Supreme Court. I have also made appearances in Circuit Court and assisted in federal Court litigation on behalf of clients. I have no role in the administrative and financial management of the firm, or in managing trust accounts.

Mr. Traynham further reported regarding his experience with the Administrative Law Court practice area:

I have appeared before an Administrative Law Judge in more than twenty matters since my admission to practice in 2007, including numerous matters resulting in substantive decisions by the ALC since 2009. The issues I have discussed and argued in the ALC have, in general, revolved around challenged state tax positions (DOR), and agency permitting and enforcement matters (DOR/alcohol permitting and DHEC/various environmental permitting and enforcement decisions). Legal issues that I have argued include the extent of agency statutory authority to impose taxes and civil penalties, the litigants' standing (or lack thereof) to bring a contested case, the basis for agency permitting decisions (including alcohol permitting, coastal zone consistency, critical area permits, water quality certifications, construction permits, agricultural permits, and others), and I have argued frequently regarding the rules of statutory construction and giving effect to legislative intent. In my roles inside and outside of state agencies I have had to argue both for and against agency decisions, and have participated in multiple cases which involved third-party litigants.

In the past five years, I have appeared before the Administrative Law Court for four matters which were decided by substantive Final Orders of the Administrative Law Court, and several of these involved one or more pre-trial hearing.

Mr. Traynham reported the frequency of his court appearances as follows:

- (a) Federal: I assisted in litigation in two federal courts in the past five years, but have not appeared in a federal court for trial or hearing in that time.
- (b) State: Roughly 3-4 appearances per year, including both Administrative Law Court and Circuit Court appearances.

Mr. Traynham reported the percentage of his practice involving civil, criminal, domestic and other matters as follows:

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

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

- (a) Percentage of practice, including cases that settled prior to trial: Approximately 25% of my practice
- (b) Number of cases that went to trial and resulted in a verdict: I have had three matters go to a trial (contested case hearing) and result in a final order from the Administrative Law Court in the past five years. A fourth contested case concluded when our Motion to Dismiss was granted following significant briefing and oral arguments by the parties. I have not had any matters go to trial in the Circuit Court in the past five years;
- (c) Number of cases that went to trial and resolved after the plaintiff's or State's case: None of the cases in which I was involved in the past five years resolved after plaintiff's/the State's case;
- (d) Number of cases settled after jury selection but prior to opening statements: I have not had any cases go to jury trial in the past five years.

Mr. Traynham provided the following regarding his service as counsel during the past five years: In the past five years, I served as co-counsel on two of the three contested case hearings in which I participated, and as sole counsel on the third. I also served as sole counsel for the motions hearing for the fourth matter resulting in a grant of our Motion to Dismiss.

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

- (a) Friends of Gadsden Creek v. WestEdge Foundation and DHEC, Op. No. 2024-MO-022 (S.C., filed October 9, 2024). This decision involved a highly complex confluence of environmental conditions on the Charleston peninsula, which the WestEdge Foundation sought to address by filling in a stormwater ditch through contaminated critical area wetlands and replacing it with an engineered stormwater system and new cap for a historic (pre-Clean Water Act) landfill on the site. The Supreme Court decision followed a successful weeklong contested case hearing at the ALC involving extensive expert testimony and documentary evidence, where I served as co-counsel for our client, the WestEdge Foundation. I also presented the oral argument on direct appeal to the Supreme Court. While the final decision is non-precedential, the record we presented from trial persuaded the Supreme Court that the critical area permit sought by our client was the only realistic solution to address the complex environmental issues on that site.
- (b) Carmax Auto Superstores West Coast, Inc. v. S.C. Dep't of Revenue, Docket No. 09-ALJ-17-0160-CC. I served as co-counsel for DOR on this tax controversy matter in which the DOR applied an alternative apportionment formula to arrive at the appropriate taxable income for a subsidiary of Carmax. The use of alternative apportionment was then, and remained for some time, a relatively untested and

controversial exercise of the Department's statutory power. We were successful in defending the Department's approach at the ALC. The decision was overturned on appeal after my departure from the agency.

- (c) SCCCL & SCWF v. DHEC and Horry County, Docket No. 16-ALJ-07-0404-CC. I served as chief counsel for DHEC in this weeklong ALC contested case hearing, in which the agency's permitting decisions to allow the county's construction of a new road (International Drive) was being challenged by public interest groups. The petitioners alleged potential harms to several local species, including black bears. The contested case litigation severely delayed construction of the road, which the county asserted was badly needed to provide faster routes for first responders to access nearby residential areas, as well as to provide other public benefits. We were successful in defending the agency's permitting decisions at the ALC, and International Drive was constructed shortly thereafter.
- (d) Clam Farm v. DHEC; Docket No. 21-ALJ-07-0145-CC. I served as co-counsel on this matter representing Clam Farm Partnership, LLC, challenging DHEC's imposition of a new critical area line in conditions of a renewed construction stormwater permit. The matter was significant because the agency was attempting to impose a new critical area line through the stormwater permit while an existing agency-approved critical line survey remained valid, and because of the Department's efforts at trial to disassociate its Bureau of Water decision (a stormwater permit) from actions of another subdivision of the same agency. The ALC was persuaded that the actions of all agency divisions related to the project were relevant, and ultimately ruled for the Permittee, eliminating the objectionable conditions on the construction stormwater permit.
- (e) Jowers v. DHEC, 423 S.C. 343, 815 S.E.2d 446 (2018). While the motions hearings and oral argument in this matter were primarily handled by Emory Smith of the Attorney General's Office, I was involved in advising DHEC at the outset of the legal challenge and participated as co-counsel for the agency at the Circuit Court and in the brief writing for the Supreme Court. This matter involved a constitutional challenge to the South Carolina statutes which allow for the permitting and registration of surface water withdrawals – particularly as they apply to agricultural users. The decision relied heavily on principles of justiciability, rejecting plaintiffs' claims largely because they were based on speculative harms that were not yet ripe. The case has been relied on for its ripeness holding in numerous other state cases since 2018.

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

- (a) Friends of Gadsden Creek v. WestEdge Foundation and DHEC, October 9, 2024, S.C. Supreme Court Case No. 2023-000006; 2024 WL 4449742
- (b) J&W Corp of Greenwood v. DHEC and Simmons Family Holdings, LLC, 22-ALJ-07-0033 (Currently pending in the Court of Appeals)
- (c) SCRAP v. Jim Young, Heath Coggins, DES, 24-ALC-07-0266 & 0267 (Currently pending in the Court of Appeals)

Mr. Traynham reported that he has not personally handled any criminal appeals.

- (9) Judicial Temperament:
The Commission believes that Mr. Traynham’s temperament would to be excellent.

- (10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Mr. Traynham 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 commented, “Great experience; very smart; well rounded,” and “The Committee was very impressed; he has all the tools to make a great ALJ.”

Mr. Traynham is married to Ashley Brown Traynham. He has three children.

Mr. Traynham reported that he is/was a member of the following associations and professional groups, and included any titles and dates of any offices held in such groups:

- (a) South Carolina Bar Association (2007-present)
- (b) North Carolina Bar Association (2020-present)
- (c) SC Bar Administrative and Regulatory Law Committee (2018-Present)
 - a. Committee Chair – 2020-2022
- (d) SC Bar Environmental & Natural Resource Law Section (2015-Present)
 - a. Council Member, At-Large (2018-2021)
 - b. Secretary (2021-2022)
 - c. Vice-Chair (2022-2023)
 - d. Chair (2023-2024)
 - e. Immediate Past Chair/Delegate (2024-2025)
- (e) SC Bar Government Law Section (2024-Present)
 - a. Council Member, At-Large (2024-Present)
- (f) South Carolina Administrative and Regulatory Law Association member (2016-Present)
- (g) Carolinas Air Pollution Control Association member (2020-Present)

Mr. Traynham provided that he is or has been a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Columbia Crossroads Church – I am a partner (member) at Crossroads and have been an active volunteer in its family ministry since 2016 and in its marriage ministry since that ministry formally started in 2023.
- (b) Scouting America (formerly known as Boy Scouts of America) – I have served as the Treasurer and as an Assistant Scout Master for Troop 91 (Irmo, South Carolina) since 2023. I was also previously (within the last five years) an Assistant Den Leader for Pack 95 (Irmo, South Carolina). I have received a 15-year pin from Scouting America, and am currently a candidate for Wood Badge Honors.
- (c) Sexual Trauma Services of the Midlands (now known as Pathways to Healing) – I served on the Board of this Organization from 2014 until 2020, when my term expired. I received Board Member of the Year honors in 2016.

Mr. Traynham further reported:

I was fortunate to spend the first years of my career in public service. My time as a fledgling attorney was marked by working for and with attorneys that exemplified the type of civility, courtesy, diligence, and competence that builds faith in our profession. I was even more fortunate that those attorneys were willing to push me and trust me to handle matters in the Administrative Law Court from almost immediately after I was admitted to practice. In the ALC, the judges set an equally high bar for how an officer of the court should comport themselves in their interactions with members of the profession and the public. Those early experiences gave me excellent examples to emulate in how I treat opposing counsel, witnesses, court staff, and everyone I interact with in the course of my practice, and I strive to live up to the bar that was set for me by those early impressions.

(11) Commission Members' Comments:

The Commission members commented on Mr. Traynham's immense environmental and health law experience, and overwhelmingly positive Ballot Box surveys.

(12) Conclusion:

The Commission found Mr. Traynham qualified, and nominated him for election to Administrative Law Court, Seat 4.

Nicole T. Wetherton
Administrative Law Court, Seat 4

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than six persons apply to fill a vacancy or if the Commission concludes that there are fewer than six candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than six names.

For the vacancy for Administrative Law Court, Seat 4, eight candidates applied for this vacancy, two candidates withdrew before the public hearing, and one candidate was found not qualified. Accordingly, the names of five candidates are hereby submitted in this report as qualified and nominated.

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Wetherton meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Ms. Wetherton was born in 1976. She is 49 years old and a resident of Blythewood, South Carolina. Ms. Wetherton 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 2012. She was also admitted to the Pennsylvania Bar in 2006.

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

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

Ms. Wetherton reported that she has made \$372.62 in campaign expenditures on paper, ink/toner, envelopes, mailing labels, postage, and printing.

Ms. Wetherton testified she has not:

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

Ms. Wetherton testified that she is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

- (3) Professional and Academic Ability:
The Commission found Ms. Wetherton to be intelligent and knowledgeable.

Ms. Wetherton reported that she has taught the following law-related courses:

- (a) Expedited Eviction CLE, Allegheny County Office of the District Attorney, 2010 (approximate date). Spoke on landlord's ability to evict tenant for drug related offenses.
- (b) Case Law Update: Latest and Greatest CLE, August 16, 2013. Spoke on recent developments related to the Sexually Violent Predator (SVP) Act and Internet Crimes Against Children (ICAC).
- (c) S.C. Commission on Prosecution Coordination Solicitor's Conference, September 2014, CLE on the Sexually Violent Predator (SVP) Act.
- (d) S.C. Medicaid 101. October 20, 2023. Presented a three-hour CLE at the South Carolina Office of the Attorney General to state agency attorneys.
- (e) S.C. Healthy Connections Medicaid: Safeguarding Data and the Appeals and Hearings Process; S.C. Bar Lunch 'n Learn CLE, June 12, 2025.
- (f) Navigating the Complexities of Administrative Practice and Procedure CLE, January 2026 S.C. Bar Convention.

Ms. Wetherton reported that she has not published any books or articles.

- (4) Character:
The Commission's investigation of Ms. Wetherton did not reveal evidence of any founded grievances or criminal allegations made against her.

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

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

(5) Reputation:

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

Ms. Wetherton reported that she has not served in the military.

Ms. Wetherton reported that she has never held public office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Ms. Wetherton was admitted to the South Carolina Bar in 2012.

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

- (a) Farrell & Kozlowski, Pittsburgh, Pennsylvania, 2007-2008, Staff Attorney, represented clients in the areas of criminal defense, family law, and civil litigation involving corporations. Assisted in research and preparation of criminal appeals which included Post Conviction Relief Act Petitions, Anders Briefs, and Petitions for Allowance of Appeal. I was not involved in the administrative and financial management of this law firm.
- (b) Allegheny County District Attorney's Office, Pittsburgh, Pennsylvania, 2008-2011, Assistant District Attorney, represented the state in the Court of Common Pleas, Pennsylvania Superior Court and Pennsylvania Supreme Court. Worked with the Investigations and Grand Jury Unit on public corruption cases of elected officials, corporate fraud, and white-collar crime. Represented the Commonwealth in a death penalty appeal before the Pennsylvania Supreme Court. Drafted briefs and legal pleadings as part of the Appellate/Post-Conviction Unit for criminal cases involving violent crime, drug trafficking, and homicide. Taught Continuing Legal Education (CLE) courses to attorneys. Served as the committee coordinator and liaison for the Use of Force Working Group that reviewed the use of Electronic Control Devices (ECDs) by law enforcement. As a governmental entity, there was no requirement of administrative and financial management of this office, including the management of trust accounts.

- (c) S.C. Department of Probation, Parole, and Pardon Services, Columbia, South Carolina, 2012-2013, Legal Counsel, represented the state agency in administrative, federal, and state court appeals, provided guidance on employee/field operations issues and assisted with proposed legislation. As a state agency, there was no requirement of administrative and financial management of this office, including the management of trust accounts.
- (d) S.C. Office of the Attorney General, Columbia, South Carolina, 2013-2017, Assistant Attorney General, served as the first dedicated prosecutor in the country to handle Supplemental Nutrition Assistance Program (SNAP) fraud cases. Prosecuted Sexually Violent Predator (SVP) cases in both jury and nonjury proceedings. Worked independently with law enforcement to assist with legal analysis and interpretation. As a state agency, there was no requirement of administrative and financial management of this office, including the management of trust accounts.
- (e) S.C. Department of Health and Human Services, Columbia, South Carolina, 2017-2023, Attorney III/Lead Litigator, represented the agency in the Division of Appeals & Hearings and the Administrative Law Court. Provided training for all program areas on an ongoing basis regarding the presentation of cases in an administrative appeal. Reviewed and edited agency contracts and offered guidance regarding federal and state regulations in relation to the Medicaid program.

S.C. Department of Health and Human Services, Columbia, South Carolina, 2023-Present, Chief Hearing Officer, lead supervisor in the Office of Appeals and Hearings. Oversees daily office functions such as hiring and performance evaluations of hearing officers and administrative staff. Provides guidance and drafts orders for complex legal matters relating to federal and state regulations. Edits and approves final decisions and interlocutory orders. Advises hearing officers as to issues relating to Medicaid Fair Hearings. Conducts Fair Hearings and issues decisions with relevant findings of fact and conclusions of law. As a state agency, there is no requirement of administrative and financial management of this office, including the management of trust accounts.

Ms. Wetherton further reported regarding her experience with the Administrative Law Court practice area:

Since January 2017, my practice has been exclusively focused on administrative law. I have served as an Attorney III and Lead Litigator with the South Carolina Department of Health and Human Services (SCDHHS) in the Office of General Counsel, where I represented the agency in both the Office of Appeals and Hearings and before the South Carolina Administrative Law Court.

In that role, I drafted numerous briefs filed in the Administrative Law Court, participated in administrative hearings at the agency level, and developed a familiarity with the Administrative Procedures Act and the South Carolina Administrative Law Court Rules.

Currently, I serve as the Chief Hearing Officer at SCDHHS. In this capacity, I preside over administrative appeals, issue decisions with detailed Findings of Fact

and Conclusions of Law, and review and approve all final decisions issued by hearing officers. I also observe hearings and provide legal and procedural guidance to hearing officers to ensure consistency, fairness, and adherence to the law.

While I have had fewer appearances before the Circuit Court in recent years, I remain well-versed in judicial review standards and have participated in appeals stemming from administrative decisions. My work in administrative adjudication has required frequent interaction with complex statutory and regulatory frameworks, as well as consistent application of principles of fairness, due process, and neutrality. My background reflects a consistent and in-depth engagement with the administrative legal system, qualifying me to serve effectively as an Administrative Law Judge.

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

- (a) Federal:
- (b) State: 100%

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

- (a) Civil:
- (b) Criminal:
- (c) Domestic:
- (d) Other: (Administrative) 100%

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

- (a) Percentage of practice, including cases that settled prior to trial: From 2013 – 2017, I had both nonjury and jury trial exposure in the Circuit Courts throughout the state. However, within the past five years, my entire practice was in an administrative forum. While working as an Attorney III/Lead Litigator from 2017 - 2023, approximately 85% of my cases settled prior to a Fair Hearing.
- (b) Number of cases that went to trial and resulted in a verdict: While working as an Attorney III/Lead Litigator in an administrative forum, approximately 15% of my cases went to a Fair Hearing and resulted in a decision.
- (c) Number of cases that went to trial and resolved after the plaintiff's or State's case: I had one case in an administrative forum that settled following the State's case. I represented the State in this matter.
- (d) Number of cases settled after jury selection but prior to opening statements: N/A. Administrative forums do not have jury trials.

Ms. Wetherton provided the following regarding her role as counsel during the past five years: While working as an Attorney III/Lead Litigator, I served as sole counsel.

The following is Ms. Wetherton's account of her five most significant litigated matters:

- (a) Commonwealth v. Stollar, 624 Pa. 107, 84A.3d 652 (Pa. 2014). Death penalty case argued before the Pennsylvania Supreme Court.
- (b) Commonwealth v. Jones, 2009 Pa. Super. 145, 978 A.2d 1000 (Pa. Super. 2009). Overturned decision and remanded case for a new trial.
- (c) In the Matter of the Care and Treatment of Bernard Grooms, 2012-CP-40-5933, Richland County. Sexually Violent Predator Commitment proceeding that initially resulted in a hung jury. The case was retried and resulted in a civil commitment.
- (d) Magnolia Pediatrics and Stephen Corontzes vs. SCDHHS, 17-ALJ-08-0319, upheld dismissal finding that a provider does not have an independent right to a Medicaid Fair Hearing because of the terms of their contract with a Medicaid Managed Care Organization.
- (e) A.G. vs. SCDHHS, Appeal No. 25-1907 (SCDHHS Office of Appeals and Hearings). Presided over this appeal as Chief Hearing Officer and found that the Petitioner's impairment met the criteria for a Neurocognitive Disorder pursuant to the Social Security Administration's disability criteria, thus, making the Petitioner eligible for Aged, Blind, or Disabled (ABD) Medicaid benefits.

Ms. Wetherton reported the following regarding her personally handling civil appeals: I have not personally handled any civil cases at the appellate level. However, I have gained relevant experience through conducting civil commitment hearings at the trial level and participating in civil discovery practice in administrative proceedings.

The following is Ms. Wetherton's account of five criminal appeals she has personally handled:

- (a) Commonwealth v. Stollar, 624 Pa. 107, 84A.3d 652 (Pa. 2014). (Pennsylvania Supreme Court). January 21, 2014.
- (b) Commonwealth v. Jones, 2009 Pa. Super. 145, 978 A.2d 1000, (Pa. Super. 2009). (Pennsylvania Superior Court). July 27, 2009.
- (c) Commonwealth v. Antoszyk, 614 Pa. 539, 38 A.3d 816 (Pa. 2012). (Pennsylvania Supreme Court). February 21, 2012.
- (d) Commonwealth v. Robert Stringer, 954 A.2d 43 (Pa. Super. 2008) (Pennsylvania Superior Court). May 23, 2008 (Unpublished Opinion).
- (e) Commonwealth v. Ricky Lee Olds, 32 A.3d 845 (Pa. Super. 2011) (Pennsylvania Superior Court). August 26, 2011 (Unpublished Opinion).

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Ms. Wetherton “Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and “Well-Qualified” in the evaluative criteria of ethical fitness, character, professional and academic ability, experience, reputation, and judicial temperament. The Committee noted, “Great candidate, well organized and ready to start on the first day.”

Ms. Wetherton is married to Bryan Jeffrey Wetherton. She has one child.

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

- (a) S.C. Bar Association, S.C. Administrative and Regulatory Law Committee, Chairperson, 2025- 2026
- (b) S.C. Bar Association, CLE Publications Committee
- (c) National Judicial College
- (d) National Association of Hearing Officers
- (e) Allegheny County Bar Association, Bar Leadership Initiative Class Member, 2007 – 2008
- (f) Allegheny County Bar Foundation, Pro Bono Volunteer Attorney, 2007 – 2010
- (g) Allegheny Bar Association Young Lawyer’s Division, 2009 – 2010

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

- (a) CALI Excellence for the Future Award, Health Care Law, Duquesne University School of Law, Fall 2005
- (b) University of South Carolina Joseph R. Rice School of Law, First Year Law School Mentor, Fall 2024
- (c) American Mock Trial Association, Mock Trial Judge, February 2024, November 2023

Ms. Wetherton further reported:

As a member of the legal community with eighteen years of experience primarily in the public sector, I have the knowledge, integrity, and dedication necessary to serve honorably and fairly from the bench. As the first in my immediate family to attend college, and raised by working-class parents, I deeply value hard work, accountability, and public service.

Throughout my legal career, I have gained broad trial and appellate experience across criminal, civil, and administrative law in both Pennsylvania and South Carolina. Since January 2017, my practice has been exclusively focused on administrative law where I have served as legal representation for state agencies and as an adjudicator in administrative cases. My breadth of experience has helped me gain a comprehensive understanding of administrative processes and a solid foundation in both the substantive and procedural aspects of administrative law in South Carolina.

I am firmly committed to upholding the rule of law and ensuring due process with impartiality and respect. I believe in maintaining a judicial temperament that reflects both firmness and empathy, along with a dedication to continuous growth, education, and ethical leadership.

Through my experience in public service, I am passionate in serving my community through ethical, transparent, and principled judicial leadership. If appointed, I will continue to represent the State of South Carolina with the same professionalism, preparedness, and impartiality that has guided my legal career.

(11) Commission Members' Comments:

The Commission commented that Ms. Wetherton has the depth of experience and expertise needed to fill the role of Administrative Law Court judge.

(12) Conclusion:

The Commission found Ms. Wetherton qualified, and nominated her for election to Administrative Law Court, Seat 4.

The Honorable Barbara “Bobbie” Wofford-Kanwat
Administrative Law Court, Seat 4

Commission’s Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than six persons apply to fill a vacancy or if the Commission concludes that there are fewer than six candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than six names.

For the vacancy for Administrative Law Court, Seat 4, eight candidates applied for this vacancy, two candidates withdrew before the public hearing, and one candidate was found not qualified. Accordingly, the names of five candidates are hereby submitted in this report as qualified and nominated.

(1) Constitutional Qualifications:

Based on the Commission’s investigation, Judge Wofford-Kanwat meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Judge Wofford-Kanwat was born in 1982. She is 43 years old and a resident of Columbia, South Carolina. Judge Wofford-Kanwat 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 2009.

(2) Ethical Fitness:

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

Judge Wofford-Kanwat 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 Wofford-Kanwat reported that she has made \$467.91 in campaign expenditures, for fingerprinting, copying, name tag, templates, stationery supplies, and postage.

Judge Wofford-Kanwat 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 Wofford-Kanwat testified that she is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Wofford-Kanwat to be intelligent and knowledgeable.

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

- (a) I have taught evidence at the orientation school for new summary court judges' twice a year since 2017.
This is an all-day presentation that provides an overview of the S.C. Rules of Evidence to the new summary court judges.
- (b) I presented on contemporary evidence topics at the 2025 S.C. Bar "It's All A Game" CLE.
This one-hour presentation focused on contemporary evidence topics such as social media evidence and digital evidence.
- (c) I presented on hearsay to attorneys for the S.C. Commission on Indigent Defense during their evidence Zoom Series in 2025.
This one-hour presentation focused on hearsay, hearsay exemptions, and exceptions for attorneys.
- (d) I periodically present on the summary court system to various audiences.
These presentations focus on providing an overview of the summary court system to different audiences.
- (e) I periodically present on mindfulness in the legal profession to various audiences.
These presentations focus on providing tools for stress management to for lawyers and judges.

Judge Wofford-Kanwat reported that she has published the following:

Evidence Guidebook: A Quick Reference for the Courtroom (S.C. Bar CLE 2024), Author.

(4) Character:

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

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

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

Judge Wofford-Kanwat reported that she has not served in the military.

Judge Wofford-Kanwat reported that she has never held public office other than judicial office.

(6) Physical Health:

Judge Wofford-Kanwat appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Judge Wofford-Kanwat appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge Wofford-Kanwat was admitted to the South Carolina Bar in 2009.

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

(a) S.C. Court of Appeals, Staff Attorney, 2009 - 2012

I worked as a staff attorney at the S.C. Court of Appeals for three years. During this time, I assisted with direct civil and criminal appeals. I also helped with post-conviction relief and Anders appeals. I periodically assisted with family court appeals including termination of parental rights cases. During my final year, I worked on many workers' compensation appeals.

(b) Richland County Magistrate, 2012 - Present

Richland County Magistrate – Central Court, 2012 - 2016

As a Central Court Magistrate, I handled primarily criminal matters including bond court, traffic court, domestic violence court, and preliminary

hearings. I also assisted with restraining orders. I presided over civil and criminal jury trials periodically.

Richland County Magistrate – Lykesland District, 2016 - Present

As a district magistrate, I preside over mostly civil matters including eviction actions, summons and complaints, and claim and delivery. For criminal court, I preside over Richland County Ordinance violations and handicap parking violations. I also handle the Department of Natural Resources criminal cases arising out of Richland County.

At Lykesland, I manage three staff members – an office manager and two clerks. I am also responsible for managing Lykesland’s finances and submitting monthly financial reports.

Judge Wofford-Kanwat further reported regarding her experience with the Administrative Law Court practice area:

Since I joined the summary court bench immediately after leaving the S.C. Court of Appeals, I do not have experience appearing before the Administrative Law Court.

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

- (a) Federal: None;
- (b) State: None.

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

As a staff attorney, I estimate that I assisted with the following appeals:

- (a) Civil: 40%;
- (b) Criminal: 50%;
- (c) Domestic: 5%;
- (d) Other: 5%.

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

- (a) Percentage of practice, including cases that settled prior to trial: As a summary court judge, my work requires regular court room appearances;
- (b) Number of cases that went to trial and resulted in a verdict: As a summary court judge, the majority of my civil cases are resolved by bench trials.
- (c) Number of cases that went to trial and resolved after the plaintiff’s or State’s case: The majority of
- (d) Number of cases settled after jury selection but prior to opening statements: As a summary court judge,

Judge Wofford-Kanwat provided that during the past five years prior to her service on the bench she has not practiced law.

The following is Judge Wofford-Kanwat's account of her five most significant litigated matters:

I have worked for the judiciary for my entire legal career.

Judge Wofford-Kanwat reported that she has not personally handled any civil or criminal appeals.

Judge Wofford-Kanwat reported that she has held the following judicial office(s):

- (a) Richland County Magistrate, Summary Court, Appointed, 2012 to Present
Summary court jurisdiction is limited to criminal offenses with sentences up to a \$500 fine or 30-days' imprisonment unless otherwise noted by statute. For civil matters, the court has concurrent jurisdiction with the circuit court in certain matters such as evictions. The civil jurisdictional limit is \$7,500.
- (b) Arcadia Lakes Municipal Judge, Municipal Judge, Appointed, 2018-2019
As a municipal judge, the jurisdiction is limited to criminal matters with a potential sentence of 30-days' imprisonment or \$500 fine.

Judge Wofford-Kanwat provided the following list of her most significant orders or opinions:

- (a) Greer v. Ives, Case # 2018CV4011001989.
Plaintiff, a resident of New Hampshire, filed a summons and complaint against several parties arising from a dispute about real property in Aiken County. At trial, I dismissed the action, finding I did not have jurisdiction over this matter since it involved a dispute about real property in Aiken County. I subsequently denied Plaintiff's motion to reconsider based on the reasoning.
- (b) Ozden v. Fuller, Case # 2021CV4010600314.
Plaintiff, a dentist, filed a law suit against his former employer, Defendant, for discrimination and defamation. Defendant filed a counterclaim for breach of contract and abuse of process. I found in favor of Defendant on Plaintiff's claim as well as Defendant's counterclaim. Ultimately, I awarded Defendant the maximum jurisdictional amount of \$7,500.
- (c) Hernandez v. Conrex Property Management, LLC., Case # 2023CV4010600630.
In this summons and complaint, Plaintiffs, former tenants, filed suit against Defendant, their former property manager, for their failure to return Plaintiffs' security deposit and provide essential services. Defendant filed a counterclaim for damages to the property. I found in favor of Plaintiffs.
- (d) Hanks v. K.B. Enterprises, Case # 2024CV4010600233.
Plaintiff hired Defendant to move her belongings. After the move, Plaintiff realized Defendant had significantly damaged her belongings. Plaintiff filed a summons and complaint against Defendant. After a bench trial, I found in favor of Plaintiff for the maximum jurisdictional amount of \$7,500.
- (e) Roesel v. Blakely, Case # 2024CV4010800483.
Plaintiff, a health insurance business on the Health Insurance Marketplace, filed a defamation claim against Defendant, who filed false reports regarding Plaintiff's business practices. Those reports resulted in Plaintiff losing several contracts with

health insurance providers in South Carolina. I found in favor of Plaintiff in for the maximum jurisdictional amount of \$7,500.

Judge Wofford-Kanwat reported the following regarding her employment while serving as a judge:

- (a) YMCA, Group Exercise Instructor, Multiple Supervisors, 2001 – 2019 (intermittent).
I taught yoga, cycle, and rep reebok group exercise classes.
- (b) City Yoga, Yoga Instructor, Stacey Milner-Collins, 2011-2012.
I taught yoga classes.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Judge Wofford-Kanwat 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, "The committee was impressed by her ability to run a courtroom, knowledge of evidence, and demeanor. Her experience was the only concern." They additionally stated, "She is very organized, smart, and enjoys learning. She has very limited experience; there will be a learning curve."

Judge Wofford-Kanwat is married to Chandra Prakash Kanwat. She has two children.

Judge Wofford-Kanwat reported that she was a member of the following Bar and professional associations:

- (a) S.C. Bar, Publications Committee, 2023 – Present
- (b) South Carolina Women Lawyers Association
Member, 2009 - Present (periodic breaks)
Board of Directors, 2021 - Present
Education Chair, 2023 - Present
Executive Board, Treasurer, 2024 – Present
- (c) American Bar Association, Member, 2024 - Present

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

- (a) University of South Carolina Women and Gender Studies Partnership Council
- (b) University of South Carolina Rice School of Law Pro Bono Advisory Council

Judge Wofford-Kanwat further reported:

The most common path to an Administrative Law Court (ALC) judgeship usually begins in law school with courses focused on administrative law. These courses could include employment law, immigration law, worker's compensation law, or environmental law. Then the aspiring judge would work for an employer to gain experience working in

administrative law and appearing before the ALC. They could gain this work experience by working for a government agency, a nonprofit, or private practice.

So, at first, my career path might not seem as convincing to you as other experienced administrative law practitioners for an ALC judgeship. However, I can assure you that I have been thoughtful in my career development to prepare me for this next step. In law school, my elective courses focused primarily on administrative law matters such as immigration, employment, and intellectual property. These courses educated me on the important role state and federal agencies play in our lives both individually and collectively. Then, I was fortunate to gain exposure to administrative law appeals while working at the S.C. Court of Appeals. These cases helped me realize how much I enjoyed the many different aspects of administrative law.

While serving as a magistrate judge over the past decade, I have developed the requisite skills required of a competent and fair judge. At first, there was a steep learning curve when I joined the bench. I studied to ensure that I was adequately prepared for the work before me. Through this preparation, I managed to learn quickly the applicable law and procedures to be a competent judge. Similarly, I recognize that I will have an initial learning curve for this position. However, as demonstrated by my past performance, I am capable of this task.

Furthermore, I have developed my research and writing skills by authoring an evidence book for the South Carolina Bar. In law school, I did not intend to be a litigator so I never envisioned that I would write a book on evidence. However, I have developed a deep understanding of this area of the law through research, writing, and teaching on the topic for more than 8 years. Through this experience, I have learned that I can master a legal topic and apply it properly in the court of law.

I feel fortunate to have worked for more than a decade at the summary court level, which people often refer to as “the people’s court.” This court is where people come daily to have their individual claims resolved by a patient and fair judge. I have seen the impact these disputes have on litigants’ lives and the important role the law plays in resolving these disputes. Through this work, I have further honed my ability to be patient, fair, and impartial in my court rulings.

Now, I am ready to help resolve the community’s disputes on a macro level. The ALC resolves legal issues that impact our community’s health, environment, and quality of life. These questions are important because they impact all of us. If elected to the ALC, I am committed to applying the laws fairly to best protect our community.

(11) Commission Members’ Comments:

The Commission commented on Judge Wofford-Kanwat-’s commitment to public service as demonstrated by her tenure as a magistrate judge. They noted her intellect and command of the many areas of law that are part of the magistrate court jurisdiction.

(12) Conclusion:

The Commission found Judge Wofford-Kanwat qualified, and nominated her for election to Administrative Law Court, Seat 4.

The Honorable S. Phillip “Phil” Lenski
Administrative Law Court, Seat 6

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Lenski meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Judge Lenski was born in 1963. He is 62 years old and a resident of Lexington, South Carolina. Judge Lenski 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 1995. He was also admitted to the Colorado Bar in 1989.

(2) Ethical Fitness:

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

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

Judge Lenski 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 Lenski testified that he is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Lenski to be intelligent and knowledgeable.

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

- (a) Limestone College and St. Leo University, (1996-2015)—Taught undergraduate criminal law, Constitutional law, business law, labor law, and street law courses.
- (b) Bridge the Gap, (2012-2016), Lectured on Administrative Law;
- (c) University of SC School of Law, (2014-present) Annual lecture on Administrative Law to Administrative Law class;
- (d) SCAARA Annual Conference (2020)—Presentation on practice tips before ALC;
- (e) U.S. Army Reserves (1996-2014)—taught courses in military law, military justice, international law of war, and Geneva Conventions;
- (f) Paralegal Association Conference (2014)—Lectured on Administrative Law;
- (g) SC Homeschool Network (2016-2019)—presided over mock-trial competition for high school students.

- (h) SC Dept of Health and Human Services, Division of Appeals (April 2015)—Lectured on administrative law.
- (i) University of South Carolina School of Law (2018-present)—Guest lectured on the S.C. Administrative Law Court during a course on Administrative Law.

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

(4) Character:

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

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

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

Judge Lenski reported the following military service:

I was a Judge Advocate in the US Army from 1990-1995 (active duty), and then in the Army Reserves from 1996 through June of 2014, when I retired.

I retired at the rank of Lieutenant Colonel. I retired (was not discharged) honorably. My DD214 is attached.

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Lenski was admitted to the South Carolina Bar in 1995.

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

- (a) Judge Advocate, U.S. Army (active duty) (1990-1995). I served as both a trial counsel (prosecutor) and trial defense service (public defender) during those years. I also was an administrative law attorney for the Army for two of those five years. I tried dozens of courts-martial involving misdemeanor type offenses (larceny,

- tardiness for duty) to felony offenses (murder, illegal drug distribution, fraud). My position did not involve the administration or management of funds or trust accounts.
- (b) Judge Advocate, U.S. Army Reserves (reserve duty) (1996-2014). After leaving active duty I served as a Judge Advocate in the Reserves until my retirement in 2014. During that time, I taught courses in military law and international law, assisted Soldiers with legal issues to include family matters, financial matters, trust and estate planning, etc. I also served as a training officer for a military unit, ensuring that the members completed all mandatory military training each year. During my time in the Reserves, I was mobilized to active duty twice. Once, I was mobilized and deployed to Iraq (2003) for nine months at the beginning of Operation Iraqi Freedom. I served as a trial counsel there, trying the first five courts-martial in a combat theater since Vietnam. I prosecuted cases involving assault, prisoner abuse, attempted murder, larceny, and manslaughter. Then, in 2011, I was mobilized a second time to Fort Bragg, North Carolina, where I and 19 other Reserve Judge Advocates replaced the active duty officers who went to Iraq for one year. During that year, I was the Chief of Administrative Law for the 18th Airborne Corps, handling all legal matters surrounding the operation of Fort Bragg, the second largest Army post, with a population of sixty thousand soldiers, dependents and federal employees. I supervised an office of 12 attorneys and staff. My position did not involve the management or administration of funds or trust accounts.
 - (c) Staff Attorney, South Carolina Department of Insurance (1995-1997). I worked in the General Counsel office of the Department of Insurance for approximately eighteen months. I prosecuted insurance agents and brokers for violations of the law, and I handled insolvencies and other licensing issues for insurance companies. My position did not involve the administration or management of funds.
 - (d) Staff Attorney, South Carolina Department of Labor, Licensing, and Regulation (1997-2002). I worked as a litigation counsel for the Department of Labor, Licensing and Regulation, prosecuting at state boards various licensed professional accused of violating the laws governing their provision. These included, real estate agents and brokers, real estate appraisers, contractors, accountants, engineers, architects, nurses, doctors, cosmetologists, residential builders, etc. I handled the case from the trials before boards all the way through the appellate process. My position did not involve the administration or management of funds or trust accounts.
 - (e) Counsel to the Clerk, South Carolina Senate, and Senior Staff Attorney, South Carolina Senate Judiciary Committee, (2002-2010). I served first as the counsel to the Senate Clerk, and then moved to become the senior staff attorney on the Judiciary Committee of the South Carolina Senate. During those years, I conducted legal research, drafted legislation and amendments, prepared summaries of bills and amendments for Senators, and served on various committees and subcommittees. During that time, my position did not involve the management or administration of funds or trust accounts.
 - (f) Administrative Law Judge, South Carolina Administrative Law Court (2010-present). Since 2010, when I was elected to the bench, I had the honor to serve as an Administrative Law Judge on the court. My duties involve hearing and deciding cases assigned to me by the Chief Judge that involve matters that fall under the jurisdiction of this court. Those cases include hearings involving most state agencies in South. In

my position, I sometimes sit in a trial capacity, and other times in an appellate capacity, depending upon the agency and type of case involved.

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

I am currently an Administrative Law Judge on the South Carolina Administrative Law Court. I have held this position since being elected in 2010. The jurisdiction of the Administrative Law Court is statutory, and the limits of its jurisdiction are found in Chapter 23 of Title 1 of the South Carolina Code of Laws.

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

- (a) Mount Pleasant Investments, LLC v. Charleston County Assessor, Docket No. 23-ALJ-17-0601-CC, appealed filed, No. 2025-000239). This was a tax case involving assessing fair market value of a property where improvements were made prior to by in the same year as an assessable transfer of interest.
- (b) J. Annette Oakley v. Beaufort County Assessor, Docket No. 18 ALJ-17-0233-CC (S.C. Admin. Law Ct. Nov 7, 2019), appeal filed, No. 2018-002153 (S.C. Ct. App. Dec 6, 2018). A residential tax assessment case involving an ambiguous provision in state law. The South Carolina Court of Appeals affirmed my decision (435 S.C. 464, 868 S.E.2d 384).
- (c) Mohammed Farook Shaik Dawood v. Richland County Assessor, Doctet No. 24-ALJ-17- 0036-CC (S.C. Admin. Law Court June 10, 2025). A property tax case where I held that an H-4 immigration visa holder in the household of an H-1B visa holder with an I-140 immigration petition approved prior to the marriage is not precluded from forming domiciliary intent to remain in South Carolina for purposes of the spouse H1- B visa holder obtaining the four percent assessment ratio for residential property taxes. Not appealed.
- (d) Lowe’s Home Centers, LLC v. South Carolina Department of Revenue, Docket No. 14-ALJ-17-0052-CC. A tax case where I held that materials sold by a retail store that are part of installation service contracts are subject to sales tax based on the final retail price paid to customers rather than the wholesale price paid by the store to vendors. The Court of Appeal of South Carolina affirmed my decision (443 S.C. 388, 904 S.E.2d 880), cert. denied December 10, 2024.
- (e) Amisub of SC, Inc. d/b/a Piedmont Medical Center d/b/a Fort Mill Medical Center v. S.C. DHEC and Charlotte Mecklenburg Hospital Authority d/b/a Carolinas Medical Center – Fort Mill, Docket No. 11-ALJ-07-0575-CC (S.C. Admin Law Ct. December 15, 2014). The matter involved competing hospital systems seeking a Certificate of Need to construct a hospital in Fort Mill. The matter has been to the South Carolina Supreme Court, which remanded the matter to the South Carolina Court of Appeals, which again affirmed my decision. (424 S.C. 80, 817 S.E.2d 633 (Ct. Appeals 2018), cert. denied February 20, 2019.

Judge Lenski reported having no other employment while serving as a judge.

Judge Lenski further reported the following regarding unsuccessful candidacies:

Prior to being elected to the Administrative Law Court in 2010, I was an unsuccessful candidate for the Administrative Law Court in 2008.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Judge Lenski 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, "Very impressed with his knowledge, experience, and enthusiasm. He is highly qualified and deserves re-election."

Judge Lenski is married to Gayla Janel Johnson. He has three children.

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

- (a) Richland County Bar Association, member since 1996;
- (b) Colorado Bar Association, member since 1990;
- (c) American Bar Association, member since 1987.

Judge Lenski provided that he was not a member of any civic, charitable, educational, social, or fraternal organization.

Judge Lenski further reported:

My entire professional career has been spent in public service. First, in the service of my nation as a Judge Advocate for the U.S. Army. Then as an attorney for various state agencies in South Carolina. Finally, for the last fifteen years, I have had the great honor to serve as an Administrative Law Judge. I believe that public service is a public trust requiring all who engage in it to place loyalty to the Constitution and all federal and state laws, and to ethical principles, above private gain. I have worked my entire career to live by that standard. I believe that a civil servant must adhere to all laws and regulations and ensure that they are applied equally and fairly to all Americans regardless of race, color, religion, sex, national origin, age, or disability. I spend every day trying to live up to these principles, and I hope to be given the honor to do so for another term.

(11) Commission Members' Comments:

The Commission commended Judge Lenski for his military and public service. The Commission also noted that it is commendable to have only four negative comments with over 200 people reviewing his candidacy through BallotBox.

(12) Conclusion:

The Commission found Judge Lenski qualified and nominated him for reelection to Administrative Law Court, Seat 6.

NOT QUALIFIED

Anthony Philip LaMantia III
Family Court, Ninth Judicial Circuit, Seat 7

Commission's Findings: NOT QUALIFIED

(1) Constitutional Qualifications:

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

Mr. LaMantia was born in 1970. He is 55 years old and a resident of Charleston, South Carolina. Mr. LaMantia 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. He was also admitted to the New Jersey Bar in 1997, and the New York Bar in 1998.

(2) Ethical Fitness:

The Commission noted significant concerns relating to Mr. LaMantia's ethical fitness, specifically his comprehension and adherence to the Canons of Judicial Conduct and other ethical standards expected of the judiciary. The South Carolina Bar's determination that Mr. LaMantia was Unqualified further reinforced the Commission's concerns.

Mr. LaMantia reported that he has not made any campaign expenditures.

Mr. LaMantia testified he has not:

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

Mr. LaMantia testified that he is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. LaMantia to be intelligent and knowledgeable.

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

I have lectured over ten times at different legal education programs during my twenty years of practice in South Carolina including the program, Hot Tips for South Carolina Family Lawyers. I have lectured so many times over so many years that it would be impossible to list each course and lecture, but I have lectured on a full and diverse range of family law topics, both substantive and procedural.

Mr. LaMantia reported that he has not published any books or articles.

(4) Character:

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

The Commission's investigation of Mr. LaMantia indicated evidence of disqualifying financial issues.

The Commission noted that Mr. LaMantia was not consistently punctual or attentive in his interactions with the Commission and its staff, and its investigation raised concerns regarding his diligence and industry. This concern mirrored responses in his BallotBox surveys which characterized him as non-responsive, unprepared, and overall uncooperative. The Commission noted with concern that Mr. LaMantia demonstrated little recognition of the gravity of the issues identified with respect to his work ethic and professional diligence. Mr. LaMantia was found Unqualified by the SC Bar in several areas, including character, further underscoring the Commission's concerns.

(5) Reputation:

Mr. LaMantia reported that his rating by legal rating organization, Martindale Hubbell, is AV.

Mr. LaMantia reported that he has not served in the military.

Mr. LaMantia reported that he has never held public office.

The Commission expressed concern regarding Mr. LaMantia in the evaluative criteria of reputation. The South Carolina Bar found Mr. LaMantia to be Unqualified in several areas, including reputation. Concerns with Mr. LaMantia's reputation were accentuated in his Ballotbox surveys, with a significant number of survey comments citing unprofessional conduct, a propensity for creating animosity and demeaning opposing counsel, and an overall poor reputation in his local Bar.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. LaMantia was admitted to the South Carolina Bar in 2005.

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

- (a) Law Clerk to the Honorable Ira E. Kreizman, J.S.C. I was Judge Kreizman's full time Law Clerk from August of 1997 through August of 1998 during his term as a Family Court Judge, Monmouth County, New Jersey. I was not involved in any administrative or financial management of this entity, including trust accounts.
- (b) Associate attorney, Lomurro, Davison, Eastman and Munoz, P.A., I was an associate attorney, practicing in the legal fields of Family Law and Personal Injury Law from 1998-2000. I was not involved in any administrative or financial management of this entity, including trust accounts.
- (c) Associate attorney, Partner, Fox and Gemma, LLC/Fox and LaMantia, LLC. I was an associate attorney/junior partner, practicing in the field of Family Law from 2000-2005. I was not involved in any administrative or financial management of this entity, including trust accounts.
- (d) Associate attorney, Law office of John Harrell. I was an associate attorney, practicing in the field of Insurance Law from August of 2005 through February of 2006. I was not involved in any administrative or financial management of this entity, including trust accounts.
- (e) Owner, LaMantia Law Firm, March 2006 to present, practicing nearly exclusively in the field of Family Law. I am the only person involved in the administrative and financial management of this entity, including trust accounts.

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

Including my one-year full-time clerkship for a Judge in the Family Court, I have been practicing Family Law for twenty-eight years. I have a very active practice and have likely represented clients in over 2,800 cases almost exclusively in the field of family law during that period of time. In the past, I have represented clients in all of the above practice areas and continue to do so on a monthly, if not daily basis. As an example, over the last three years, I have finalized two adoption cases both after a trial, I have handled abuse and neglect cases with the Department of Social Services and probably over one hundred divorce, equitable distribution and custody cases. In my time in South Carolina, I have likely represented between twenty-five and fifty juveniles in the Family Court and handled many other appurtenant cases such as restraining orders and Orders of Protection. I represent clients in front of the Judges in the Family Court on an average of at least two to three times per week.

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

- (a) Federal: None
- (b) State: Between two and three times a week on average

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

- (a) Civil: 0%;
- (b) Criminal: 1%;
- (c) Domestic: 99%;
- (d) Other: 0%.

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

- (a) Percentage of practice, including cases that settled prior to trial: 100%;
- (b) Number of cases that went to trial and resulted in a verdict: One
- (c) Number of cases that went to trial and resolved after the plaintiff's or State's case: One.
- (d) Number of cases settled after jury selection but prior to opening statements: None.

Mr. LaMantia provided that during the past five years he most often served as sole counsel.

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

- (a) Moore v. Moore, 376 S.C. 467 (2008), South Carolina Supreme Court. I was co-counsel with Allison J. LaMantia, Esq. This was a very important case as it clarified the rights of both the petitioner and defendant in a case where a party was seeking an Order of Protection including a party's Constitutional Right to Due Process.
- (b) Benton v. Sonntag, personally handled, Family Court trial, Verdict for a termination of parental rights and adoption after an abuse and neglect case with the Department of Social Services.
- (c) Haught v. Haught, personally handled. This case was professionally important to me as it resolved the right of a parent to move out of state with the parties' children as well as the parental rights of the parent who was opposed to the children being removed from the State of South Carolina.
- (d) Kirkpatrick v. Dogan, personally handled. This litigation lasted over many years and many case filings. It involved the rights of the parents in a lengthy custodial dispute, including the right of a parent to travel internationally with the child and whether both parents violated the Court's Order in this regard.
- (e) Fritz v. Llop, personally handled. This litigation centered around protecting both the children and a parent/victim of domestic violence in both litigation with the Department of Social Services and divorce litigation that concerned custody of children as well as equitable distribution and alimony.

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

- (a) Moore v. Moore, 376 S.C. 467 (2008), South Carolina Supreme Court, decided February 11, 2008.
- (b) Hastings v. Carrera, South Carolina Court of Appeals, decision in 2020.

Mr. LaMantia reported that he has not personally handled any criminal appeals.

Mr. LaMantia further reported the following regarding unsuccessful candidacies:

Yes, I ran for the State Legislature in 2010. I lost in the primary election. I ran in 2012 for a statewide open seat in the Family Court of South Carolina. The seat was won by a Judge who was seated in York County. In 2023, I ran for an open seat in the Family Court, Ninth Judicial Circuit, Berkeley County. I was not elected to the seat.

(9) Judicial Temperament:

The Commission noted very serious concerns with Mr. LaMantia's temperament, citing responses in his BallotBox survey responses. A significant number of these responses characterized his temperament as volatile—citing allegations of difficulty controlling his temper, raising his voice, using derogatory or profane language, and engaging in conduct perceived as aggressive, intimidating or dismissive. The Commission also noted that 24.4% of survey respondents rated him as unqualified in temperament and observed that, when questioned, Mr. LaMantia appeared to downplay the severity of these concerns and did not adequately address them to the Commission's satisfaction.

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications found Mr. LaMantia to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, mental stability, and experience; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and judicial temperament. The Committee commented, "As a single father of four children, he brings an important perspective to the family court, very good experience, presents well, committed (some committee members received comments of concern- but nothing verified)."

Mr. LaMantia is not married. He has four children.

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

- (a) South Carolina Bar Association 2005 to the present.
- (b) New York Bar Association 1998 to the present.
- (c) New Jersey Bar Association 1997 to the present.

Mr. LaMantia provided that he was a member of the following civic, charitable, educational, social, or fraternal organization.

- (a) Charleston County Bar Association

Mr. LaMantia further reported:

My ex-wife passed away in February of 2016. My children were 13, 10, and 8 years old (twins) at the time of her passing. They are now 22, 20, and 17 years old. I have never remarried. It was very challenging to raise four children on my own without a spouse to help, all while supporting my family, working full time. Raising my children on my own has given me a unique perspective, not only on parenthood, but on the challenges that parents and my clients face in life and in the Family Court. The experience has given me humility and compassion for the challenges faced by single and divorced parents as they try to raise children in our world today. The experience has taught me to put myself in the shoes of others and to be thoughtful and compassionate about the joys and struggles that parents face on a daily basis with their children.

Additionally, I was a full-time paid law clerk to a Family Court Judge in 1997-1998. That experience taught me not only how to practice law from the inside, seeing cases as a

judge would see them, but also taught me how to practice law with honor and respect, patience, courage and civility to all. The lessons that I learned 28 years ago still follow me to this day in my daily practice of law as well as my life as a parent and a member of our community. It is these lessons that I believe have helped me to become a respected and well-liked member of our legal community.

(11) Commission Members' Comments:

The Commission expressed concern that the SC Bar's Judicial Qualifications Committee found Mr. LaMantia "Unqualified" overall and in the evaluative criteria of ethical fitness, character, and reputation. These concerns were further mirrored in Mr. LaMantia's Ballotbox surveys. The Commission expressed significant concerns regarding Mr. LaMantia's ethical fitness, character, temperament, professionalism, and reputation, noting that he is perceived as arrogant, unresponsive, unprepared, and difficult to work with within the Family Court Bar.

Mr. LaMantia was unprepared and unresponsive in his dealings with the Commission. Moreover, the Commission found that he did not appear to fully appreciate or acknowledge the seriousness of the concerns raised regarding both his work ethic and his temperament. Mr. LaMantia failed to treat the screening process with the seriousness it warranted and did not demonstrate an appreciation for the gravity of the proceedings.

(12) Conclusion:

The Commission found Mr. LaMantia not qualified to serve as a Family Court judge.

Kelly Pope-Black
Family Court, Ninth Judicial Circuit, Seat 7

Commission's Findings: NOT QUALIFIED

(1) Constitutional Qualifications:

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

Ms. Pope-Black was born in 1973. She is 52 years old and a resident of Daniel Island, South Carolina. Ms. Pope-Black 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 2001.

(2) Ethical Fitness:

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

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

Ms. Pope-Black reported that she has not made any campaign expenditures.

Ms. Pope-Black reported that she has made \$334.51 in campaign expenditures for postage, copies of resume, and two name badges.

Ms. Pope-Black testified she has not:

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

Ms. Pope-Black testified that she is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Pope-Black to be intelligent and knowledgeable.

Ms. Pope-Black reported that she has taught the following law-related courses:

- (a) I made a presentation at a NBI sponsored CLE "Applying the Rules of Evidence: What Every Attorney Needs to Know" on December 14, 2011.
- (b) I made a presentation at a NBI sponsored CLE "Plaintiff's Personal Injury from Start to Finish" on January 28, 2010.
- (c) In 2010, I wrote and presented a program to the SC Upstate Paralegal Association on effective use of evidence at trial.
- (d) I made a presentation at a NBI sponsored CLE "Obtaining the Best Settlement for Personal Injury Clients" on January 22, 2008.
- (e) I sat on a panel at the 2013 Family Court Bench/Bar Seminar representing a new judges' perspective on family court.
- (f) I sat on a panel with fellow judges at the 2014 South Carolina Guardian Ad Litem Annual Conference in Columbia.
- (g) I sat on a panel of judges as a speaker at the 2014 CLE "As Family Court Judges See It: Top Mistakes Attorneys Make in Litigating Divorce" presented by NBI.
- (h) I was a speaker along with other family court judges at the 2013 SC Bar Annual Conference.
- (i) I spoke about family court mediations at the 2024 South Carolina Family Court Judges Annual Conference.
- (j) I spoke at the 2024 South Carolina Association of Justice Conference about Family Law Mediation Practices.
- (k) I spoke at the 2025 Greenville Bar Year End CLE about Best Family Law Mediation Practices.

Ms. Pope-Black reported that she has not published any books or articles.

(4) Character:

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

The Commission noted that a federal tax lien filed against Ms. Pope-Black in 2015 has been satisfied and discharged. The three state tax liens filed against Ms. Pope-Black in 2012 have been satisfied and expunged.

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

(5) Reputation:

Ms. Pope-Black reported that her last rating by a legal rating organization, Martindale-Hubbell, was Distinguished, High Ethical Standard.

Ms. Pope-Black reported that she has not served in the military.

Ms. Pope-Black reported that she has never held public office other than judicial office.

(6) Physical Health:

Ms. Pope-Black appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Pope-Black appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Pope-Black was admitted to the South Carolina Bar in 2001.

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

- (a) Cunningham & Associates, Tega Cay, SC – I worked for Kevin Cunningham as an associate from August 2001 to April 2002. My practice focused on family law and personal injury representing both plaintiffs and defendants. I also handled the firm's DSS court appointed cases. I was not involved in the financial management of the firm.
- (b) Cobourn & Saleeby, Spartanburg, SC – I was an associate with the firm from approximately May 2002 to November 2003. The primary focus of my work at the firm was plaintiff personal injury cases. While an attorney with the firm, I handled all the South Carolina litigation except for worker's compensation and social security disability. Cases ranged from motor vehicle collisions to wrongful death and third party worker's compensation claims. I handled most of the firm's DSS court appointed matters ranging from vulnerable adult issues to child custody and TPR cases. I was not involved in the financial management of the firm.
- (c) Christian and Davis, Greenville, SC – I was an associate with Christian and Davis from November 2003 to October 2005. The firm focused on plaintiff personal injury matters. While an associate with the firm, I handled simple to complex motor vehicle collisions, tractor trailer collisions, medical malpractice, wrongful death, breach of

contract and bad faith cases. I was not involved in the financial management of the firm.

- (d) Babb and Brown, Greenville, SC – I was an associate with Babb and Brown from October 2005 to September 2007. The firm primarily focused on real estate issues. However, I handled all of the litigation for the firm, which included family law, personal injury, construction law, insurance law and homeowner association law. I worked in a variety of courts. Family law cases included contested and uncontested divorces, equitable division, alimony, child support and child custody. The personal injury matter ranged from simple motor vehicle collisions to complex medical malpractice/wrongful death cases. The firm also represented several residential homebuilders and I handled all of the litigation concerning these homebuilders that was not covered by their insurance carrier. I also represented homeowners in cases against builders alleging defective construction. In addition, the firm represented several homeowner associations. Any matters that needed to be litigated on behalf of the associations were handled by me. I was not involved in the financial management of the firm.
- (e) Mooneyham Berry & Pope, LLC, Greenville, SC – In October 2007 the law firm of Mooneyham Flowers Berry & Karow, LLC was formed. In August 2008, David Flowers left the firm and it became Mooneyham Berry & Pope, LLC. Following my divorce in May 2011, I resumed my maiden name and the firm became Mooneyham Berry & Pope, LLC. Our firm represented clients throughout the state of South Carolina. My practice consisted of civil, family law and criminal defense work. The civil cases ranged from simple to complex. My areas of civil litigation included motor vehicle collisions, wrongful death, medical malpractice, business disputes and construction litigation. The family law cases included adoptions, equitable distribution and child custody. My criminal defense practice was a small and I only handled smaller cases. As a partner in the firm, I along with my fellow partners, were responsible for the day to day management of the firm. We had regular meetings to review the finances of the firm, including the trust account.
- (f) South Carolina Family Court Judge At Large Seat 1 – I served as a family court judge from July 1, 2013 to June 30, 2019. I presided over cases in the areas of custody, support, alimony, equitable distribution, divorce, adoption, abuse and neglect and DJJ (juvenile related crimes). In 2017, I started the first juvenile drug court for Spartanburg County.
- (g) Kelly Pope-Black, LLC – Since July 1, 2019 I have been a mediator full time with a primary focus on family court matters. I have mediated a few civil matters and a couple of probate matters. To date, I average 191 mediations per year. My mediation practice is statewide. I conduct mediations handling child custody matters, TPR and adoptions to multi-million dollar equitable distribution matters requiring multiple days of mediation.
- (h) Seventh Circuit Solicitor's Office – From October 2020 to March 2022, I served as a part-time assistant solicitor in Solicitor Barry Barnette's office, while still maintaining my demanding mediation practice. I handled all of the juvenile cases in Cherokee County. At the time that I took the position, the docket was behind and required extensive work to bring the cases within the 365 day rule for family court

cases. Once the goal was reached of all cases being within the 365 day rule, I went back to mediating family court cases full time.

Ms. Pope-Black further reported regarding her experience with the Family Court practice area:

Divorce and Equitable Distribution of Property – While a practicing attorney, a portion of my practice was dedicated to family law matters. As a trial attorney I handled contested and uncontested divorces, divorces on fault grounds, alimony issues and division of marital property. The marital estates ranged from small to high values to include numerous real estate properties, retirement and money market accounts. While a family court judge, I heard numerous contested matters related to all grounds for divorce, as well as, equitable distribution matters with marital estates ranging in values. As a mediator with a focus on statewide family court cases, I continue to be involved in divorces on fault grounds and the equitable distribution of marital estates that range in values. I have handled simple marital estates and complex multi-million dollar marital estates. I have mediated cases where the marital estate contains family owned businesses and multiple business and real estate holdings. I have also been appointed as a receiver of a marital business in a family court matter.

Child Custody – As a practicing attorney, I handled child custody matters and represented both mothers, fathers and grandparents. While a family court judge, I presided over custody cases varying in degrees of difficulty. There were cases involving allegations of abuse and neglect, munchausen syndrome and mental abuse. As a judge, I also tried child custody cases involving grandparents. As a mediator, I routinely handle family law cases involving child custody issues.

Adoptions – During my time as a practicing attorney, I handled adoption cases for adopting parents. Some of the adoption cases were for DSS foster parents where TPR had already been granted. Other adoptions I handled had a TPR component to them. As a family court judge, I presided over numerous adoption hearings. Some of those adoptions were also TPR cases with multi-day trials. As a mediator, I have mediated TPR and adoption matters. These are difficult cases to mediate and reach a resolution due to the nature of the case, but I have been able to successfully mediate two adoption matters.

Abuse and Neglect – My experience with abuse and neglect cases actually started prior to my becoming an attorney and judge. Prior to attending law school, I worked for the Foothills Rape Crisis Center and Safe Harbor Domestic Abuse Shelter. My work for these agencies focused primarily on children who were victims of abuse and neglect. During my legal career, I have handled court appointed DSS cases involving issues of abuse and neglect. In my civil work as an attorney, I represented victims of all ages that were victims of sexual abuse. As a judge, I presided over countless abuse and neglect matters there were through DSS cases and private cases.

Juvenile Justice – As a judge, I handled juvenile cases almost weekly. In 2017, I was one of three family court judges selected by Chief Justice Don Beatty to attend the Juvenile Justice Reform Summit in Nashville, TN. During my time on the bench, I developed a juvenile drug court as a means to divert youth from further involvement with the juvenile justice system. Juvenile drug court was held after hours once a month and was a collaboration between the Sheriff's Department, Solicitor's Office, Public Defender's Office and myself. In addition to handling juvenile cases while a family court judge, I also worked for the Seventh Circuit Solicitor's Office after leaving the bench. My position was part-time and the focus was to work on the juvenile docket for Cherokee County and bring the docket current with all cases being less than 365 days old.

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

- (a) Federal: none;
- (b) State: bi-weekly (as an attorney); daily (as a judge).

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

- (a) Civil: 1%;
- (b) Criminal: 0%;
- (c) Domestic: 99%;
- (d) Other: 0%.

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

- (a) Percentage of practice, including cases that settled prior to trial: For the past five years, I have been a full time family law mediator. I did spend a year and a half as a part-time juvenile prosecutor making court appearances every other week. Prior to being a family law mediator, I was in court almost daily as a family court judge.
- (b) Number of cases that went to trial and resulted in a verdict: I am not sure of the number of cases that were settled or went to trial. As a family court judge, I tried countless cases. While an assistant solicitor, the juvenile cases were routinely worked out with a plea or dismissed.
- (c) Number of cases that went to trial and resolved after the plaintiff's or State's case: For the purposes of this question, resolved includes settlement, plea, judge's order during a motion hearing, etc. I have tried so many cases as a family court judge, I am unsure how many settled after the Plaintiff presented their case. While an assistant solicitor, the juvenile cases were routinely worked out with a plea or dismissed.
- (d) Number of cases settled after jury selection but prior to opening statements: None as there are no jury trials in family court.

Ms. Pope-Black provided that during the past five years she most often served as sole counsel.

The following is Ms. Pope-Black's account of her five most significant litigated matters:

- (a) Hilliard v. Mitchell Contractors, Inc. f/k/a Mitchell Contractors Interiors, Inc. and Parkway Plaza, LLC 2006-CP-23-6203

This was a case involving a young lady that was sexually assaulted at work. The case involved claims of negligent hire, negligent supervision, negligent retention and negligent security. After an extensive discovery phase, the case was settled prior to trial. This case was significant because it brought to light deficiencies in the security and hiring procedures of the defendants. It also provided an avenue for my client, the plaintiff, to begin the healing process by knowing her courage to pursue the case resulted in possible changes to company policies by the defendants. The case also gave the plaintiff the financial means to continue therapy to deal with the emotional aftermath of the sexual assault.

- (b) Adoptive Parents v. SCDSS, et al

This was a Spartanburg County family court case where I represented foster parents in an action to terminate the parental rights of the birth parents and adopt the minor child. The child had been with the foster parents since 2009 when I filed the action to terminate and adopt in 2011. The case dealt with immigration issues in addition to the termination and adoption as the minor child had been born in Honduras. This case is significant because the foster parents were able to adopt the minor child they had been raising and brought stability to the life of the minor child.

- (c) Gilliard v. City of Greenville, et al W.C.C. File No. 0627382

This was a worker's compensation case for a deceased City of Greenville police officer. The officer became very sick while working for the City of Greenville. A worker's compensation claim was filed, but during the litigation of the case, the plaintiff died due to complications from his illness. His wife decided to continue the case on his behalf. The issue in the case was whether Mr. Gilliard contracted an occupational disease during his time as a police officer with the City of Greenville and did that disease cause his death. At the initial hearing, the plaintiff prevailed. However, that decision was overturned by the Worker's Compensation Commission. On behalf of the plaintiff, the decision was appealed and denied. This case is significant not only because of the complexity of an occupational disease case, but Mrs. Gilliard's strength following the death of her husband.

- (d) Doe v. Harper, 2008-CP-37-111

This was a repressed memory sexual assault case. I represented the plaintiff, who was female in her late twenties. The complexity of the repressed memory issue made this case significant. It was also important because the outcome relieved insecurities the plaintiff had with herself and also provided her with the financial means to continue her therapy related to the sexual abuse. However, the plaintiff had an emotionally troubled past that affected her choices in life as she got older. This case reminded me that a successful outcome in a case does not always provide closure for clients. On many occasions I have thought about this client and hope that she has found some form of inner peace.

- (e) In 2003, I tried my first case. It was a motor vehicle collision case with disputed liability and damages. The case was tried in Cherokee County and I represented the plaintiff. The defendant was represented by a prominent and very experienced

defense attorney. I cannot remember the case name, but what I do remember is that I lost the trial. This case is significant to me because I learned there are many things law school can prepare you for and many things it cannot.

The following is Ms. Pope-Black's account of the civil appeal she has personally handled:

Gilliard v. City of Greenville, et al, W.C.C. File No.: 0627382. The case was on appeal when I became a family court judge in 2013. The appeal was handled by my former law partner, Joe Mooneyham. I am not aware of the date of the final decision.

Ms. Pope-Black reported that she has not personally handled any criminal appeals.

Ms. Pope-Black further reported the following regarding unsuccessful candidacies: Yes, in 2019 I was unsuccessful as a candidate for re-election to Family Court At Large Seat 1.

(9) Judicial Temperament:

The Commission addressed numerous concerns raised in both the BallotBox survey and past screenings concerning Ms. Pope-Black's temperament. The Commission noted Ms. Pope-Black was previously found not qualified by the Commission to continue serving as a family court judge in 2019, based in part on temperament issues. The Commission was not satisfied with Ms. Pope-Black's explanation for her prior temperament issues and expressed concerns regarding whether Ms. Pope-Black has taken the necessary steps to overcome any past issues.

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications found Ms. Pope-Black to be "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" as to the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee stated, "Clarified past issues with attorney and mediation practice, has added tremendously to her temperament, very good experience."

Ms. Pope-Black is married to Johnny "Jody" Harold Black, Jr. She has two children.

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

- (a) South Carolina Bar Association
- (b) South Carolina Women Lawyers Association
- (c) ADR Commission – South Carolina Supreme Court Appointment

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

- (a) Labor of Love Animal Rescue - volunteer
- (b) Blue Ridge Hunter Jumper Association – Board Member
- (c) South Carolina Hunter Jumper Association – Member
- (d) Progressive Showjumping Association – Member
- (e) United States Hunter Jumper Association – Member
- (f) Miss South Carolina Organization – Member

Ms. Pope-Black further reported:

In the seventh grade I tried out for my middle school basketball team. I thought it would be fun, not realizing the hard work and dedication it would require to be a part of the team. Two weeks into practices I wanted to quit the team. I begged, pleaded and at times has an awful attitude that kids that age can have when they do not get their way. My parents would not let me quit the team. If I started something, it was my responsibility to finish it. I ended up loving not only basketball, but volleyball too and used that passion as a way to help pay for college. My parents taught me that if you make a commitment, you keep it and work hard at it. They taught me to take responsibility for my actions. I remember my parents working two jobs at times because that was what had to be done. I have a strong work ethic and an attitude of determination as a result of the lessons I learned from my parents.

My lesson in compassion began with volunteering. My passion as an advocate for victims began in college when I became a volunteer for SAFE Homes Domestic Abuse Shelter and Rape Crisis Center and The Children's Shelter in Spartanburg. I later expanded my volunteer work into other counties and organizations. The experience I gained as a volunteer lead to my first job after college with the Foothills Rape Crisis Center and later with the Safe Harbor Domestic Violence Shelter.

My work at these organizations was filled with humbling and life changing experiences. While at Safe Harbor, the organization did not have the funds to support a separate staff office space. Therefore, our offices were in the shelter. At times that situation made it difficult to work because of the distractions, but it also allowed us to provide immediate support to the women and children staying at the shelter. There were times when difficult decisions had to be made to protect the children. The children I worked with taught me the value of life. I witnessed those children at one of the most painful times of their lives and most still found the strength and courage to want to trust and love again. They continue to inspire me. The gavel I had when I was a judge is engraved with a special message about those precious children.

My previous experiences as a family court judge have shaped me. When handling DJJ cases, I tried to encourage everyone to think outside of the box for resolutions. I wanted to find something the juveniles enjoyed or were interested in and incorporate it into their lives. I created a juvenile drug court to allow a path

for juveniles to find their own answers to a better future. I think it is important to not only encourage change, but to give them the tools to make a change.

My life experiences have taught me to work hard, be determined, be compassionate and protect the voiceless. I have often referred to family court judges as the last line of defense in protecting the abused and neglected. I still believe that is true and want to continue work that protects children and encourages our youth.

(11) Commission Members' Comments:

The Commission expressed grave concerns regarding Ms. Pope-Black's temperament and reputation within the community. The Commission questioned whether Ms. Pope-Black has taken the necessary steps to overcome the temperament issues that resulted in her being found not qualified to continue serving as a Family Court judge in 2019. The Commission was further concerned that BallotBox surveys indicated not only prior temperament issues during her time as a Family Court judge, but also ongoing temperament issues since being off the bench. Additionally, although noting her ties to Berkeley County are statutorily sufficient, the Commission questioned and expressed concerns regarding the depth of Ms. Pope-Black's actual connection to the Berkeley County community and the impetus for her seeking a judicial seat in the lowcountry.

(12) Conclusion:

The Commission found Ms. Pope-Black not qualified to serve as a Family Court judge.

Erika Easler
Administrative Law Court, Seat 4

Commission's Findings: NOT QUALIFIED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Easler meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Ms. Easler was born in 1982. She is 43 years old and a resident of Chapin, South Carolina. Ms. Easler 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 2008.

(2) Ethical Fitness:

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

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

Ms. Easler reported that she has made \$50 in campaign expenditures for fingerprinting, stamps, and envelopes.

Ms. Easler testified she has not:

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

Ms. Easler testified that she is aware of the Commission's rule and SC Code Section 2-19-70 regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Easler to be intelligent and knowledgeable.

Ms. Easler reported that she has taught the following law-related courses:

- (a) I have presented on the US Army's Special Victims Counsel program for the Attorney General's CLE program
- (b) In my time in the Army, as a Judge Advocate, I have provided numerous briefings on the Army's Legal Assistance program, the Servicemember's Civil Relief Act, Rules of Engagement and the Law of Armed Conflict to deploying units, and Administrative Law and Military Justice to Commanders and Staff

Ms. Easler reported that she has not published any books or articles.

(4) Character:

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

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

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

(5) Reputation:

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

Ms. Easler reported the following military service:

United States Army, Judge Advocate, July 2009 to July 2017, Captain. Honorable characterization of service. Transferred to the South Carolina Army National Guard.

South Carolina Army National Guard, Judge Advocate, July 2017 to December 2019, Major. Transferred to the United States Army Reserve.

United States Army Reserve, Judge Advocate, January 2020 to present.

Ms. Easler reported that she has never held public office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Ms. Easler was admitted to the South Carolina Bar in 2008.

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

United States Army, Judge Advocate General Corps, Judge Advocate, July 2009 to July 2017

Heidelberg, Germany, January 2010 to May 2012

Administrative Law Attorney and Ethics Counselor, provided thorough and competent legal advice to the V Corps Commander and staff and three supported garrisons on all aspects of administrative law. Served as a legal advisor and reviewer for Article 32 preliminary hearings, summary courts-martial proceedings, enlisted and officer separation actions, AR 15-6 investigations, Line of Duty investigations, financial liability investigations, Inspector General complaints, Congressional Inquiries, Privacy Act/FOIA requests, use of government resources, government ethics, fiscal law, and command policies and actions. Prepared and provided instruction on administrative topics including ethics and investigations.

Tax Center Officer-In-Charge, supervised the Tax Center NCOIC, three Soldier tax preparers, six civilian hired tax preparers, and a tax preparation volunteer. Managed daily tax center operations and work schedule. Coordinated with the IRS VITA representative and conducted a tax training program. Qualified all tax center personnel as volunteer tax preparers. Created an effective advertising campaign and tax center outreach program. Studied tax law, learned current tax trends affecting the community, advised clients of their rights under current tax law, and prepared complex tax returns.

Legal Assistance Attorney, supported Soldier readiness by counseling and representing service members and their families concerning legal issues involving family law, estate planning, consumer protection and economic law, landlord/tenant law, real and personal property, civilian misconduct matters, and

tax law. Provided legal advice and representation on military and administrative matters such as financial liability investigations, OER and NCOER appeals, garnishment actions, and memoranda of reprimand. Interviewed and advised clients as to their legal rights, negotiated with outside agencies on clients' behalf, drafted documents and correspondence, assisted clients in representing themselves.

Shaw AFB, SC and Camp Arifjan, Kuwait, June 2012 to July 2014

Trial Counsel, provided thorough and competent legal advice to the Third Army/USARCENT/CFLCC Commander and staff on all aspects of military justice. Served as a Trial Counsel at both the Main Command Post (MCP) at Shaw Air Force Base, South Carolina, and the Operational Command Post (OCP) at Camp Arifjan, Kuwait. Acted as Trial Counsel for subordinate units assigned or attached to USARCENT OCP who deployed without assigned Trial Counsel in CENTCOM AOR (Iraq, Afghanistan, Kuwait, and Jordan). Advised USARCENT Commanders on administrative and military justice matters related to Soldier misconduct arising in their commands.

Administrative Law Attorney and Ethics Counselor, served as an Administrative Law attorney for Third Army/USARCENT/CFLCC, the Army's only forward-deployed Army Service Component Command operating in support of Operation Enduring Freedom.

Camp Red Cloud, Republic of Korea, July 2014 to July 2015

Labor and Administrative Law Attorney, Ethics Counselor, Part-time Military Magistrate, Served as the Labor Law Attorney for 2d Infantry Division and United States Army Garrison Red Cloud and Area I, Republic of Korea, providing legal advice to the command and staff on military personnel law, investigations, private organizations, civilian employment law, civilian misconduct, regulatory law, and other administrative and labor law matters. Serves as an ethics counselor, providing ethics opinions, conducting ethics briefings, and reviewing OGE 278/450s Financial Disclosures. Conducted in-briefs and provided guidance to personnel appointed as investigating officers, Article 32 officers, and board members. Conducts legal reviews of completed investigations, EEO approval and dismissal letters, civilian employee disciplinary actions, civilian misconduct actions, curtailment letters, responses to Congressional inquiries, policy letters, general garrison issues, and issues regarding Non-appropriated Fund Instrumentalities. Served as the Agency Representative for MSPB Appeals and EEOC complaints. Drafted Agency responses to MSPB appeals and EEOC cases, and engages in settlement discussions.

Fort Jackson, SC, July 2015 to July 2017

Administrative and Labor Law Attorney, Part-Time Military Magistrate, served as Administrative Law Attorney for Army Training Center and Fort Jackson supporting over 50,000 Soldiers and over 10,000 Family members. Responsible for the provision of legal support on all aspects of Administrative Law to the commanders, staff, and tenant organizations. Served as the legal advisor in AR

15-6, Line of Duty, and Financial Liability Investigations of Property Loss, Boards of Inquiry, and Enlisted Administrative Separation Board proceedings; conducted legal reviews on command policies, regulations, and academic dismissals; reviewed responses to congressional and White House inquiries and FOIA requests; provided legal opinions on ethics issues and labor law issues; trained Fort Jackson personnel and deploying Service Component personnel on ethics, administrative investigations, and law of armed conflict; represented the Office of the Staff Judge Advocate at various steering committees. Served as a part-time military magistrate and Installation Hearing Officer.

Special Victim Counsel for Fort Jackson and USARCENT and Legal Assistance Attorney, provided lectures and built key relationships with Commanders and members of the SHARP team throughout the installations to further develop the Special Victims' Counsel program. Strengthened support to victims of sexual assault and asserted their rights within the military justice system by zealously advocating for their interests. Was available to assist victims through the difficult and complex judicial process. Represented victims at interviews, throughout trials, and post-trial. Served as Legal Assistance Attorney at Fort Jackson, SC and U.S. Army Training Center, the Army's largest training center. Provided legal counseling to Soldiers, Family members, and retirees in all areas of general practice, including family law, consumer law, landlord-tenant relations, estate planning, real property law, torts, taxation, insurance, and federal law, to include the Servicemember's Relief Act.

The Rutherford Law Firm, LLC, Columbia, South Carolina
Of Counsel, July 2017 to December 2017

Represented clients in criminal matters during all stages of trial in municipal, magistrate, circuit, and federal courts; draft and argue motions; draft civil complaints and answers; prepare proposed orders; negotiate plea agreements and settlements; attended court appearances, roster meetings, status conferences, debriefings, and proffers; represented clients in bond and plea hearings.

South Carolina Army National Guard, Columbia, South Carolina
Judge Advocate, July 2017 to December 2019

Trial Counsel, July 2017 to June 2019, served as Trial Counsel for the 59th Troop Command, the largest Major Subordinate Command in the SCARNG. Provide legal advice to Brigade Commander, unit Commanders and assigned Investigating Officers in order to meet State or Federal mission requirements. Provided legal advice on Soldier misconduct issues, investigations, fiscal law, ethics, and legal briefings on the Law of War, Rules on the Use of Force and other topics as needed. Provided Legal Assistance to Soldiers as needed when not conflict of interest. Responsible for supervising subordinate paralegals. Responsible for providing legal assistance and advice to Brigade support elements. Responsible for mentoring subordinates to sustain personal fitness, maintain technical proficiency, and continue personal, professional development.

Trial Defense Services Counsel, July 2019 to December 2019, served as Defense Counsel for Soldiers, representing Soldiers at courts-martial and administrative separation boards. Counseled Soldiers facing nonjudicial punishment and other adverse administrative actions taken pursuant to Army regulations and the South Carolina Code of Military Justice.

South Carolina Administrative Law Court, Columbia, South Carolina
Judicial Law Clerk to the Honorable S. Phillip Lenski, February 2018 to July 2020

Drafted judicial orders and decisions for the Administrative Law Judge's signature, conducts legal research on applicable case law, statutes, and regulations of various government agencies; maintained judge's court docket and scheduling; initiated, monitored, and responded to communications to the court from attorneys and pro se litigants about case management and court procedural requirements; responsible for ensuring the efficient functioning of all courtroom proceedings; assists the judge during courtroom proceedings.

United States Army Reserves, Legal Command, 16th Legal Operations Detachment, Fort Hamilton, New York

Trial Defense Services, February 2020 to April 2025

Trial Defense Counsel, February 2020 to February 2022, served as defense counsel within the Great Lakes Region. Advised and represented Soldiers facing adverse administrative actions to include non-judicial punishment and separation proceedings. Defended Soldiers who were subjects of AR 15-6 investigations and other criminal proceedings.

Senior Defense Counsel, February 2022 to December 2024, served as Senior Defense Counsel for Team 8, supervised a team of assigned trial defense counsel and paralegals. Delivered timely and professional legal defense services to eligible Soldiers in Team 8's area of responsibility in the Great Lakes Region. Coordinated matters with supported convening and separation authorities. Liaison with Reserve and Active counterparts on staffing, resource allocation and workloads. Provided personnel to support Active Component trial defense services and to mobilize as necessary. Manage and support cases assigned to team members. Ensured that Judge Advocates and paralegals are were fully trained for both military and legal missions. Acted as Defense Counsel for senior Officers and NCO clients.

Deputy Regional Defense Counsel, December 2024 to April 2025, assisted the Regional Defense Counsel, Northeast Region in the supervision of a team of over 20 military defense counsels and paralegals. Act as executive officer of the region responsible for general administrative support, drafting monthly reports, managing case trackers, coordination of administrative requirements and legal best practices with counsel. Advised senior defense counsel on administrative and policy matters. Mentored and advised defense counsel and paralegals. Onboarded new counsel. Maintained and managed a caseload of servicemembers facing

adverse legal action. Represented and advised servicemembers in preliminary proceedings regarding criminal and administrative investigations, adverse separation actions, and UCMJ Article 15 proceedings. Remained prepared to deploy on orders.

Department of the Army, Fort Jackson, South Carolina

Environmental Law Attorney, August 2020 to March 2021

Served as an Environmental Law Attorney in the Administrative Law Division. Provides legal reviews of environmental law actions for compliance with the National Environmental Protection Act and other applicable laws and regulations. Provides legal reviews on civil and military matters and actions.

South Carolina Administrative Law Court, Columbia, South Carolina

Judicial Law Clerk to the Honorable S. Phillip Lenski, April 2021 to present

Drafts judicial orders and decisions for the Administrative Law Judge's signature, conducts legal research on applicable case law, statutes, and regulations of various government agencies; maintained judge's court docket and scheduling; initiated, monitored, and responded to communications to the court from attorneys and pro se litigants about case management and court procedural requirements; responsible for ensuring the efficient functioning of all courtroom proceedings; assists the judge during courtroom proceedings.

United States Army Reserves, 2nd Brigade, 98th Training Division (IET), Fort Jackson, South Carolina

Brigade Judge Advocate, April 2025 to present

Serves as the principal legal advisor to the Brigade Commander, staff, and subordinate Commanders, providing comprehensive legal advice and counsel on military justice, operational law, administrative law, contracts, and personnel matters. As a licensed attorney with expertise in the Uniform Code of Military Justice (UCMJ), ensures command compliance with legal standards while advising on decisions impacting operations and personnel. Provides legal advice to maintain lawful and effective command function and ensure the commander's vision of good order and discipline is implemented.

Ms. Easler stated that she has never represented a client before the Administrative Law Court. Regarding her experience within the Administrative Law Court practice area, Ms. Easler reported:

As a judicial law clerk at the ALC, while I have not appeared before an Administrative Law Judge, I am very familiar with the types of cases and appeals before the ALC and the Court's policies and procedures.

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

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

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

- (a) Civil: 50% (ALC);
- (b) Criminal: 0%%;
- (c) Domestic: 0%;
- (d) Other: 50% (Military).

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

- (a) Percentage of practice, including cases that settled prior to trial: N/A
- (b) Number of cases that went to trial and resulted in a verdict: N/A
- (c) Number of cases that went to trial and resolved after the plaintiff's or State's case: N/A
- (d) Number of cases settled after jury selection but prior to opening statements: N/A.

Ms. Easler provided that during the past five years she most often served as sole counsel for cases for the U.S. Army.

The following is Ms. Easler's account of her five most significant litigated matters:

- (a) Administrative Separation Board for abuse of drugs – a Soldier with seventeen years of service was facing an administrative separation with an Other Than Honorable characterization of service three years from retirement eligibility from the US Army Reserve for testing positive on a drug urinalysis. I was able to successfully advocate for my client to be retained through questioning witnesses and objecting to evidentiary issues in the government's case.
- (b) Administrative Separation Board for civilian conviction (incarceration by civilian authorities) – a Soldier who had been convicted and was incarcerated by civilian authorities for felony manslaughter was facing an administrative separation from US Army Reserve with an Other Than Honorable Discharge. By carefully researching the Army Regulations, I was able to successfully advocate for my client to receive an Honorable Characterization of Service. Thereby removing another obstacle to her successful rehabilitation into society once she is released.
- (c) Board of Inquiry for Unauthorized Absence – an Officer was facing a Board of Inquiry for Unsatisfactory Participation and facing an Other Than Honorable Discharge. By carefully researching the Army Regulations and collecting documentary evidence, I was able to successfully advocate for my client to receive an Honorable Characterization of Service.
- (d) Defense Office of Hearings and Appeals (DOHA) for security clearance revocation – I was the first attorney in my unit to appear before a DOHA hearing on behalf of a military client. I was able to use my experience to mentor other attorneys who were going to represent their client at a DOHA appeal.
- (e) Administrative Separation Board for patterns of misconduct – I represented a Soldier who was facing an administrative separation board with an Other Than Honorable Discharge for three instances of misconduct. I was able to locate a key witness who was willing to testify that she had not made any allegations against my client. I successfully advocated for my client resulting in two instances of misconduct being

unfounded resulting in my client receiving a General (Under Honorable Conditions) characterization of service.

Ms. Easler reported she has not personally handled any civil or criminal appeals.

(9) Judicial Temperament:

The Commission questioned Ms. Easler on the fact that the South Carolina Bar's Judicial Qualifications Committee found her unqualified in the area of judicial temperament. The Commission noted she lacked a command of the room and lacked firmness in answering their questions.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Ms. Easler 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 a related comment: "She has devoted her life to public service, very experienced in the ALC as a clerk; she will be ready to serve if elected. The Committee had a summary statement: "Very impressive resume and enjoys serving the public. She will be a very good ALJ."

Ms. Easler is not married. She does not have any children.

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

Military and Veterans Law Section

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

American Legion, Chapin Post 193

Ms. Easler further reported:

Growing up as a military child and having had the privilege of living in other countries and different states, exposed me to other cultures and allowed me to interact with a variety of people from all walks of life. I believe this has helped me to be open-minded and has had a positive impact on how I interact with everyone I meet. Growing up in a military family has also instilled in me the importance of public service and is also why I joined the US Army.

(11) Commission Members' Comments:

The Commission raised concerns about Ms. Easler's level of experience, particularly noting that she has no experience representing clients before the Administrative Law Court. While acknowledging that she has served in various other roles throughout her legal career, the Commissioners expressed deep concern that she has not yet served in a capacity that would adequately prepare her for the position of Administrative Law Court judge. The Commission specifically noted that in never having represented clients before

the Administrative Law Court, her exposure to the type of pressure and experience needed to adequately serve as a judge in that court is limited. In addition, the Commission expressed concerns about her demeanor during the hearing. Commissioners observed that during the public hearing, Ms. Easler struggled to answer several questions directly, failed to command the room, and lacked the firmness they expected of a judicial candidate.

(12) Conclusion:

The Commission found Ms. Easler not qualified to serve as an Administrative Law Court judge.

CONCLUSION

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

SUPREME COURT

SEAT 2

The Honorable Ralph K. Anderson III
The Honorable John Cannon Few
The Honorable Blake A. Hewitt
Jay Lucas

COURT OF APPEALS

SEAT 7

The Honorable Stephanie P. McDonald

CIRCUIT COURT

THIRD JUDICIAL CIRCUIT, SEAT 2

Will Wheeler,

ELEVENTH JUDICIAL CIRCUIT, SEAT 3

The Honorable Debbie McCaslin

TWELFTH JUDICIAL CIRCUIT, SEAT 3

The Honorable H. Steven DeBerry, IV

SIXTEENTH JUDICIAL CIRCUIT, SEAT 2

Melissa A. Inzerillo
Misti Shelton

AT-LARGE, SEAT 5

The Honorable Milton G. Kimpson

FAMILY COURT

THIRD JUDICIAL CIRCUIT, SEAT 2

E. Thompson Kinney

FOURTH JUDICIAL CIRCUIT, SEAT 3

The Honorable Elizabeth Biggerstaff York

SIXTH JUDICIAL CIRCUIT, SEAT 2

The Honorable Debra A. Matthews

NINTH JUDICIAL CIRCUIT, SEAT 5

The Honorable Spiros Stavros Ferderigos

NINTH JUDICIAL CIRCUIT, SEAT 7

Marissa K. Jacobson

ELEVENTH JUDICIAL CIRCUIT, SEAT 4

Elnora Jones Dean
Rebecca West

THIRTEENTH JUDICIAL CIRCUIT, SEAT 5

The Honorable Tarita A. Dunbar

FOURTEENTH JUDICIAL CIRCUIT, SEAT 3

Scarlet B. Moore
The Honorable Larry W. Weidner II

FOURTEENTH JUDICIAL CIRCUIT, SEAT 4

Scarlet B. Moore

FIFTEENTH JUDICIAL CIRCUIT, SEAT 3

Catherine Webb

The Honorable Melissa M. Frazier

ADMINISTRATIVE LAW COURT
SEAT 4

Jason P. Luther

Kelly Rainsford

Michael S. Traynham

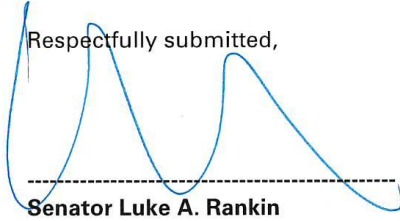
Nicole T. Wetherton

The Honorable Barbara “Bobbie” Wofford-
Kanwat,

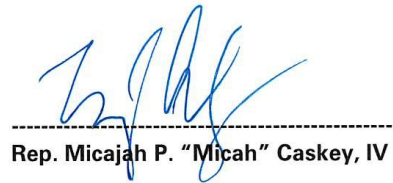
SEAT 6

The Honorable S. Phillip “Phil” Lenski

Respectfully submitted,



Senator Luke A. Rankin



Rep. Micajah P. "Micah" Caskey, IV



Senator George E. "Chip" Campsen III



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



Senator Overture Walker



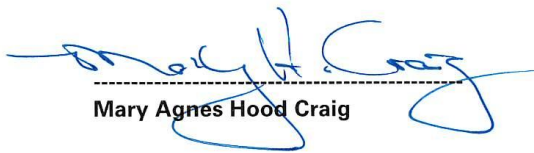
Rep. Leonidas E. "Leon" Stavrinakis



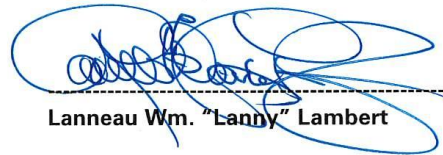
John T. Lay



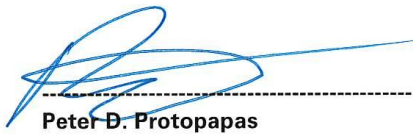
Christian Stegmaier



Mary Agnes Hood Craig



Lanneau Wm. "Lanny" Lambert



Peter D. Protopapas



The Honorable Joseph Monroe Strickland

APPENDIX

Report from the South Carolina Bar Judicial Qualifications Committee



The Honorable Ralph K. Anderson III Supreme Court: Seat 2

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Ralph K. Anderson’s candidacy for the Supreme Court: Seat 2, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



The Honorable John Cannon Few Supreme Court: Seat 2

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable John Cannon Few’s candidacy for the Supreme Court: Seat 2, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



The Honorable Blake A. Hewitt Supreme Court: Seat 2

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 2, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



Jay Lucas
Supreme Court: Seat 2

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Jay Lucas’ candidacy for the Supreme Court: Seat 2, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



The Honorable Stephanie P. McDonald

Court of Appeals: Seat 7

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Stephanie P. McDonald’s candidacy for the Court of Appeals: Seat 7, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



Will Wheeler
Circuit Court: 3rd Circuit, Seat 2

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Will Wheeler’s candidacy for the Circuit Court: 3rd Circuit, Seat 2, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



The Honorable Debbie McCaslin
Circuit Court: 11th Circuit, Seat 3

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Debbie McCaslin’s candidacy for the Circuit Court: 11th Circuit, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



The Honorable H. Steven DeBerry IV
Circuit Court: 12th Circuit, Seat 3

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable H. Steven DeBerry’s candidacy for the Circuit Court: 12th Circuit, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



Melissa A. Inzerillo
Circuit Court: 16th Circuit, Seat 2

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Melissa Inzerillo’s candidacy for the Circuit Court: 16th Circuit, Seat 2, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



Misti Shelton
Circuit Court: 16th Circuit, Seat 2

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Misti Shelton’s candidacy for the Circuit Court: 16th Circuit, Seat 2, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



The Honorable Milton G. Kimpson Circuit Court: At-Large, Seat 5

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Milton G. Kimpson’s candidacy for the Circuit Court: At-Large, Seat 5, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



E. Thompson Kinney
Family Court: 3rd Circuit, Seat 2

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding E. Thompson Kinney’s candidacy for the Family Court: 3rd Circuit, Seat 2, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



**The Honorable Elizabeth Biggerstaff York
Family Court: 4th Circuit, Seat 3**

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Elizabeth Biggerstaff York’s candidacy for the Family Court: 4th Circuit, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



The Honorable Debra A. Matthews
Family Court: 6th Circuit, Seat 2

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Debra Matthews’ candidacy for the Family Court: 6th Circuit, Seat 2, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



The Honorable Spiros S. Ferderigos
Family Court: 9th Circuit, Seat 5

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Spiros Ferderigos’ candidacy for the Family Court: 9th Circuit, Seat 5, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



Marissa K. Jacobson
Family Court: 9th Circuit, Seat 7

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Marissa Jacobson’s candidacy for the Family Court: 9th Circuit, Seat 7, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



Anthony P. LaMantia III
Family Court: 9th Circuit, Seat 7

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Anthony LaMantia’s candidacy for the Family Court: 9th Circuit, Seat 7, is as follows:

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



Kelly Pope-Black
Family Court: 9th Circuit, Seat 7

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Kelly Pope-Black’s candidacy for the Family Court: 9th Circuit, Seat 7, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



Elnora J. Dean
Family Court: 11th Circuit, Seat 4

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Elnora Dean’s candidacy for the Family Court: 11th Circuit, Seat 4, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



Rebecca West
Family Court: 11th Circuit, Seat 4

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Rebecca West’s candidacy for the Family Court: 11th Circuit, Seat 4, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



The Honorable Tarita A. Dunbar
Family Court: 13th Circuit, Seat 5

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Tarita Dunbar’s candidacy for the Family Court: 13th Circuit, Seat 5, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



Scarlet B. Moore
Family Court: 14th Circuit, Seat 3

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Scarlet Moore’s candidacy for the Family Court: 14th Circuit, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



The Honorable Larry W. Weidner II
Family Court: 14th Circuit, Seat 3

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Larry Weidner’s candidacy for the Family Court: 14th Circuit, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



Scarlet B. Moore
Family Court: 14th Circuit, Seat 4

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Scarlet Moore’s candidacy for the Family Court: 14th Circuit, Seat 4, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



Catherine Webb
Family Court: 14th Circuit, Seat 4

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Catherine Webb’s candidacy for the Family Court: 14th Circuit, Seat 4, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



**The Honorable Melissa M. Frazier
Family Court: 15th Circuit, Seat 3**

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Melissa Frazier’s candidacy for the Family Court: 15th Circuit, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



Erika Easler
Administrative Law Court: Seat 4

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Erika Easler’s candidacy for the Administrative Law Court: Seat 4, is as follows:

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

** Despite extraordinary efforts, the Judicial Qualifications Committee was only able to complete 24 of the 30 surveys.*



Jason P. Luther
Administrative Law Court: Seat 4

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Jason P. Luther’s candidacy for the Administrative Law Court: Seat 4, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



Kelly Rainsford
Administrative Law Court: Seat 4

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Kelly Rainsford’s candidacy for the Administrative Law Court: Seat 4, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



Michael S. Traynham
Administrative Law Court: Seat 4

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Michael S. Traynham’s candidacy for the Administrative Law Court: Seat 4, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



Nicole T. Wetherton
Administrative Law Court: Seat 4

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Nicole T. Wetherton’s candidacy for the Administrative Law Court: Seat 4, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified

** Despite extraordinary efforts, the Judicial Qualifications Committee was only able to complete 27 of the 30 surveys.*



**The Honorable Barbara “Bobbie” Wofford-Kanwat
Administrative Law Court: Seat 4**

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Barbara Wofford-Kanwat’s candidacy for the Administrative Law Court: Seat 4, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified



The Honorable S. Phillip “Phil” Lenski
Administrative Law Court: Seat 6

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable S. Phillip Lenski’s candidacy for the Administrative Law Court: Seat 6, 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	Qualified
Reputation	Qualified
Judicial Temperament	Qualified