

Judicial Merit Selection Commission

Report of Candidate Qualifications for Fall 2013

Date Draft Report Issued: Thursday, January 16, 2014

Date and Time:

Final Report Issued: **Noon**, Tuesday, January 21, 2014

**Judicial candidates are not free to
seek or accept commitments until
Tuesday, January 21, 2014, at Noon.**

Judicial Merit Selection Commission

Rep. Alan D. Clemmons, Chairman
Sen. Larry A. Martin, Vice-Chairman
Sen. George E. Campsen, III
Sen. Gerald Malloy
Rep. Bruce W. Bannister
Rep. David J. Mack, III
Kristian C. Bell
John Davis Harrell
H. Donald Sellers
Joseph Preston Strom, Jr.



Jane O. Shuler, Chief Counsel
Steve Davidson
Emma Dean
Patrick Dennis
J.J. Gentry
Katherine Wells
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Post Office Box 142
Columbia, South Carolina 29202
(803) 212-6623

January 16, 2014

Dear Members of the General Assembly:

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

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

Judicial candidates are **prohibited** from asking for your commitment until **12:00 Noon on January 21, 2014**. **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 Tuesday, January 21, 2014.** In summary, no member of the General Assembly should, orally or by writing, communicate about a candidate's candidacy until the time designated after release of the Judicial Merit Selection Commission's Report of Candidate Qualifications. If you find a candidate violating the pledging prohibitions or if you have questions about this report, please contact the Commission office at (803)212-6623.

Thank you for your attention to this matter.

Sincerely,

Representative Alan D. Clemmons
Chairman

Senator Larry A. Martin
Vice-Chairman

Judicial Merit Selection Commission

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January 16, 2014

Members of the SC General Assembly
SC State House
Columbia, SC

Dear Fellow Members:

This letter is written to call your attention to issues raised during the December 2003 Judicial Merit Selection hearings concerning a judicial candidate's contact with members of the General Assembly, as well as third parties contacting members on a candidate's behalf. It is also to remind you of these issues for the Fall 2013 screening.

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

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

The Commission would again like to remind members of the General Assembly that a violation of the screening law is likely a disqualifying offense and must be considered when determining a candidate's fitness for judicial office. Further, the law requires the Commission to report any violations of the pledging rules by members of the General Assembly to the House or Senate Ethics Committee, as may be applicable.

Should you have any questions regarding this letter or any other matter pertaining to the judicial screening process, please do not hesitate to call Jane O. Shuler, Chief Counsel to the Commission, at 212-6629 (M-Th).

Sincerely,

Representative Alan D. Clemmons
Chairman

Senator Larry A. Martin
Vice-Chairman

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INTRODUCTION

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

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

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

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

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

- (11) court observation; and
- (12) investigation of complaints.

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

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

Routine questions related to compliance with ethical Canons governing ethics and financial interests are now administered through a written questionnaire mailed to candidates and completed by them in advance of each candidate's staff interview. These issues were 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, etc. is his or her completed and sworn questionnaire.

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

This report is the culmination of weeks of investigatory work and public hearings. The Commission takes its responsibilities seriously, as it believes 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, as we believe it will help you make a more informed decision.

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

SUPREME COURT QUALIFIED AND NOMINATED

**The Honorable Costa M. Pleicones
Chief Justice**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Justice Pleicones was born in 1944. He is 69 years old and a resident of Columbia, SC. Justice Pleicones provided in his application that he has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1968.

(2) Ethical Fitness:

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

Justice Pleicones 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 Pleicones reported that he has made \$460.24 in campaign expenditures for: printing letters (\$244.21); postage for letters (\$92); to his administrative assistant to stuff envelopes (\$17); for Piedmont Club Drop-in (\$84.49); and to USPS for postage (\$22.54).

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

(3) Professional and Academic Ability:

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) 23 rd Annual Criminal Law Update	01/25/08;
(b) 6 th Annual Civil Law Update	01/25/08;
(c) NCBE Conference	04/08;
(d) Annual Judicial Conference	08/20/08;
(e) SCBYLD Leadership Academy	09/12/08;
(f) Masters-In-Equity Bench/Bar	10/10/08;
(g) Richland Bar Ethics Seminar	11/07/08;
(h) 7 th Annual Civil Law Update	01/23/09;
(i) NCBE Conference	04/09;
(j) JMSC CLE	07/31/09;
(j) SCAJ Annual Convention	08/06/09;
(k) Annual Judicial Conference	08/19/09;
(l) SC Bar Tort Law Update	11/13/09;
(m) NCBE Conference	04/05/10;
(n) SC Bar Bridge The Gap	08/02/10;
(o) Annual Judicial Conference	08/18/10;
(p) SC Bar Criminal Law	01/21/11;
(q) SC Bar Trial & Appellate Advocacy	01/21/11;
(r) Northwestern University - JEP	03/28/11;
(s) NCBE Conference	04/28/11;
(t) Supreme Court Historical Society	05/19/11;
(u) Fourth Circuit Judicial Conference	06/24/11;
(v) Pound Justice Institute	07/09/11;
(w) Annual Judicial Conference	08/17/11;
(x) Southern Region High Court Conference	09/15/11;
(y) SC Bar Masters-In-Equity 2011	10/14/11;
(z) SC Bar Criminal Law	01/20/12;
(aa) SC Bar Trial & Appellate Advocacy	01/20/12;
(bb) NCBE Conference	04/19/12;
(cc) Research Fundamentals	07/11/12;
(dd) SC Bar Bridge The Gap	07/30/12;
(ee) SCAJ Annual Convention	08/12/12;
(ff) Annual Judicial Conference	08/22/12;
(gg) Southern Region High Court Conference	09/27/12;
(hh) SCDTAA Annual Meeting	11/08/12;
(ii) SC Bar Dispute Resolution Section	01/24/13;
(jj) SC Bar Trial & Appellate Advocacy Section	01/25/13;
(kk) SC Bar Criminal Law Section	01/25/13;
(ll) SC Bar Senior Lawyers Division	01/26/13.

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

- (a) On 01/18/12 I spoke to the Richland County Paralegals Association;
- (b) On 01/22/12 I participated in a YLD breakfast meeting;

- (c) I judged a regional moot court competition at the CSOL on 02/04/12, and imparted appellate practice pointers to the participants;
- (d) On 06/30/12 I spoke to a national meeting of clerks of court;
- (e) On 09/12/12 I lectured to an ethics class at USC Law;
- (f) On 10/05/12 I lectured to the annual DNR CLE;
- (g) On 10/19/12 I made a presentation on social media to a national YLD conference;
- (h) On 03/16/13 I was the keynote speaker at the Charleston Hibernian Society banquet. While not strictly law related, a significant part of the address related to judicial selection;
- (i) On 04/01/13 I delivered a lecture to a USC law class on the Constitution;
- (j) From 04/12/13 - 04/20/13 I headed a US delegation under the sponsorship of the USDOJ and the Justice Academy of Turkey, in Ankara and Istanbul, to advise Turkish officials on American practices with regard to guilty pleas;
- (k) On 07/12/13 I lectured to the SC Criminal Lawyers Association on preservation of issues in appellate practice;
- (l) Additionally throughout my tenure as a trial and appellate judge I have been called upon to speak before professional, school, and business groups almost every month. I do not keep specific records on those appearances, but of significance is my selection in June of 2006, for a USAID mission to the Republic of Azerbaijan, to lecture 54 judicial candidates on western legal ethics.

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

(4) Character:

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

The Commission also noted that Justice Pleicones 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 Pleicones reported that his last available rating by a legal rating organization, Martindale-Hubbell, was AV and had been at that level for a number of years.

Justice Pleicones reported the following military service:

25 November 1968 - 1 March 1973, Active Duty US Army; 1 March 1973 - 1 March 1999, US Army Reserve; Colonel (O-6). Retired. Honorable.

(6) Physical Health:

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

- (7) Mental Stability:
Justice Pleicones appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Justice Pleicones was admitted to the SC Bar in 1968.

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

Chronological Experience:

- (a) June 1968 - November 1968: Preparation of course materials for proposed SC Bar Review Course;
- (b) November 1968 - March 1973: Active Duty United States Army. Legal experience included Chief of Military Justice, Trial Counsel (Prosecutor), and Deputy Staff Judge Advocate;
- (c) March 1973 - February 1975: Assistant Public Defender for Richland County, SC. Duties entailed defense preparation for and trial of indigent persons accused of criminal offenses. Cases ranged from murder charges through Magistrate and Municipal Court offenses;
- (d) February 1975 - February 1976: Private Practice with Law offices of N. Welch Morrisette, and Independent Contractor with Richland County Public Defender Agency. Private Practice duties entailed preparation and trial of federal and state civil matters. Independent Contractor duties continued Public Defense duties, but limited to defense of major crimes;
- (e) February 1976 - March 1977: Chief Deputy Public Defender, Richland County, SC. Duties included supervision of personnel, in addition to the preparation and trial of major criminal charges such as murder, armed robbery, etc.;
- (f) March 1977 - January 1981: Private practitioner in general civil and criminal practice with the firm of Harrison and Pleicones, Columbia, SC. Additionally served as Assistant County Attorney for Richland County (August 1977 - December 1978) and as County Attorney for Richland County (January 1979 - January 1981). Duties included representing Richland County in litigation matters, advising County Council and supervising staff of twelve;
- (g) January 1981 - June 1991: Sole General Practitioner (January 1981 - October 1984). Partner in Lewis, Babcock, Pleicones & Hawkins (formerly Lewis, Babcock, Gregory & Pleicones) of Columbia, SC (October 1984 - June 1991). The firm grew in that time from four to thirteen lawyers and engaged in major civil litigation (both plaintiff and defense litigation). Served as a member of three person executive committee of the firm. Other responsibilities included legislative monitoring and liaison work with the SC General Assembly for two large trade associations. Additional duties as Municipal Judge for the City of Columbia from September 1982 through March 1988;
At all times during my years as a lawyer my emphasis was heavily on trial practice.
- (h) July 1991 - March 2000: Resident Circuit Court Judge for the Fifth Judicial Circuit of SC;

- (i) March 2000 - Present: Associate Justice, Supreme Court of SC, Seat #2.

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

- (a) federal: 5 times per year on average;
- (b) state: 95 times per year on average.

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

- (a) civil: 70% (includes administrative practice);
- (b) criminal: 10%;
- (c) domestic: 20%.

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

- (a) jury: 5%;
- (b) non-jury: 10%.

Justice Pleicones further reported that these percentages represent only matters in trial courts that were actually submitted to a fact finder for resolution.

* The five-year period is 1986-91. I was elected to the bench in 1991 and have not practiced since.

Justice Pleicones provided that he most often served as sole and/or chief counsel.

The following is Justice Pleicones' account of his five most significant litigated matters:

- (a) Southern Bell v. Steven W. Hamm, 306 S.C. 70, 409 SE2d 775 (1991) 60 USLW 2294, 126 P.U.R. 4th 535, 9 ALR 5th 1131.

I believe this case was the first in the United States to judicially approve "caller ID" telephone service. Important constitutional questions were implicated e.g., right to privacy. I argued and won the case in the trial court, and was the principal author of the brief to the SC Supreme Court. I did not argue this case there, as I was pending swearing in to the Circuit Court. The Supreme Court affirmed.

- (b) Funderburk v. Funderburk, 281 S.C. 246, 315 SE2d 126 (Ct App 1984); on cert to SC Supreme Court 286 S.C. 129, 332 SE2d 205 (1985).

The Supreme Court reversed the trial court and the Court of Appeals in ruling that jurisdiction of a contractual agreement's voluntary nature was properly before the Family Court, and not the Circuit Court. I did not handle the trial, where my client did not prevail but did handle the appellate stage, with co-counsel. Our client prevailed, and the decision was helpful to the bench and bar in clarifying jurisdictional matters.

- (c) Barnwell v. Barber-Coleman Co., 301 S.C. 534, 393 SE2d (1989).

The Supreme Court held that punitive damages are not recoverable in a cause of action based solely upon the theory of strict liability. This question was certified to the Court by the United States District Court. I was involved only at the

State Court as the author and proponent of an amicus brief filed on behalf of my client, a trade association of property and casualty writers.

- (d) Russo v. Sutton, ___ S.C. ___, SE2d 750 (1992).

In December of 1990, I tried this case in Common Pleas Court in Richland County and secured a large verdict for the plaintiff. The case is significant because on appeal the defendant's argument as to the non-viability of the cause of action (alienation of affections) was accepted by the Supreme Court, which prospectively did away with the cause of action. This did not affect my client's right to recovery.

- (e) State v. Motes, 264 S.C. 317, 215 SE2d 190 (1975).

I represented Mr. Motes at trial and on appeal. He was convicted of murder largely upon the testimony of his estranged wife, who was allowed to testify over our objection. The case is significant because in interpreting our statute on first impression, the Supreme Court (and of course the trial judge) ruled that the privilege belonged to the testifying spouse, not the one testified against.

The following is Justice Pleicones' account of five civil appeals he has personally handled:

He stated, "I do not have access to the briefs in these cases owing to age or to physical separation from the repositories. I was the sole or a principal counsel in each case."

- (a) Funderburk v. Funderburk, 281 S.C. 246, 315 SE2d 126, (Ct. App 1984); quashed by SC Supreme Court after grant of certiorari. 286 S.C. 129, 332 SE2d 205 (1985);
- (b) Hamm v. Southern Bell, 305 S.C. 1, 406 SE2d 157 (1991). Note: This is not the case referred to in [my account of one of my five most significant litigated matters];
- (c) Peoples Federal Savings and Loan Association v. Myrtle Beach Retirement Group, Inc. et al., 300 S.C. 277, 287 SE2d 672 (1989);
- (d) Dale v. SC Tax Commission, et al., 276 S.C. 110, 276 SE2d 293 (1981). I appeared on behalf of Richland County, another party to the suit;
- (e) Truett v. Georgeson, ___ S.C. ___, 258 SE2d 499 (1979).

The following is Justice Pleicones' account of five criminal appeals he has personally handled: *

- (a) State v. Monroe, 262 S.C. 346, 204 SE2d 433, (1974);
- (b) State v. Thomas, 264 S.C. 159, 213 SE2d 452 (1975);
- (c) State v. Motes, 264 S.C. 317, 215 SE2d 190 (1975);
- (d) State v. Sweet, 270 S.C. 97, 240 SE2d 648 (1978);
- (e) State v. Watson, 81-MO-232, S.C. Supreme Ct (1981); cert denied 454 US 1148, 71 L.Ed.2d 301 (1982).

* Owing to the age of these files and the fact of several intervening moves, I do not have access to the briefs. I will endeavor to find them and supplement this response. I was chief or sole counsel in each of these cases.

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

- (a) March 2000 - Present: Associate Justice, Supreme Court of SC. Elected by the General Assembly of SC. Appellate Jurisdiction, state court of last resort;

- (b) July 1991 - March 2000: Circuit Court Judge, Fifth Judicial Circuit of SC. Elected by the General Assembly of SC. General civil and criminal jurisdiction;
- (c) March 1982 - September 1988: Municipal Judge, City of Columbia, SC. Criminal jurisdiction only up to a maximum of 30 days in jail, or a \$200 fine.

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

- (a) Colleton Prep Academy, Inc. v. Hoover, Universal, Inc., 379 S.C. 181, 666 SE2d (2008)

I wrote a dissent in this case explicating the “economic loss rule.” The significance is that the dissent was subsequently adopted as the majority opinion in Sapp v. Ford Motor Co., 386 S.C. 143, 687 SC2d 47 (2009);

- (b) Arthurs rel. Estate of Munn v. Aiken County, 346 S.C. 97, 551 SE2d 579 (2001)
Articulation of the “public duty rule” in SC;

- (c) State v. Downs, 361 S.C. 141, 604 SE2d 377 (2004)

Affirming death penalty holding no deprivation of right to jury on sentencing following entry of an unconditional guilty plea. Case involved interpretation of Ring v. Arizona, 536 U.S. 584, 122 S. Ct. 2428, 153 L.Ed.2d 556 (2002);

- (d) Sweetser v. SC Department of Insurance Reserve Fund, 390 S.C. 632, 703 SE2d 509 (2010)

Case involved the efficacy of policy language regarding offset of worker’s compensation benefits against UIM coverage;

- (e) State v. Jones, 343, S.C. 562, 541 SE2d 813 (2001)

Portion of opinion regarding the admissibility of scientific evidence.

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

Officer (Colonel), United States Army reserve, 1973-99. Beginning in August 1993, I served as Emergency Preparedness Liaison Officer from 1st United States Army to the SC National Guard and militia in SC. Prior to that I was Commander of the 12th Military Law Center. The commanders of 1st Army and of the 120th ARCOM were my supervisors. All duties were military in nature.

Justice Pleicones further reported the following regarding unsuccessful candidacies:

1982 primary election for Richland County Council;

1994 and 1995 campaigns for Supreme Court.

- (9) Judicial Temperament:

The Commission believes that Justice Pleicones temperament has been and would continue to be excellent.

- (10) Miscellaneous:

The Midlands Citizens Committee found Justice Pleicones to be “Qualified” as to constitutional qualifications. He was found “Well Qualified” as to physical health, mental stability, character, ethical fitness, professional and academic ability, reputation, experience, and judicial temperament. The Committee stated, “Justice Pleicones is

respected and even admired by his colleagues and the Bar. He combines a fine intellect with compassion for others and passion for his job. He also has a vision for the future of the SC court system.” The Committee stated in summary, “He is eminently qualified to be Chief Justice of the SC Supreme Court and a credit to the SC Judiciary.”

Justice Pleicones is married to Donna Singletary Pleicones. He has two children.

Justice Pleicones reported that he was a member of the following bar associations and professional associations:

- (a) SC Bar - At one time I was a member of the House of Delegates;
- (b) Richland County Bar - no office held.

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

- (a) Charter member John Belton O’Neill Chapter (Master of the Bench), American Inns of Court. Resigned 2003;
- (b) Order of AHEPA. An anti-discrimination and fraternal organization. Current member;
- (c) Honorary Doctorate, Wofford College, 2002;
- (d) Honorary Doctorate, University of SC, 2005;
- (e) Kappa Alpha Order Court of Honor;
- (f) Palmetto Patriot Award, Adjutant General of SC;
- (g) Legion of Merit, Secretary of the Army;
- (h) Matthew Perry Civility Award, Richland County Bar Association;
- (i) Elected by SC Methodist Conference to Wofford College Board of Trustees for term 2013-17.

Justice Pleicones further reported:

My parents were the best people I ever knew. Our family finances were modest, but my parents stressed respect, hard work, and the importance of education. I took those lessons to heart and have always sought to treat everyone with dignity and respect. I work hard and take my position, but not myself - very seriously. I believe I am a very good judge.

(11) Special Questions for Candidates for the Chief Justice Seat:

- (a) [1] Pursuant to Article V, Section 4 of the Constitution of this State, the Chief Justice of the Supreme Court is the administrative head of the unified judicial system. Explain what you believe to be the proper role for the Chief Justice to play in administering the court system.

I believe that as the administrative head of the unified judicial system, the Chief Justice’s primary roles are to set policy, oversee the assignment of personnel and the allocation of the system’s resources, and to keep abreast of proposed legislative action that may impact the administration of the courts. As head of the unified court system the Chief Justice must work with the General Assembly in areas of shared responsibility such as rules of practice and procedure, and in the area of budgeting.

Inasmuch as the Chief Justice is constitutionally charged with appointing a court administrator, he should allow that person to attend to the day to day operations of the system, and not micro-manage. Obviously, there will be frequent contact with court administration as dozens of administrative orders must be issued on a monthly basis. The Chief Justice is CEO, and the Court Administrator is in charge of operations.

The “buck” stops with the Chief Justice who must accept responsibility for the policies implemented by court administration at his direction. To that end, the Chief Justice must be available to meet with the court system’s stakeholders to address their concerns, and must provide a forum in which citizens and other interested individuals may make their concerns and suggestions known.

[2] As a follow-up, describe your managerial style, focusing on what you perceive to be your strengths and weaknesses as a manager and leader.

Managerial style must be tailored to meet the needs and mission of the entity being managed. As a military commander, I managed a unit of more than one hundred, while as a Justice of the Supreme Court I manage a staff of three. My experience has prepared me both for the “big picture” role of administrative head of the unified judicial system, and for the more intimate role of the Chief Justice as he relates to the individuals who work within the court system.

Among my strengths as a leader are the ability to gather knowledgeable people, quickly grasp the details of the problem, and come to a just, clear, and firm decision. While I am decisive, I do not make snap judgments, but remain calm and respectful of those whose input I have sought. It is my perception that I am well-regarded by those I have managed and those I have led.

My primary weakness as a manager is that I tend to expect perfection from others because I am somewhat of a perfectionist myself. Over time I have learned that so long as the leader sets a good example, clearly communicates his expectations, and treats the individual with respect, the person being managed will rise to the occasion. I therefore have learned not to require perfection, but I to expect every individual I manage to put forth his best efforts. I have no tolerance for rudeness and intimidating behavior. If the most productive person on the team were rude and overbearing, I would not tolerate such behavior.

I am confident that my experience amply qualifies me to manage the administrative needs of the unified judicial system.

- (b) The Chief Justice is also responsible for overseeing the budgetary priorities of the courts. What do you believe are the most significant budgetary priorities for the court system in the immediate future, and how would you attempt to meet those needs?

The judicial branch of government is unusual in that the bulk of our budget is comprised of salaries and associated benefits mandated by law. I believe it is a tribute to our conservative management practices that the court system has operated successfully on the austere budgets which economic conditions have required in recent years. Nonetheless, years of poor economic growth have led to an unhealthy dependence on grants, court fees and fines.

Addressing the questions asked in reverse order, I would like to express appreciation for the General Assembly's responsiveness to the needs of the unified judicial system in recent years. I nevertheless believe the time is right to jointly explore the feasibility of a more stable funding mechanism. At present, the judicial system is dependent, in large part, on fees, fines, and assessments imposed upon those who, either by choice or necessity, are involved in litigation. These assessments are quite burdensome, and I believe we have reached a saturation point with regard to user fees. An increase in these fees will have the effect of denying many of our citizens access to the courts. I am also concerned whether we may be pushing the limits of the burden we place on lawyers to accept under-funded court appointments.

If we are able to increase the monies available to the judicial system, my first priority would be to complete, continue, and complement most of the technological innovations begun by Chief Justice Toal. The judicial caseload in South Carolina courts is amongst the highest in the nation, and technology is required in order to manage that caseload and fully distribute our limited resources. Second, I would seek to alleviate the burden on our family court judges. While it may not be feasible to provide each judge with a law clerk, I would explore with these judges how they could best benefit from additional staffing. Finally, I would like to be able to give a salary increase, with non-judicial personnel being the first priority. We are fortunate in the judicial system that our core employees, those in the appellate court clerk's offices, our office of Finance and Personnel, and our courts' permanent legal staff, tend to spend their careers with the court system. The benefits to the system from these employees' hard work and institutional knowledge cannot be overstated, and I would like to be able to reward their dedication with a salary increase.

- (c) What do you consider to be the most significant challenges facing the South Carolina court system in the foreseeable future, and what specific steps would you take to meet those challenges?

The most significant challenge to the court system in the foreseeable future is the increase in the number of cases ("the docket") and the limited resources available to deal with these cases. The two most obvious ways to deal with these challenges are through docket management systems and by the increased use and availability of alternative dispute mechanisms. We must be careful in implementing the first not to lose sight of the human element, and in implementing the second not to tread upon one of the foundations of our liberty, the jury trial.

Docket management and the timely disposition of cases is a problem in all courts, not merely trial courts, but also in our two appellate courts. We need to lead by example in the Supreme Court, and I believe we can effect some changes by streamlining our internal processes without compromising the quality of review. Further, just as we set benchmarks for other tribunals, the appellate courts must set and meet their own benchmarks. There will always be cases where the decision-making process must and should be lengthy, as important questions of policy are debated and differing opinions are circulated. The Supreme Court

should, in any event, lead by example and dispose of all matters that come before our court without undue delay.

In terms of resource allocation, the greatest challenge I see for the foreseeable future is the finite amount of courtroom space available in county courthouses. We cannot require counties to find more space as they have their own budgetary constraints and priorities. This is an area where technology, docket management, and alternative dispute methods converge.

Finally, I am most concerned about the state of our family courts. People, both children and adults, are at their most vulnerable when involved in family court proceedings, and these difficult and gut-wrenching cases also take a toll on our family court judges. The resources that must be brought to bear on family court issues are not found solely within the judicial system, but involve diverse agencies. We must all work together to keep children safe, and if possible out of the adult criminal justice system.

- (d) Based on your present plans, discuss the length of time you intend to serve as the Chief Justice if you are nominated by the Commission and elected to this position by the members of the General Assembly, and describe the accomplishments you hope to achieve over that time span.

I will serve as Chief Justice until December 31, 2016, the end of the year in which I will attain the age of seventy-two. I am confident that I can achieve my goals in this time frame, as over the past thirty years the average tenure of a Chief Justice, excluding that of the present incumbent, has been thirty-two months.

I have several specific goals, all of which are designed to increase public confidence in our court system. First, I would continue to improve the processing time for cases in all trial and appellate courts. Second, I would like to explore alternatives to our current Bar examination structure. For many years I have served as the Court's representative to the National Conference of Bar Examiners, and have already begun a dialogue with the current Court about changes that would enhance confidence in our system and enable South Carolina lawyers to more easily gain membership in the Bars of other jurisdictions. Finally, I believe we need to follow up on the recent ABA study regarding our attorney and judicial disciplinary system. In that regard, I believe public confidence can be enhanced by increased transparency and by speedier disposition of disciplinary charges.

- (e) Discuss what plans, if any, you have for fostering collegiality on the Supreme Court and through the court system in general.

In my view collegiality on an appellate court results from the personal character, integrity, and mutual respect displayed by each member of the court, most importantly the Chief Justice.

The Chief Justice is the administrative head of the unified judicial system, but is also the head of a "family" of judges numbering more than four hundred. The candor, courtesy, and caring exhibited by the Chief Justice is his primary tool for fostering collegiality in the family.

Within the Supreme Court itself, the Chief Justice is but one of five equals in the conference room, and must set the tone for cordial interpersonal

relationships. As everyone who reads our opinions knows, I frequently write separately, whether individually or in concert with a colleague. My belief is that each justice has been elected to conscientiously offer his or her unbiased opinion as to the law. Professional disagreement should not, and never has from my standpoint, become the basis for personal acrimony. Lock-step accord is not a necessary ingredient of collegiality. Courtesy, candor, and mutual respect are the components of collegiality.

The renowned law professor Bernard Metzger has observed: “If you have learned how to disagree without being disagreeable, then you have discovered the secret of getting along - whether it be business, family relations, or life itself.” As Chief Justice I will continue to strive to conduct myself in the manner described by Professor Metzger, in my interaction with colleagues.

As regards the extended judicial system it is likewise incumbent upon the Chief Justice to lead by example. When everyone understands that the head of the system exhibits and expects courtesy and respect to all, it is likely to result.

(12) Commission Members’ Comments:

The Commission commented on Justice Pleicones’ wide and varied experience as a City Judge, Circuit Court Judge, and practicing attorney before becoming an Associate Justice thirteen years ago. The Commission also noted Justice Pleicones’ firm grasp of legal theory and his great intellect. Finally, the Commission commented that Justice Pleicones would be imminently qualified to serve as Chief Justice if chosen to do so by the General Assembly.

(13) Conclusion:

The Commission found Justice Pleicones qualified and nominated him for election as Chief Justice of the Supreme Court.

The Honorable Jean Hoefler Toal

Chief Justice

Commission’s Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Chief Justice Toal was born in 1943. She is 70 years old and a resident of Columbia, SC. Chief Justice Toal provided in her application that she has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1968.

(2) Ethical Fitness:

The Commission’s investigation did not reveal any evidence of unethical conduct by Chief Justice Toal.

Chief Justice Toal 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.

Chief Justice Toal reported that she has not made any campaign expenditures.

Chief Justice Toal testified that 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.

Chief Justice Toal testified that she is aware of the Commission’s 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Chief Justice Toal to be intelligent and knowledgeable. Her performance on the Commission’s practice and procedure questions met expectations.

Chief Justice Toal described her continuing legal or judicial education during the past five years as follows:

COURSES ATTENDED IN 2008	
(a)	1-25-08 SC Bar 23 rd Annual Criminal Law Update-Part 2;
(b)	4-23-08 2008 Family Court Judges Conference;
(c)	5-11-08 Thirteenth Circuit Solicitor’s Office Technology in Prosecution;
(d)	5-14-08 SC Circuit Court Judges Conference;
(e)	6-04-08 2008 Orientation School for New Family Court Judges;
(f)	7-09-08 2008 Orientation School for New Circuit Court Judges;
(g)	7-09-08 Chief Magistrates Meeting;
(h)	7-10-08 Hanging Up the Spikes...the Hall of Fame Debate and the Issues Arising When Lawyers Retire (Charleston Riverdogs CLE);
(i)	8-20-08 2008 Annual Judicial Conference;
(j)	9-09-08 Wyoming State Bar Association Annual Meeting;
(k)	9-17-08 SC Women Lawyers Association-Judicial Selection in SC ;
(l)	9-18-08 Litigation Conference in Conjunction with the SC Association of CPAs;
(m)	9-28-08 2008 SC Solicitors Association Fall Conference;
(n)	9-29-08 2008 Annual SC Public Defender Conference;
(o)	10-21-08 Office of Disciplinary Counsel-Commission and Attorney to Assist Seminar;
(p)	12-05-08 2008 SC Family Court Bench/Bar Seminar;
(q)	12-06-08 Donald James Sampson Bar Association Region IV Conference, Ethics Judicial Panel Seminar III.
COURSES ATTENDED IN 2009	
(a)	1-15-09 Charleston School of Law-State Constitutional Reform in the New South;

(b)	1-23-09	SC Bar 24 th Annual Criminal Law Update-Part 2;
(c)	2-13-09	Greenville County Bar Association Annual Seminar;
(d)	3-09-09	SC Bar Bridge the Gap;
(e)	4-22-09	2009 Family Court Judges Conference;
(f)	4-30-09	Richardson Patrick Westbrook & Brickman 2009 Litigation Conference;
(g)	5-03-09	Thirteenth Circuit Solicitor's Office 9 th Annual Spring Retreat;
(h)	5-06-09	SC Circuit Court Judges Conference;
(i)	7-08-09	2009 Orientation School for New Circuit Court Judges;
(j)	8-13-09	Unforeseen Scrutiny: When Life Mimics Baseball (Charleston Riverdogs CLE);
(k)	8-19-09	2009 Annual Judicial Conference;
(l)	9-28-09	2009 Annual SC Public Defender Conference;
(m)	9-30-09	SC Women Lawyers Association and the NC Association of Women Attorneys Conference;
(n)	11-05-09	Defense Research Institute Appellate Advocacy Seminar;
(o)	12-04-09	2009 SC Family Court Bench/Bar Seminar.

COURSES ATTENDED IN 2010

(a)	1-22-10	SC Bar Criminal Law Update-Part 2;
(b)	2-05-10	SC Bar-It's All a Game: Top Trial Lawyers Tackle Evidence;
(c)	3-05-10	SC Bar Golf Getaway CLE Weekend;
(d)	3-08-10	SC Bar Bridge the Gap;
(e)	3-26-10	Effective Oral Argument Skills;
(f)	5-05-10	SC Circuit Court Judges Conference;
(g)	6-02-10	2010 Orientation School for New Family Court Judges;
(h)	7-15-10	Holding It Together: Lessons from "The Perfect Game that Wasn't" (Charleston Riverdogs CLE);
(i)	8-18-10	2010 Annual Judicial Conference;
(j)	9-28-10	2010 Annual SC Public Defender Conference;
(k)	10-21-10	SC Law Review-Law and Democracy: Maintaining an Independent Judiciary;
(l)	10-22-10	SC Women Lawyers Association-Mastering the Game: Skills Law School Never Taught You;
(m)	11-05-10	SC Court Administration Mandatory School for Magistrates;
(n)	11-05-10	Richland County Bar Association Ethics CLE Seminar;
(o)	11-11-10	SC Defense Trial Attorneys' Association 43 rd Annual Meeting.

COURSES ATTENDED IN 2011

(a)	1-21-11	SC Bar Criminal Law Update;
(b)	3-07-11	SC Bar Bridge the Gap;
(c)	3-10-11	Orientation School for New Probate Court Judges;
(d)	4-28-11	Southeastern Chapter of the American Board of Trial Attorneys 2011 Meeting;
(e)	5-04-11	SC Circuit Court Judges Conference;
(f)	5-19-11	SC Supreme Court Historical Society's 2011 Colloquium: J. Waites Waring and the Dissent that Changed America;

- (g) 6-01-11 2011 Family Court Judges Conference;
- (h) 6-08-11 2011 Orientation School for New Family Court Judges;
- (i) 7-06-11 2011 Orientation School for New Circuit Court Judges;
- (j) 7-10-11 National Association of Court Management 2011 Annual
Conference;
- (k) 7-21-11 In the Interest of the Game: Promoting Justice Within
Baseball and the Law (Charleston Riverdogs CLE);
- (l) 8-17-11 2011 Annual Judicial Conference;
- (m) 9-15-11 Southern Region High Court Conference;
- (n) 9-23-11 Kentucky Law Journal Symposium on Court Financing;
- (o) 9-26-11 2011 Annual SC Public Defender Conference;
- (p) 10-21-11 SC Women Lawyers Association-Women Lawyers and
Leadership: Status and Success in a Changed Profession;
- (q) 11-01-11 SC Conference on Lawyer and Judicial Discipline;
- (r) 12-02-11 SC Association of Justice Auto Torts XXXIV.

COURSES ATTENDED IN 2012

- (a) 1-17-12 John Belton O'Neall Inn of Court-The Importance of an
Independent Judiciary;
- (b) 1-20-12 SC Bar Criminal Law Section-Part 2;
- (c) 2-21-12 Womble Carlyle Sandridge & Rice-CLE Symposium for SC
In-House Counsel;
- (d) 3-05-12 SC Bar Bridge the Gap;
- (e) 4-19-12 ABA Section of Litigation 2012 Annual CLE Conference;
- (f) 5-02-12 SC Circuit Court Judges Conference;
- (g) 5-17-12 ABA General Practice, Solo and Small Firm Division 2012
Spring Meeting;
- (h) 5-30-12 2012 Orientation School for New Family Court Judges;
- (i) 7-08-12 International Association of Defense Counsel Annual Meeting;
- (j) 8-22-12 2012 Annual Judicial Conference;
- (k) 9-21-12 SC Journal of International Law and Business Symposium;
- (l) 9-24-12 2012 Annual SC Public Defender Conference;
- (m) 10-05-12 SC Women Lawyers Association-Law Practice Diversity:
Leadership, Communication and Technology;
- (n) 10-18-12 ABA Young Lawyers Division 2012 Fall Conference;
- (o) 10-22-12 SC Association of Justice Pro Bono Summit;
- (p) 11-07-12 SC Conference on Lawyer & Judicial Discipline;
- (q) 11-13-12 John Belton O'Neall Inn of Court-Panel Discussion
Honoring Judge Matthew J. Perry;
- (r) 12-07-12 2012 Family Court Bench/Bar Seminar.

COURSES ATTENDED IN 2013 (THROUGH OCTOBER 31, 2013)

- (a) 1-16-13 Sowell Gray Stepp & Laffitte-Appellate Practice in SC;
- (b) 1-25-13 SC Bar Criminal Law Section-Part 2;
- (c) 2-15-13 Greenville County Bar Association Year End CLE;
- (d) 3-11-13 SC Bar Bridge the Gap;
- (e) 3-14-13 2013 Orientation School for New Probate Court Judges;

- (f) 3-26-13 SC Bar Ethics in Eighteen Holes;
- (g) 4-15-13 Charleston School of Law Symposium; In Search of a Grand Unified Theory: Thirty Years with the Endorsement Test;
- (h) 4-18-13 2013 Family Court Judges Conference;
- (i) 4-25-13 Association of General Counsel Spring Meeting;
- (j) 5-03-13 2013 SC Circuit Court Judges Spring Conference;
- (k) 5-29-13 2013 Orientation School for New Family Court Judges;
- (l) 6-07-13 SC Bar-Fast Break on Fast Track Jury Trials: How it Will Work;
- (m) 6-13-13 In the Interest of the Game: Protecting America's Pasttime and the Profession (Charleston Riverdogs CLE);
- (n) 6-28/29-13 2013 US Court of Appeals Fourth Circuit Judicial Conference;
- (o) 7-20-13 2013 Ninth Annual National Foundation for Judicial Excellence Symposium;
- (p) 8-3-13 2013 SC Association for Justice Annual Convention;
- (q) 9-20-13 Charleston School of Law Symposium - *Gideon* at 50: How Far We've Come, How Far to Go;
- (r) 9-22/23-13 2013 SC Solicitors Association Fall Conference;
- (s) 9-24-13 2013 Annual SC Public Defender Conference;
- (t) 10-4-13 2013 SC Insurance Reserve Fund Law Enforcement Defense Counsel Annual Meeting;
- (u) 10-10/11-13 SC Women Lawyers Association - Vision for Success: Women Leaders from the Courtroom to the Boardroom;
- (v) 10-21-13 SC Association of Justice Pro Bono Summit;
- (w) 10-22-13 37th Annual SC Educational Conference on Workers' Compensation & 4th Annual Workers' Comp Academy;
- (x) 10-30-13 SC Conference on Lawyer & Judicial Discipline;
- (y) 10-30-13 Greenville County Bar Association - Fast Break on Fast Track Jury Trials: How it Works.

Chief Justice Toal reported that she has taught the following law-related courses:

COURSES TAUGHT IN 1990

- (a) 2-23-90 - I have lectured on the topic of "Post-Election Protest Procedure" at the Election Law 1990 Seminar;
- (b) 3-5-90 - I have lectured on the topic of "Effective Legal Writing" at the SC Bar CLE Division's Bridge the Gap Program for new admittees to the SC Bar;
- (c) 5-11-90 - I have lectured on the topic of "Overview of SC Appellate Court Rules" at the Appellate Practice in SC Seminar;
- (d) 7-30-90 - I have lectured on the topic of "Effective Legal Writing" at the SC Bar CLE Division's Bridge the Gap Program for new admittees to the SC Bar;
- (e) 10-19-90 - I have lectured on the topic of "The Fifth and Sixth Amendments" at the Criminal Practice in SC Seminar;
- (f) 10-26-90 - I have participated in a Panel on the topic of "Proving Damages in the New Business Case" at the Civil Trial Advocacy Seminar.

COURSES TAUGHT IN 1991

- (a) 3-4-91 - I have lectured on the topic of “Effective Legal Writing and Oral Advocacy” at the SC Bar CLE Division’s Bridge the Gap Program for new admittees to the SC Bar;
- (b) 4-4/5-91 - I have organized, moderated and made the Introductory Address at the The Future and the Seminar;
- (c) 8-5-91 - I have lectured on the topic of “Effective Legal Writing and Oral Advocacy” at the SC Bar CLE Division’s Bridge the Gap Program for new admittees to the SC Bar;
- (d) 9-27-91 - I have lectured on the topic of “Fifth and Sixth Amendment Developments in 1991” at the Criminal Practice Seminar.

COURSES TAUGHT IN 1992

- (a) 5-1-92 - I have lectured on the topic of “Appellate Review of the Death Penalty Case” at the Judicial Conference of the US Military Court of Appeals;
- (b) 9-18-92 - I have lectured on the topic of “The Fifth and Sixth Amendments-Current Developments” at the Criminal Practice Seminar;
- (c) 10-23-92 - I have lectured on the topic of “Stacking - Everything You Always Wanted to Know” at the Auto Insurance Update Seminar;
- (e) 11-6-92 - I have participated in a Panel on the topic of “Everyday Legal Issues” at the Legal Ethics and Real Life Seminar;
- (f) 12-15-92 - I have participated in a Panel on the topic of “Ethics and Clients - in the office and other Professionals” at the Ethics in Family Court Seminar.

COURSES TAUGHT IN 1993

- (a) 1-15-93 - I have lectured on the topic of “Record on Appeal - Bench Perspective” at the Appellate Practice under SC Appellate Court Rules Seminar;
- (b) 1-30-93 - I have lectured on the topic of “Roles of Court and Commission” at the SC. Bar – Workers’ Compensation Section Seminar;
- (c) 3-1-93 - I have lectured on the topic of “Effective Legal Writing and Oral Advocacy” at the SC Bar CLE Division’s Bridge the Gap Program for new admittees to the SC Bar;
- (d) 5-17-93 - I have lectured on the topic of “Effective Legal Writing and Oral Advocacy” at the SC Bar CLE Division’s Bridge the Gap Program for new admittees to the SC Bar;
- (e) 10-15-93 - I have lectured on the topic of “Appellate Presentation of Constitutional Claims” at the Litigating Constitutional Claims Seminar;
- (f) 11-4-93 - I have lectured on the topic of “Program Overview” at the Serving the Best Interest of Children Seminar.

COURSES TAUGHT IN 1994

- (a) 2-25-94 - I have lectured on the topic of “Post-Election Protest Procedure including Hill and Fielding” at the Election Law Ethics and Governmental Accountability Seminar;
- (b) 5-16-94 - I have lectured on the topic of “Effective Legal Writing and Oral Advocacy” at the SC Bar CLE Division’s Bridge the Gap Program for new admittees to the SC Bar;

- (c) 6-4-94 - I have participated in a Panel on the topic of “Overview of Critical Areas” at the Bench/Bar Symposium: Lawyers Caring About Kids Seminar;
- (d) 7-29-94 - I have lectured on “Appellate Procedure Review” at the Rules, Rules, Rules Seminar;
- (e) 9-23-94 - I have lectured on “(I Can’t Get No) Satisfaction - Plea Agreements and Guilty Pleas” at the Criminal Defense in SC Seminar;
- (f) 10-25-94 - I have lectured on “Judicial Perspective on Practitioners Attorneys Fees” at the Ethics for Family Law Practitioners Seminar.

COURSES TAUGHT IN 1995

- (a) 3-6-95 - I have lectured on the topic of “Effective Legal Writing and Oral Advocacy” at the SC Bar CLE Division’s Bridge the Gap Program for new admittees to the SC Bar;
- (b) 4-21-95 - I have lectured on the topics of “Professionalism and the Decline of Civility in the Practice of Law” at the Woman Advocate in SC Seminar;
- (c) 4-28-95 - I have lectured on the topic of “Motions and Supersedeas Practice” at the SC Appellate Practice Seminar;
- (d) 5-15-95 - I have lectured on the topic of “Effective Legal Writing and Oral Advocacy” at the SC Bar CLE Division’s Bridge the Gap Program for new admittees to the SC Bar;
- (e) 5-18-95 - I have lectured on the topic of “The New S. C. Rules of Evidence - Comparison with Federal Rules and outline of Major Changes” at the 1995 SC Conference of Circuit Court Judges;
- (f) 6-9-95 - I have lectured on the topic of “Overview/Comparison with the Federal Rules of Evidence” at the Proposed New SC. Rules of Evidence Seminar;
- (g) 7-28-95 - I have participated in a Panel on the topic of “Sweet Potato Law - Ethics Beyond the Code” at the Federal Practice in the District of SC: New Directions in Civil Practice, Discussion, Procedure & Evidence Seminar;
- (h) 8-24-95 - I have lectured on the topic of “Overview of the New SC Rules of Evidence” at The New SC Rules of Evidence Seminar;
- (i) 11-3-95 - I have lectured on the topic of “Fourth, Fifth and Sixth Amendment Issues and participated in a Panel on the topic of “Professionalism Ethics and Criminal Practice in the Wake of People v. Simpson” at the Criminal Practice in SC Seminar.

COURSES TAUGHT IN 1996

- (a) 1-26-96 - I have delivered the keynote address on “Contemporary Issues for the Criminal Law Practitioner” at the Eleventh Annual Criminal Law Update Seminar;
- (b) 3-4-96 - I have lectured on the topic of “Effective Legal Writing and Oral Advocacy” at the SC Bar CLE Division’s 1996 Winter Bridge the Gap Program for new admittees to the SC Bar;
- (c) 4-26-96 - I have participated in a Panel on the topic of “So You Want to Be a Judge” at the the SC Woman Advocate: From Ceiling to Sunroof Seminar;
- (d) 5-14-96 - I have lectured on the topic of “Essential Tips for Practice in SC Courts: Appellate Courts” at the SC Bar CLE Division’s 1996 Summer Bridge the Gap Program for new admittees to the SC Bar;

- (e) 7-17-96 - I have lectured on the topic of “Witness - Lay/Expert” at the Trial Practice Tune-Ups Seminar;
- (f) 9-13-96 - I have lectured on the topic of “The SC Unfair Trade Practice Act, in a Nutshell” at the 1996 SC Tort Law Update Seminar;
- (g) 9-26-96 - I have participated in a Panel on the topic of “Application of Minority and Marketability Discounts in Valuing Closely Held Businesses In Marital Litigation Cases” at the 1996 CPAs, Lawyers and Litigation Conference;
- (h) 11-1-96 - I have lectured on the topic of “Stops, Searches, Seizures and the State and Federal Constitutions” at the Criminal Practice in SC - The Sixth Annual Update Seminar;
- (i) 11-8-96 - I have lectured on the topic of “Stacking Made Simple” at the Auto Insurance Update Seminar;
- (j) 11-22-96 - I have lectured on the topic of “Presiding Judge” at the Master in Trial Seminar;
- (k) 12-27-96 - I have participated in the “Video Presentation: The New Discipline - A Brief Look into the Future” at the Civility, Legal Ethics & Law Office Management Seminar.

COURSES TAUGHT IN 1997

- (a) 3-10/11-97 - I have made “Opening Remarks” and lectured on the topic of “Essential Tips for Practice in SC Courts: Appellate Courts” at the SC Bar CLE Division’s 1997 Winter Bridge the Gap Program for new admittees to the SC Bar;
- (b) 4-18-97 - I have participated in a Panel on the topic of “Do The Right Thing: Civility in the Courtroom” at the SC Woman Advocate: Making Practice Perfect Seminar;
- (c) 5-2-97 - I have lectured on the topic of “Appellate Oral Argument and Brief Writing” at Practice and Procedure in SC Seminar;
- (d) 5-20-97 - I have lectured on the topic of “Essential Tips for Practice in SC Courts: Appellate Courts” at the SC Bar CLE Division’s 1997 Summer Bridge the Gap Program for new admittees to the SC Bar;
- (e) 6-6-97 - I have lectured on the topic of “Jury Selection” at the SC Civil Trial Techniques Seminar;
- (f) 9-26-97 - I have lectured on the topic of “The SC Unfair Trade Practice Act” at the 1997 SC Tort Law Update Seminar;
- (g) 11-14-97 - I have lectured on the topic of “Search and Seizure - A Review of 1997 Appellate Decisions Concerning Fourth Amendment Issues” at the Criminal Practice in SC Seminar;
- (h) 12-9-97 - I have participated in a Panel on the topic of “The Judicial Perspective” at the Ethics for Family Law Practitioners Seminar;
- (i) 12-12-97 - I have lectured on the topic of “Presiding Judge” at the Master in Trial Seminar.

COURSES TAUGHT IN 1998

- (a) 3-10-98 - I have lectured on the topic of “Essential Tips for Practice in SC Courts: Appellate Courts” at the SC Bar CLE Division’s 1998 Winter Bridge the Gap Program for new admittees to the SC Bar;
- (b) 5-19-98 - I have lectured on the topic of “Essential Tips for Practice in SC Courts:

Appellate Courts” at the SC Bar CLE Division’s 1998 Summer Bridge the Gap Program for new admittees to the SC Bar;

- (c) 5-29-98 - I have participated in Panels on “Women as Advocates: What Works and What Doesn’t” and “Mediation: Its Time is Now-What You Need to Know” at the SC Woman Advocate: Moving into the Millennium Seminar;
- (d) 6-26-98 - I have lectured on the topic of “ADR in SC” Past, Present and Future” at the SC Circuit Court Arbitrator Certification Training;
- (e) 8-1-98 - I have participated in a Panel and served as the presiding judge for the oral arguments on the topic of “Tort Reform: The Role of Appellate Courts” at the American Bar Association Annual Convention;
- (f) 8-20/21-98 - I have given a “Technology Update” at the 1998 Annual Judicial Conference;
- (g) 10-23-98 - I have participated in a Panel on the topic of “Complex Case Management Developments and Ideas” and lectured on the topic of “Daubert and the Expert Witness” at the Products Liability-The Complex Case Seminar;
- (h) 11-9-98 - I have lectured on the topic of “What Jurors Really Think” at the John Belton O’Neill Inn of Court November Meeting;
- (i) 11-13-98 - I have lectured on the topic of “Presiding Judge” at the Masters in Trial seminar;
- (j) 12-4-98 - I have lectured on the topic of “Update on the Fifth and Sixth Amendments: A Review of the 1998 SC Appellate Courts’ Decisions Dealing With Confessions and Statements” at the Eighth Annual Presentation of Criminal Practice in SC.

COURSES TAUGHT IN 1999

- (a) 1-15-99 - I have lectured on the topics of “Commentaries on the Art of Advocacy” and “Tips on Oral Advocacy and Brief Writing,” and participated in a Panel on the topic of “The Legal Profession in the Twenty-First Century” at the The Art of Advocacy CLE sponsored by the SC Bar CLE Division;
- (b) 5-18-99 - I have lectured on the topic of “Essential Tips for Practice in SC Courts: Appellate Courts” at the SC Bar CLE Division’s 1999 Winter Bridge the Gap Program for new admittees to the SC Bar;
- (c) 4-9-99 - I have participated in a Panel on “Hot Ethical Issues of the Supreme Court” at the Bridges to the Future: More Than Just A Connection CLE Seminar sponsored by The SC Women Lawyers;
- (d) 4-30-99 - I have lectured on “Introduction of 2nd Edition of Appellate Practice in SC” by The Honorable Jean Hoefler Toal, Robert A. Muckenfuss & Shahin Vafai” at the Appellate Practice CLE sponsored by the SC Bar CLE Division;
- (e) 5-18-99 - I have lectured on the topic of “Essential Tips for Practice in SC Courts: Appellate Courts” at the SC Bar CLE Division’s 1999 Summer Bridge the Gap Program for new admittees to the SC Bar;
- (f) 6-11-99 - I have lectured on the topic of “Brief Writing and Oral Advocacy.”
- (g) 7-7-99 - I have lectured on the topic of “Preserving Objections” at the SC Defense Trial Lawyers Trial Academy;
- (h) 7-16-99 - I have lectured on the topic of the “Importance of Self Policing the Bar” at the Orientation for Disciplinary Counsel;

- (i) 8-19/20-99 - I have given a “Technology Update” at the 1999 Annual Judicial Conference;
- (j) 9-29-99 - I have lectured on the topic of “Ethical problems Associated with Billing” at the Richland County Bar Association’s Lunch and Learn Program.

COURSES TAUGHT IN 2000

- (a) 5-3-00 - I have given a “Chief’s Report” at the SC Family Court Judges Association’s 2000 Family Court Judges Conference;
- (b) 5-10-00 - I have given a “Chief’s Report” at the SC Circuit Court Judges Association’s 2000 Circuit Court Judges Conference;
- (c) 7-10-00 - I have lectured on “Shoeless Joe Jackson and Lawyers Conduct, Rule 5” at the Charleston Bar’s Charleston Riverdogs CLE;
- (d) 7-10-00 - I have lectured on the topic of “Learning To Be A Judge” at the New Judges School;
- (e) 7-28-00 - I have lectured on “Judicial Financing” at the SC Defense Trial Attorneys Joint Claims Association Meeting;
- (f) 8-17/18-00 - I have given a “Technology Update” and “Chief’s Report” at the 2000 Annual Judicial Conference;
- (g) 9-15-00 - I have lectured on the topic of “Ethics – View from the Bench” at the Clemson University Law Society Alumni CLE Seminar.

COURSES TAUGHT IN 2001

- (a) 3-13-01 - I have lectured on the topic of “Modernization of the Court System” at the Richland County Bar Association Luncheon;
- (b) 4-20-01 - I have given a “Chief’s Report on the State of the Judiciary” at the 2001 Supreme Court Historical Society Colloquium on the History of Women at the Bar CLE Seminar sponsored by the SC Supreme Court Historical Society and the SC Women Lawyers Association;
- (c) 5-3-01 - I have given a “Chief’s Report” at the SC Family Court Judges Association’s 2001 Family Court Judges Conference;
- (d) 8-3-01 - I have participated in a Panel on the topic of “Affirmative Action” at the National Association of Women Lawyers Annual Meeting;
- (e) 8-23/24-01 - I have given a “Technology Update” and “Chief’s Report” at the 2001 Annual Judicial Conference;
- (f) 8-27-01 - I have lectured on the topic of “Ethics Cases for the Past Year” at the Charleston River Dogs’ CLE Seminar;
- (g) 10-9-01 - I have participated in a Panel for the New Federal Rules Seminar sponsored by the John Belton O’Neill Inn of Court;
- (h) 10-10-01 - I have lectured on the topic of “Diversity in the S.C. Bench and Bar” at the Does a Difference Make a Difference? Diversity Seminar sponsored by the SC Bar CLE Division.

COURSES TAUGHT IN 2002

- (a) 2-15-02 - I have lectured on the topic of “Judicial Department Update” at the Masters-in-Equity Conference;
- (b) 5-2-02 - I have given a “Chief’s Report” at the SC Family Court Judges Association’s 2002 Family Court Judges Conference;

- (c) 5-10-02 - I have given a “Chief’s Report” at the SC Circuit Court Judges Association’s 2002 Circuit Court Judges Conference;
- (d) 6-21-02 - I have lectured on the topic of “Ethics and Professionalism for N.C. Bar” at the North Carolina Bar Convention;
- (e) 7-8-02 - I have lectured on the topic of “On Being A Judge” at the New Judges School;
- (f) 8-3-02 - I have given a “Technology Update” and “Chief’s Report” at the SC Trial Lawyers Annual Convention;
- (g) 8-22/23-02 - I have given a “Technology Update” and “Chief’s Report” at the 2002 Annual Judicial Conference;
- (h) 9-13-02 - I have lectured on “Technology in Probate Court” at the SC Bar CLE Division’s 2002 SC Probate Bench/Bar Seminar;
- (i) 9-27-02 - I have lectured on “Secret Settlements” at the 2002 Tort Law Update CLE program;
- (j) 9-28/29-02 - I have lectured on “Technology and Differentiated Case Management” at the 2002 SC Solicitor Association’s Conference;
- (k) 10-10-02 - I have been the keynote speaker at the Richland County Bar Association’s Breakfast with the “Bigg Doggs” program;
- (l) 10-11-02 - I have lectured on the topic of “Oral Advocacy” at the Appellate Practice in SC seminar.

COURSES TAUGHT IN 2003

- (a) 1-23-03 - I have lectured on the topic of “New Directions in Court Technology and Case Management” at the SC Bar Annual Convention’s Technology Seminar;
- (b) 1-31-03 - I have lectured at the Young Lawyers Retreat sponsored by the Mecklenburg County (North Carolina) Bar’s Young Lawyer Division;
- (c) 3-21-03 - I have lectured on the topic of “Lawyers Ethical Responsibility to Supervise” at the SC Bar CLE Division’s Pinehurst Ethics CLE program;
- (d) 4-11-03 - I have lectured on the topic of “Sisters in Law” at the SC Women Lawyer Association’s Annual CLE Conference;
- (e) 5-1-03 - I have given a “Chief’s Report” at the SC Family Court Judges Association’s 2003 Family Court Judges Conference;
- (f) 5-05-03 - I have given a “Technology Update for Solicitors” and lectured on the topic of “Hot Topics for Prosecutors” at the Thirteenth Circuit Solicitor’s Conference;
- (g) 5-6-03 - I have lectured on the topic of “Case Management for Magistrates” at a Magistrates Intensive Training session sponsored by SC Court Administration;
- (h) 5-8-03 - I have given a “Technology Update” and a “Chief’s Report” at the SC Circuit Court Judges Association’s 2003 Circuit Court Judges Conference;
- (i) 5-13-03 - I have lectured on “Professionalism and the New Lawyer” at the SC Bar CLE Division’s Bridge the Gap Program for new admittees to the SC Bar;
- (j) 5-31-03 - I have participated in a Panel on the topic of “Ethics 2000 and Responsibility the New Lawyer Conduct Code” at the 29th American Bar Association National Conference on Professional Responsibility;
- (k) 6-23-03 - I have lectured on the topic of “Technology and the Lay Judge – The SC Story” at the National Judges Association Annual Meeting;

- (l) 7-7-03 - I have lectured on the topic of “What It Means To Be A Judge” at the New Circuit Court Judges School;
- (m) 8-7-03 - I have participated in a Panel on the topic of “Jury Selection” at a seminar sponsored by the Roscoe Pound Institute and the SC Trial Lawyers Association;
- (n) 8-8-03 - I have given a “Chief’s Report” at the SC Trial Lawyers Association’s Annual Convention;
- (o) 8-21/22-03 - I have given a “Technology Update” and “Chief’s Report” at the 2003 Annual Judicial Conference;
- (p) 8-25-03 - I have lectured on “Ethics: The Shoeless Joe Jackson and Pete Rose Stories and Professional Conduct Rules” at the Charleston Bar’s Charleston Riverdogs CLE;
- (q) 9-5-03 - I have lectured on the topic of “The New Case Management System for Summary Court Statewide and Greenville Pilot” at the SC Summary Court Judges Association annual meeting;
- (r) 9-26-03 - I have lectured on the topic of “Appellate Administrative and Regulatory Case Law” at the Finding Answers in the Administrative Law Jungle seminar sponsored by the SC Bar CLE Division, the SC Regulatory Law Association, and the SC Association of CPAs;
- (s) 10-17-03 - I have lectured on the topic of “Supreme Court Issues” at the SC Bar CLE Division’s Master-in-Equity Bench/Bar Seminar;
- (t) 10-24-03 - I have lectured on the topic of “The New Role of Secret Settlements in the SC Justice System” at the Court-Enforced Secrecy: Formation, Debate and Application of SC’s New Secrecy Rules seminar sponsored by the SC Bar CLE Division and the University of SC School of Law;
- (u) 11-07-03 - I have presented the “State of the Judiciary” and have participated in a panel discussion for state and federal trial and appellate judges on the topic of “Now We Have Campbell, What Do We Do with It?” at the SC Defense Trial Attorneys Association’s 36th Annual Meeting;
- (v) 11-13-03 - I have made the “Welcoming Remarks” at the National College of Probate Court Judges’ 2003 Fall Conference;
- (w) 12-05-03 - I have made “Opening Remarks” at the SC Bar CLE Division’s 2003 SC Family Court Bench/Bar Seminar;
- (x) 12-12-03 - I have made “Welcome Remarks” at the American Bar Association Young Lawyers Division Does a Difference Make a Difference seminar.

COURSES TAUGHT IN 2004

- (a) 1-22-04 - I have lectured on the topic of “Tips from the Bench: What Every Lawyer Needs to Know and Do to Be an Effective Appellate Advocate” at the SC Bar’s 2004 Convention’s Trial and Advocacy Section Seminar;
- (b) 2-24-04 - I have lectured on the topic of “Coming Technology for State and Federal Court Systems” at the John Belton O’Neill Inn of Court’s CLE Program;
- (c) 3-27-04 - I have lectured at the SC Bar CLE Division’s 2004 Vacation CLE;
- (d) 4-23-04 - I have lectured on the topic of “Matthew J. Perry: The Man, A Life Changed” at the SC Supreme Court Historical Society’s 2004 Colloquium, Matthew J. Perry: The Man, His Times and His Legacy;

- (e) 4-28-04 - I have made "Remarks from the Chief Justice" at the SC Family Court Judges Association's 2004 Family Court Judges Conference;
- (f) 4-30-04 - I have presented "Welcoming Remarks" at the SC Women Lawyers Association's seminar, Women Mean Business;
- (g) 5-03-04 - I have lectured and administered the Revised Lawyer Oath at the Thirteenth Circuit Solicitor's Fourth Annual Retreat and Lawyer Oath Seminar;
- (h) 5-06-04 - I have made "Remarks from the Chief Justice" at the 2004 SC Circuit Judges' Conference;
- (i) 5-21-04 - I have lectured on the topic of "Statutory Enhancements and Limits on Damages in SC" at the SC Bar CLE Division's seminar, Beyond the Elements: SC Damages from A to Z;
- (j) 7-12-04 - I have made "Welcoming Remarks" and lectured on the topic of "Being a Judge" at SC Court Administration's 2004 Orientation School for New Circuit Court and Family Court Judges;
- (k) 7-21-04 - I have made the keynote presentation on the topic of "Magistrate Court Issues Including the Use of Technology" at SC Court Administration's Chief Magistrates Meeting;
- (l) 8-02-04 - I have lectured on the topic of ethics at the Charleston River Dogs' seminar;
- (m) 8-19/20-04 - I have made "Introductory Remarks" and "Concluding Remarks" and have lectured on the topic of "For the Good of the Order" and presided over the administration of the Oath of Office at the 2004 Annual Judicial Conference;
- (n) 9-9-04 - I have lectured on the topic of "Modernization Program Update" at the SC Summary Court Judges Association Annual Meeting;
- (o) 9-10-04 - I have made "Welcome Remarks" at the Attorney General's Symposium on the Prevention of Child Exploitation program;
- (p) 9-16-04 - I have lectured on the topic "Tort Reform" at the Litigation Conference sponsored by the SC Bar CLE Division and SC Association of CPAs;
- (q) 9-24-04 - I have moderated a panel on the "Principles of Professionalism" at the Wofford and the Law program at Wofford College;
- (r) 9-26-04 - I have lectured on the topic of "Sworn to a Higher Standard-The Prosecutor's Oath" at the 2004 Annual SC Solicitors Association Conference;
- (s) 10-11-04 - I have lectured on the topic of "Court Technology" at the 2004 SC Association Probate Judges Annual Meeting;
- (t) 10-29-04 - I have presided over and have administered the Revised Lawyer Oath at the SC Women Lawyers Association's CLE Oath Program;
- (u) 11-13-04 - I have presented the "State of the Judiciary" at the SC Defense Trial Attorneys Association's 37th Annual Meeting;
- (v) 12-03-04 - I have presented a "Supreme Court Update" at the SC Bar CLE Division's 2004 SC Family Court Bench/Bar Seminar;
- (w) 12-10-04 - I have made "Welcoming Remarks" and have lectured on administrative issues at SC Court Administration's Seminar for the Chief Judges for Administrative Purposes of the Circuit and Family Courts;
- (x) 12-29-04 - I have presided over and have administered the Revised Lawyer Oath at the SC Bar CLE Division's CLE Oath Program.

COURSES TAUGHT IN 2005

- (a) 1-21-05 - I have lectured on the topic of "A View from the Bench" at the SC Bar CLE Division's 20th Annual Criminal Law Update;
- (b) 3-4-05 - I have lectured on the topic of "Modernization Program Update" at the SC Summary Court Judges Association's Annual Staff Seminar;
- (c) 3-25-05 - I have presented the "State of the Judiciary" at the Richland County Bar Association Luncheon;
- (d) 5-11-05 - I have made the luncheon presentation at Jackson Lewis' 2005 Carolina Symposium, Critical Issues in Employment Law: Workplace Law in a Dynamic Environment;
- (e) 5-13-05 - I have made "Remarks from the Chief Justice" at the 2005 SC Circuit Court Judges Association Conference;
- (f) 7-11-05 - I have made "Welcoming Remarks" and have lectured on the topic of "Being a Judge" at SC Court Administration's 2005 Orientation School for New Circuit and Family Court Judges;
- (g) 8-25/26-05 - I have made "Introductory Remarks" and "Concluding Remarks" and have lectured on the topic of "For the Good of the Order" at the 2005 Annual Judicial Conference;
- (h) 9-27-05 - I have lectured on the topic of "For the Good of the Order" at the SC Public Defenders Conference;
- (i) 10-31-05 - I have lectured on the topic of ethics at Nexsen Pruet's 2005 In-House Counsel Ethics Seminar;
- (j) 11-05-05 - I have presented the "State of the Judiciary" at the SC Defense Trial Attorneys Association's 38th Annual Meeting;
- (k) 11-18-05 - I have lectured on the topic of "Indictments and Subject Matter Jurisdiction" at the SC Bar CLE Division's 15th Annual Criminal Practice in SC Seminar;
- (l) 12-02-05 - I have lectured on the topic of "Tort Reform-Venue" at the SC Trial Lawyers Association's seminar, Auto Torts XXVIII.

COURSES TAUGHT IN 2006

- (a) 1-27-06 - I have lectured on the topic of "A View from the Bench" at the SC Bar CLE Division's 21st Annual Criminal Law Update;
- (b) 2-17-06 - I have lectured on the topic of "Modernization Program Update" at the SC Summary Court Judges Association's Annual Staff Seminar;
- (c) 3-06-06 - I have made the "Welcome from the SC Supreme Court" at the SC Bar CLE Division's Bridge the Gap Program for new admittees to the SC Bar;
- (d) 4-26-06 - I have made "Remarks from the Chief Justice" at the SC Family Court Judges Association's 2006 Family Court Judges Conference;
- (e) 5-06-06 - I have lectured on the topic of ethics at the Thirteenth Circuit Solicitor's Conference;
- (f) 5-11-06 - I have lectured on the topic of "For the Good of the Order" at the 2006 Circuit Court Judges Conference;
- (g) 7-10-06 - I have made "Welcoming Remarks" and have lectured on the topic of "Being a Judge" at SC Court Administration's 2006 Orientation School for New Circuit and Family Court Judges;

- (h) 8-12-06 - I have lectured on the topic of “Steroids & the Ethics of Baseball” at the Charleston River Dogs’ ethics seminar;
- (i) 8-22-06 - I have made “Welcoming Remarks” and “Closing Remarks,” have participated in a panel discussion on the topic of the “Minnesota Plan,” and have lectured on the topic of “Charge to Judges, DSS Attorneys and County Directors” at the Children Law Office’s Family Court Mini Summit;
- (j) 8-24/25-06 - I have made “Introductory Remarks” and “Concluding Remarks” and have lectured on the topics of “Courthouse Security” and “For the Good of the Order” at the 2006 Annual Judicial Conference;
- (k) 9-24-06 - I have lectured on the topic of “Professional Responsibility and Prosecution” at the 2006 Annual SC Solicitors Association Conference;
- (l) 10-13-06 - I have lectured on the topic of ethics at the Southern Conference of Bar Presidents’ Meeting;
- (m) 10-27-06 - I have lectured on the topic of “Certiorari, Certified Questions, and Unpublished Opinions: Supreme Court Practice” at the SC Bar CLE Division’s 2006 SC Tort Law Update;
- (n) 12-01-06 - I have lectured and made the “Welcome and Opening Remarks” at the SC Bar CLE Division’s 2006 SC Family Court Bench/Bar Seminar.

COURSES TAUGHT IN 2007

- (a) 1-26-07 - I have lectured on the topic of “A View from the Bench” at the SC Bar CLE Division’s 22nd Annual Criminal Law Update;
- (b) 3-01-07 - I have made the “Welcome and Introductory Remarks” at the North Carolina and SC Appellate Judges’ Conference;
- (c) 3-12-07 - I have made the “Welcome from the SC Supreme Court” at the SC Bar CLE Division’s Bridge the Gap Program for new admittees to the SC Bar;
- (d) 3-12-07 - I have lectured on the topic of “Tips for Appellate Practice” at the National District Attorney Association’s Trial Advocacy I seminar;
- (e) 4-25-07 - I have presented the “State of the Judiciary” at the 2007 SC Family Court Judges Conference;
- (f) 4-29-07 - I have presented remarks at a legal education conclave sponsored by the ABA Section of Legal Education and Admissions to the Bar on the topic of “Looking to the Future-A Round-Table Discussion;”
- (g) 5-13-07 - I have lectured on the topic of “Ethics: A Hot Topic for prosecutors” at the Thirteenth Circuit Solicitor’s Conference;
- (h) 5-16-07 - I have presented the “State of the Judiciary” at the 2007 Circuit Court Judges Conference;
- (i) 6-08-07 - I have lectured on the topic of “Tips for Appellate Practice” at the Greenville County Bar Association’s seminar, Views from the Bench;
- (j) 7-11-07 - I have made “Welcoming Remarks” and have lectured on the topic of “Being a Judge” at SC Court Administration’s 2007 Orientation School for New Circuit and Family Court Judges;
- (k) 7-12-07 - I have lectured on the topic of “Steroids & the Ethics of Baseball: A Cautionary Tale for Lawyers” at the Charleston River Dogs’ ethics seminar;
- (l) 7-19-07 - I have made the keynote presentation at SC Court Administration’s - Annual Chief Magistrates Meeting;

- (m) 8-23/24-07 - I have made “Opening Remarks” and “Concluding Remarks” and have presented the State of the Judiciary” at the 2007 Annual Judicial Conference;
- (n) 9-06-07 - I have presented the “State of the Judiciary” at the SC Summary Court Judges Association’s Conference;
- (o) 9-17-07 - I have lectured on the topic of “Technology and the Courts” at the National District Attorneys Association’s Technology Conference;
- (p) 9-20-07 - I have moderated and participated in a panel discussion at the University of SC School of Law’s symposium, “Balancing Private and Public Rights in the Coastal Zone in the Era of Climate Change: The Fifteenth Anniversary of Lucas v. SC Coastal Council;”
- (q) 9-23-07 - I have lectured on the topic of “Ethics: Hot Topics for Prosecutors” at the 2007 SC Solicitors Association’s Conference;
- (r) 9-24-07 - I have lectured on the topic of “A View from the Bench” at the 2007 Annual SC Public Defender Conference;
- (s) 10-11-07 - I have participated in a panel discussion on the topic of “Why the Rule of Law Matters in a Global Economy and our State” at the World Justice Project Rule of Law’s seminar;
- (t) 10-19-07 - I have lectured on the topic of professionalism at the North Carolina Bar Association Foundation’s seminar, The Changing Face of Justice: A View from the Bench;
- (u) 11-01-07 - I have lectured on the topic of “The New SC Mentor System” at the SC Defense Trial Attorneys Conference;
- (v) 12-02-07 - I have lectured on the topic of “Oral Advocacy” at the Charleston County Bar Association’s seminar, What Works.

COURSES TAUGHT IN 2008

- (a) 1-25-08 - I have lectured on the topic of “A View from the Bench” at the SC Bar CLE Division’s 23rd Annual Criminal Law Update-Part 2;
- (b) 4-23-08 - I have made “Remarks from the Court” and participated in group discussions at the SC Family Court Judges’ Association’s 2008 Family Court Judges Association Conference;
- (c) 5-11-08 - I have lectured on the topic of ethics at the Thirteenth Circuit Solicitor’s seminar, Technology in Prosecution;
- (d) 5-14-08 - I have presented “Remarks from the Chief Justice” at the 2008 SC Circuit Court Judges Conference;
- (e) 6-04-08 - I have lectured on the topic of “Being a Judge” at SC Court Administration’s 2008 Orientation School for New Family Court Judges;
- (f) 7-09-08 - I have made “Welcoming Remarks” and have lectured on the topic of “Being a Judge” at SC Court Administration’s 2008 Orientation School for New Circuit Court Judges;
- (g) 7-09-08 - I have presented remarks at SC Court Administration’s Annual Chief - Magistrates Meeting;
- (h) 7-10-08 - I have lectured on the topic of “Hanging Up the Spikes...the Hall of Fame Debate and the Issues Arising When Lawyers Retire” at the Charleston River Dogs’ ethics seminar;

- (i) 8-20-08 - I have made the “Opening Remarks” and “Concluding Remarks” and have presented the “State of the Judiciary” at the 2008 Annual Judicial Conference;
- (j) 9-09-08 - I have made the keynote presentation, “A Day with the Supreme Court,” at the 2008 Wyoming State Bar Meeting and Judicial Conference;
- (k) 9-17-08 - I have participated in a panel discussion on the topic of “Judicial Selection Process in SC” at the SC Women Lawyers Association’s seminar, Judicial Selection in SC;
- (l) 9-18-08 - I have lectured on the topic of “Perspective from the Bench” at the Litigation Conference sponsored by the SC Bar CLE Division and SC Association of CPAs;
- (m) 9-28-08 - I have presented the “State of the Judiciary” at the 2008 SC Solicitors Association Fall Conference;
- (n) 9-29-08 - I have presented on the topic of “A View from the Bench” at the 2008 Annual SC Public Defender Conference;
- (o) 10-21-08 - I have made the “Welcome and Opening Remarks” at the Office of Disciplinary Counsel’s Commission and Attorney to Assist Seminar;
- (p) 12-05-08 - I have made “Remarks from the Supreme Court” at the SC Bar CLE Division’s 2008 SC Family Court Bench/Bar Seminar;
- (q) 12-06-08 - I have delivered the keynote address at the Donald James Sampson Bar Association’s Region IV Conference, Ethics Judicial Panel Seminar III.

COURSES TAUGHT IN 2009

- (a) 1-15-09 - I have participated in a panel discussion on the topic of “The Judicial Selection Process” at the Charleston School of Law’s seminar, State Constitutional Reform in the New South;
- (b) 1-23-09 - I have lectured on the topic of “A View from the Bench” at the SC Bar CLE Division’s 24th Annual Criminal Law Update-Part 2;
- (c) 2-13-09 - I have lectured on the topic of “A View from the Bench” at the Greenville County Bar Association’s Annual CLE Seminar;
- (d) 3-09-09 - I have made the “Welcome from the SC Supreme Court” at the SC Bar CLE Division’s Bridge the Gap Program for new admittees to the SC Bar;
- (e) 3-10-09 - I have participated in a panel discussion on the topic of “Practice before the SC Appellate Courts” at the SC Bar CLE Division’s Bridge the Gap Program for new admittees to the SC Bar;
- (f) 4-22-09 - I have made “Remarks from the Chief Justice” at the 2009 Family Court Judges Conference;
- (g) 4-30-09 - I have lectured on the topic of “Ethical Standards in the Legal Profession” at Richardson Patrick Westbrook & Brickman’s 2009 Litigation Seminar;
- (h) 5-03-09 - I have lectured on the topic of ethics at the Thirteenth Circuit Solicitor’s seminar, Polishing Your Trial Beginning to End: Ninth Annual Spring Retreat;
- (i) 5-06-09 - I have presented the “State of the Judiciary” at the SC Circuit Court Judges Conference;
- (j) 7-08-09 - I have made “Welcoming Remarks” at SC Court Administration’s 2009 Orientation School for New Circuit Court Judges;

- (k) 8-13-09 - I have lectured on the topic of “Unforeseen Scrutiny: When Life Mimics Baseball” at the Charleston River Dogs’ ethics seminar;
- (l) 8-20/21-09 - I have made the “Opening Remarks” and “Concluding Remarks” and have presented the “State of the Judiciary” at the 2009 Annual Judicial Conference;
- (m) 9-28-09 - I have lectured on the topic of “A View from the Bench” at the 2009 Annual SC Public Defender Conference;
- (n) 9-30-09 - I have lectured on the topic of “A Challenge to Women Lawyers” and have participated in a panel discussion on the topic of “Challenges Facing State Courts: Can We Do It?” at the SC Women Lawyers Association and the North Carolina Association of Women Attorneys Conference;
- (o) 11-05-09 - I have participated in a panel discussion on the topic of “How to Win More Appeals” at the Defense Research Institute’s Appellate Advocacy Seminar;
- (p) 12-04-09 - I have made “Welcome and Opening Remarks” at the SC Bar CLE Division’s 2009 SC Family Court Bench/Bar Seminar.

COURSES TAUGHT IN 2010

- (a) 1-22-10 - I have lectured on the topic of “A View from the Bench” at the SC Bar CLE Division’s Criminal Law Update-Part 2;
- (b) 3-05-10 - I have lectured on the topic of “Writs of Certiorari” at the SC Bar CLE Division’s Golf Getaway CLE Weekend;
- (c) 3-08-10 - I have made the “Welcome from the SC Supreme Court” at the SC Bar CLE Division’s Bridge the Gap Program for new admittees to the SC Bar;
- (d) 3-09-10 - I have participated in a panel discussion on the topic of “Practice before the SC Appellate Courts” at the SC Bar CLE Division’s Bridge the Gap Program for new admittees to the SC Bar;
- (e) 3-26-10 - I have lectured on the topic of “Effective Oral Arguments Skills” at the Boykin & Davis seminar, Effective Oral Argument Skill;
- (f) 5-05-10 - I have presented the “State of the Judiciary” at the 2010 SC Circuit Court Judges Association Conference;
- (g) 6-02-10 - I have lectured on the topic of “Being a Judge” at SC Court Administration’s 2010 Orientation School for New Family Court Judges;
- (h) 7-15-10 - I have lectured on the topic of “Holding It Together: Lessons from The Perfect Game that Wasn’t” at the Charleston River Dogs’ ethics seminar;
- (i) 8-19/20-10 - I have made the “Opening Remarks” and “Concluding Remarks” and have presented the “State of the Judiciary” at the 2010 Annual Judicial Conference;
- (j) 09-28-10 - I have lectured on the topic of “A View from the Bench” at the 2010 Annual SC Public Defender Conference;
- (k) 10-22-10 - I have participated in a panel discussion on the topic of “Judicial Funding: The Role of the SC Legislature” at the SC Law Review’s seminar, Law and Democracy: Maintaining an Independent Judiciary;
- (l) 10-22-10 - I have participated in a panel discussion on the topic of “The Way We Were: A Look at History of Women Lawyers in SC” at the SC Women Lawyers Association’s seminar, Mastering the Game: Skills Law School Never Taught You;

- (m) 11-05-10 - I have lectured on the topic of “Judicial Update” at SC Court Administration’s Mandatory School for Magistrates;
- (n) 11-05-10 - I have lectured on the topic of “Civility: Does it Matter?” at the Richland County Bar Association’s Annual CLE Ethics Seminar;
- (o) 11-12-10 - I have presented the “State of the Judiciary” at the SC Defense Trial Attorneys Association’s 43rd Annual Meeting.

COURSES TAUGHT IN 2011

- (a) 1-21-11 - I have lectured on the topic of “A View from the Bench” at the SC Bar CLE Division’s Criminal Law Update;
- (b) 3-07-11 - I have made the “Welcome from the SC Supreme Court” at the SC Bar CLE Division’s Bridge the Gap Program for new admittees to the SC Bar;
- (c) 3-08-11 - I have participated in a panel discussion on the topic of “Practice before the SC Appellate Courts” at the SC Bar CLE Division’s Bridge the Gap Program for new admittees to the SC Bar;
- (d) 3-10-11 - I have presented the “Introduction and Welcoming Remarks” at SC Court Administration’s Orientation School for New Probate Court Judges;
- (e) 4-28-11 - I have participated in a panel discussion on the topic of “Excellent Advocacy and the Preservation of the Civil Jury Trial: Views from the Bench” at the Southeastern Chapter of the American Board of Trial Attorneys’ 2011 Meeting;
- (f) 5-04-11 - I have presented the “State of the Judiciary” at the SC Circuit Court Judges’ Conference;
- (g) 5-19-11 - I have made “Welcoming Remarks,” have participated in a panel discussion, and have lectured on the topic of “Reflections on Judge J. Waites Waring” at the SC Supreme Court Historical Society’s 2011 Colloquium, J. Waites Waring and the Dissent that Changed America;
- (h) 6-01-11 - I have made “Remarks from the Chief Justice” at the 2011 Family Court Judges Conference;
- (i) 6-08-11 - I have lectured on the topic of “Being a Judge” at SC Court Administration’s 2011 Orientation School for New Family Court Judges;
- (j) 7-06-11 - I have provided “Welcoming Remarks” at SC Court Administration’s 2011 Orientation School for New Circuit Court Judges;
- (k) 7-10-11 - I have made the keynote address and have moderated a workshop on the topic of “iCivics” at the 2011 Joint Annual Conference of the National Association of Court Management and the National Association of State Judicial Educators;
- (l) 7-21-11 - I have lectured on the topic of “In the Interest of the Game: Promoting Justice within Baseball and the Law” at the Charleston River Dogs’ ethics seminar;
- (m) 8-18/19-11 - I have made the “Opening Remarks” and “Concluding Remarks” and have presented the “State of the Judiciary” at the 2011 Annual Judicial Conference;
- (n) 9-15-11 - I have made the “Welcome and Introductory Remarks” at the SC Supreme Court’s Southern Region High Court Conference;

- (o) 9-23-11 - I have moderated a panel discussion on the topic of “Court Funding: Autonomy, Access, and Accountability” at the Kentucky Law Journal’s Symposium on Court Financing;
- (p) 9-26-11 - I have lectured on the topic of “A View from the Bench” at the 2011 Annual SC Public Defender Conference;
- (q) 10-21-11 - I have made the “Opening Remarks” and have moderated a panel discussion on the topic of “Developing Leadership Skills in the Community and Workplace” at the SC Women Lawyers Association’s seminar, Women Lawyers and Leadership: Status and Success in a Changed Profession;
- (r) 11-01-11 - I have made the “Welcome and Opening Remarks” at the Office of Commission Counsel/Office of Disciplinary Counsel’s SC Conference on Lawyer and Judicial Discipline;
- (s) 12-02-11 - I have lectured on the topic of “Ethics and the Litigator: Impact of the Growth of Social Media” at the SC Association of Justice’s Auto Torts XXXIV Seminar.

COURSES TAUGHT IN 2012

- (a) 1-17-12 - I have lectured on the topic of “The Importance of an Independent Judiciary” at the John Belton O’Neill Inn of Court’s CLE Program;
- (b) 1-20-12 - I have lectured on the topic of “A View from the Bench” at the SC Bar Criminal Law Section’s Criminal Law Update-Part 2;
- (c) 2-21-12 - I have made the keynote address at Womble Carlyle Sandridge & Rice’s CLE Symposium for SC In-House Counsel;
- (d) 3-05-12 - I have presented the “Welcome from the SC Supreme Court” at the SC Bar CLE Division’s Bridge the Gap Program for new admittees to the SC Bar;
- (e) 4-19-12 - I have participated in panel discussions on the topics of “Mass Incarceration: Uncoupling Pipelines to Prison” and “Funding for State Courts” at the ABA Section of Litigation’s 2012 Annual CLE Conference;
- (f) 5-02-12 - I have presented the “State of the Judiciary” at the SC Circuit Court Judges Conference;
- (g) 5-17-12 - I have lectured on the topic of “State Court Innovation and Funding” at the ABA General Practice, Solo and Small Firm Division’s 2012 Spring Meeting;
- (h) 5-30-12 - I have made “Welcoming Remarks” and lectured on the topic of “Being a Judge” at SC Court Administration’s 2012 Orientation School for New Family Court Judges;
- (i) 7-08-12 - I have participated in a panel discussion on the topic of “Only You Can Save the Jury Trial: The Case for State Court Innovation and Funding” at the International Association of Defense Counsel’s Annual Meeting;
- (j) 8-23/24-12 - I have made the “Opening Remarks” and “Concluding Remarks” and have presented the “State of the Judiciary” at the 2012 Annual Judicial Conference;
- (k) 9-21-12 - I have participated in a panel discussion and made “Closing Remarks” at the SC Journal of International Law and Business’s 2012 Symposium, International Human Rights and the Rule of Law: The Impact of Global Business;
- (l) 9-24-12 - I have presented on the topic of “A View from the Bench” at the 2012 Annual SC Public Defender Conference;

- (m) 10-05-12 - I have presented “Opening Remarks” at the SC Women Lawyers Association’s seminar, Law Practice Diversity: Leadership, Communication and Technology;
- (n) 10-18-12 - I have lectured on the topic of “Perspectives from SC’s High Court: Key Issues Facing the Legal Community” at the ABA Young Lawyers Division’s 2012 Fall Conference;
- (o) 10-22-12 - I have made the “Welcome and Opening Remarks” at the SC Association of Justice’s Pro Bono Summit;
- (p) 11-07-12 - I have made the “Welcome and Opening Remarks” at the Commissions on Judicial and Lawyer Conduct’s SC Conference on Lawyer and Judicial Discipline;
- (q) 11-13-12 - I have participated in a panel discussion on the topic of “Matthew J. Perry, Jr.” at the John Belton O’Neill Inn of Court’s CLE Program;
- (r) 12-07-12 - I have lectured on the topic of “Remarks from the Bench” at the SC Bar CLE Division’s 2012 Family Court Bench/Bar Seminar.

COURSES TAUGHT IN 2013 (THROUGH OCTOBER 31)

- (a) 1-16-13 - I have participated in a panel discussion on the topic of “The End is Near: Insight from the Bench” at Sowell Gray Stepp & Laffitte’s seminar, Keep Calm and Appeal On: Appellate Practice in SC;
- (b) 1-25-13 - I have lectured on the topic of “A View from the Bench” at the SC Bar Criminal Law Section’s Criminal Law Update-Part 2;
- (c) 2-15-13 - I have presented the “State of the Judiciary” at the Greenville County Bar Association’s Year End CLE;
- (d) 3-11-13 - I have made the “Welcome from the SC Supreme Court” and have participated in a panel discussion on the topic of “Practice before the SC Appellate Courts” at the SC Bar CLE Division’s Bridge the Gap Program for new admittees to the SC Bar;
- (e) 3-14-13 - I have made the “Introduction and Welcoming Remarks” at SC Court Administration’s 2013 Orientation School for New Probate and Associate Probate Court Judges;
- (f) 3-26-13 - I have participated in a panel discussion on the topic of “Ethics Scenarios and Answers” at the SC Bar CLE Division’s seminar, Ethics in Eighteen Holes;
- (g) 4-17-13 - I have made “Remarks from the Chief Justice” at the 2013 Family Court Judges Conference;
- (h) 4-25-13 - I have participated in a panel discussion on the topic of “The State of Our State Courts-Transformative Change in an Era of Federalism, Civil Justice Reform and Resource Allocation” at the Association of General Counsel’s Spring Meeting;
- (i) 5-01-13 - I have lectured on the topic of “For the Good of the Order” at the SC Circuit Court Judges’ Spring Conference CLE;
- (j) 5-29-13 - I have made “Welcoming Remarks” and lectured on the topic of “Being a Judge” at SC Court Administration’s 2013 Orientation School for New Family Court Judges;

- (k) 6-07-13 - I have participated in a panel discussion on the topic of “Why Fast Track? History, Outline & How It Will Work” and have participated in a panel addressing seminar attendees’ questions at the SC Bar CLE Division’s seminar, Fast Break on Fast Track Jury Trials: How it Works;
- (l) 6-13-13 - I have lectured on the topic of “In the Interest of the Game: Protecting America’s Past Time and the Profession” at the Charleston River Dogs’ ethics seminar;
- (m) 7-20-13 - I have lectured on the topic of “Funding and Judicial Independence” at the 2013 Ninth Annual National Foundation for Judicial Excellence Symposium;
- (n) 9-20-13 - I have lectured on the topic of “Equipping Gideon’s Army: Funding the Right to Counsel/Is There a Solution or Is It Forever Beyond Reach? Ethical Considerations in Managing Heavy Caseloads” at the Charleston School of Law’s symposium, Gideon at 50: How Far We’ve Come, How Far to Go;
- (o) 9-22/23-13 - I have presented the “State of the Judiciary” at the 2013 SC Solicitors Association Fall Conference;
- (p) 9-24-13 - I have presented on the topic of “A View from the Bench” at the 2013 Annual SC Public Defender Conference;
- (q) 10-4-13 - I have presented on the topic of “Ethics and the Growth of Social Media” at the 2013 SC Insurance Reserve Fund Law Enforcement Defense Counsel Annual Meeting;
- (r) 10-10/11-13 - I have made the “Welcome Remarks” at the SC Women Lawyers Association’s Seminar, Vision for Success: Women Leaders from the Courtroom to the Boardroom;
- (s) 10-21-13 - I have made the “Welcome and Opening Remarks” at the SC Association of Justice’s Pro Bono Summit;
- (t) 10-22-13 - I have participated in a panel discussion on the topic of “The Provider’s Role in Worker’s Compensation: Medical Treatment and Beyond” at the 37th Annual SC Educational Conference on Workers’ Compensation & 4th Annual Workers’ Comp Academy;
- (u) 10-30-13 - I have made the “Welcome and Opening Remarks” at the Office of Commission Counsel/Office of Disciplinary Counsel’s SC Conference on Lawyer and Judicial Discipline;
- (v) 10-30-13 - I have presented on the topic “Fast Break on Fast Track Jury Trials: How it Works” at the Greenville County Bar Association’s CLE Program.

Chief Justice Toal reported that she has published the following:

- (a) J. M. Hoefler, 1966 Survey - Corporations, 19 S.C. L. Rev. 24 (1967);
- (b) J. M. Hoefler, 1966 Survey-Workman’s Compensation, 19 S.C. L. Rev. 147 (1967);
- (c) J. H. Toal, 1967 Survey - Property, 19 S.C. L. Rev. 635 (1967);
- (d) J. H. Toal, Water Resources Research Project, Edens: The Prime Obstacle to a Redevelopment of SC Water Law, 23 S.C. L. Rev. 63 (1971);
- (e) J. H. Toal and J. Aldrich, Recent Developments in Punitive Damages and Expert Witness Testimony, 22 Defense Line 7 (Winter 1994);
- (f) J. H. Toal, Book Review, The SC Law of Torts, 50 S.C. L. Rev. 261 (1998);

- (g) J. H. Toal, Robert A. Muckenfuss, Shahin Vafai, Issue Preservation at Trial: Back to Basics, 10 SC Lawyer 14 (March/April, 1999);
- (h) J. H. Toal, Robert A. Muckenfuss, Shahin Vafai, Appellate Practice in SC, (SC Bar CLE Division 1999), release date May, 1999;
- (i) J. H. Toal, Robert A. Muckenfuss, Shahin Vafai, Appellate Practice in SC, 2nd Edition (SC Bar CLE Division 2002), release date July 4, 2002;
- (j) J. H. Toal, Reply to Professor Tarpley's Comment Regarding Justice Sandra Day O'Connor, 54 S.C. L. Rev. 267 (Winter 2002);
- (k) J. H. Toal, A Life Changed, Matthew J. Perry: The Man, His Times, and His Legacy (University of SC Press), 2004;
- (l) J. H. Toal and Bratton Riley, The New Role of Secret Settlements in the SC Justice System, S.C. L. Rev. 761 (Summer 2004);
- (m) J. H. Toal, Limitations on Damages Against the State of SC and Charitable Organizations, SC Damages, (SC Bar CLE Division), 2004;
- (n) J. H. Toal and W. Bratton Riley, Fiduciary Duties of Partners and Limited Liability Company Members Under SC Law: A Perspective from the Bench, 56 S.C. L. Rev. 275 (2004);
- (o) J. H. Toal, A Response to the Principles' Domestic Partnership Scheme, Reconceiving the Family: Critical Reflections on the American Law Institute's Principles of the Law of Family Dissolution (Cambridge University Press), 2006;
- (p) Transcript: A Symposium With Women Chiefs, 13 Cardoza J. L. & Gender 305 (Spring 2007), Participant;
- (q) James Fletcher Thompson, SC Adoption Law and Practice: A Guide for Attorneys, Certified Investigators, and Families (SC Bar CLE 2010), Editorial Board;
- (r) Margaret Marshall, Marcia Ternus, Jean Toal, Symposium: Great Women, Great Chiefs, 74 Alb. L. Rev. 1595 (2010/11).

(4) Character:

The Commission's investigation of Chief Justice Toal did not reveal evidence of any founded grievances or criminal allegations made against her. The Commission's investigation of Chief Justice Toal did not indicate any evidence of a troubled financial status. Chief Justice Toal has handled her financial affairs responsibly.

The Commission also noted that Chief Justice Toal 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:

Chief Justice Toal reported that her last available rating by a legal rating organization, Martindale-Hubbell, was AV.

Chief Justice Toal reported that she has held the following public offices:

- (a) SC Commission on Human Affairs, 1972-74, appointed by Governor John West;
- (b) SC House of Representatives, District 75, 1975-88, elected to office seven times.

I always timely filed report.

(6) Physical Health:

Chief Justice Toal appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Chief Justice Toal appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Chief Justice Toal was admitted to the SC Bar in 1968.

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

(a) September 1968 - August 1970 - Associate Haynsworth, Perry, Bryant, Marion & Johnstone, Greenville, S. C.

Haynsworth was the largest law firm in SC when I began my practice in 1968 as the sixteenth lawyer in the firm. I worked under several of the partners on a variety of corporate, trusts, real estate and defense litigation issues. I did research and assisted in document drafting for the first public stock offering for Daniel Construction Company, pension and profit sharing plans for J. P. Stevens, Alice Mills, Hollingsworth on Wheels, Daniel Construction Company, Alister G. Furman Co., Caine Realty and many other corporations; trust and wills for Homozel Mickel Daniel, The Daniel Foundation and others; corporation certifications for CT Corporation Systems; and defense litigation in products liability, workers' compensation, automobile liability and medical malpractice cases.

(b) August 1970 - December 1973, Associate;

January 1974 - March 16, 1988, Partner, Belser, Baker, Barwick, Ravenel, Toal & Bender.

When I came to the Belser Law Firm in 1970, it was comprised of four partners and three associates. It was an old Columbia law firm, about medium size for Richland County at that time. It handled a variety of litigation. On the civil side, the firm did insurance defense work, construction litigation, some plaintiff's litigation, real estate closings, and corporate work. The firm also handled criminal defense cases. In those days, before public defenders, most litigators did criminal work. As a young lawyer, about 30 percent of my work the first years with the Belser firm was criminal trial and appellate work. However, I also worked on many civil cases and appeals to the SC Supreme Court and to the United States Court of Appeals for the Fourth Circuit.

As I developed my own clientele, I expanded our base to include more plaintiff's cases, administrative law cases, domestic litigation, and employment cases, but continued to also be involved in our defense insurance work, construction litigation, corporate matters and criminal defense cases.

I was privileged to appear on a frequent basis in all levels of trial and appellate courts in this state, including trials or appeals before the Magistrates Court, County Court, Probate Court, Master-In-Equity, Circuit Court, Family Court, SC Court of Appeals and SC Supreme Court. I also had considerable experience as a litigator in United States District Court, the Fourth Circuit Court of Appeals and one appearance as co-counsel before the United States Supreme Court. My twenty years of experience as a practicing lawyer included a fairly even mix of plaintiff and defense work, criminal trial work, and complex constitutional litigation. I wrote many trial and appellate briefs at all court levels. I also had considerable administrative law experience in litigation involving environmental matters, federal and state procurement, hospital certificates of need, employment matters and election matters.

- (c) I also utilized my law degree in public service. I served in the SC House of Representatives for 13 years. I served as Chairman of the House Rules Committee and Chairman of the Constitutional Laws Sub-Committee of the House Judiciary Committee. My legislative service included floor leadership of complex legislation in the fields of constitutional law, utilities regulation, criminal law, structure of local government, budgetary matters, structure of the judicial system, banking and finance legislation, corporate law, tort claims, workers' compensation, freedom of information act and environmental law. In many instances, I had a primary role in drafting the legislation in the area and presenting it to subcommittee, full committee and House membership. I served on many House-Senate Conference and Free Conference Committees including: Home Rule Bill, Ethics Reform Act of 1975, Freedom of Information Act revisions, State General Appropriations Bills, Omnibus Crime Bill, various Sine Die Resolutions, various Judicial Reform Bills, Public Service Commission Restructuring, Economic Forecasting Revisions, and Joint Rules.

Chief Justice Toal reported the frequency of her court appearances prior to her service on the bench as follows: *

- (a) federal: approximately 50 times;
- (b) state: approximately 140 times;
- (c) other: administrative trials, approximately 100 times.

Chief Justice Toal reported the percentage of her practice involving civil, criminal, and domestic matters prior to her service on the bench as follows: *

- (a) civil: 80% (non-domestic 57%);
- (b) criminal: 2%;
- (c) domestic: 23%;
- (d) other: 18%.

Chief Justice Toal reported the percentage of her practice in trial court prior to her service on the bench as follows: *

- (a) jury: 50%;
- (b) non-jury: 50%.

Chief Justice Toal provided that she most often served as sole counsel, but provided a more detailed report: *

- (a) jury: sole counsel 20%; co-counsel 80%;
- (b) non-jury: sole or chief counsel 60%; co-counsel 40%.

* These answers reflect my law practice from 1968-88. This data was submitted in 1988 at my first screening, see 1988 Senate Journal at 1968 (Jan. 12, 1988), in 1996 at my second screening, see 1996 Senate Journal at 384 (February 6, 1996), and in 1999 at my screening for Chief Justice, see 1999 Senate Journal at 3037. My last court appearance as a trial lawyer was March 15, 1988.

The following is Chief Justice Toal's account of her five most significant litigated matters prior to her service on the bench:

- (a) Fox v. Scholer and Bruckner, United States District Court, District of SC, C.A. No. 81-300-0, Judge Matthew J. Perry, presiding.

I was the sole counsel for Defendant Bruckner. A jury trial for two and one-half weeks resulted in a verdict for Defendants. There was a seven-count complaint alleging medical malpractice, alienation of affections, criminal conversation, intentional infliction of emotional harm, conspiracy and fraud. There was considerable pre-trial discovery and pre-trial court appearances in the United States District Court of SC and for the District Court of Ohio.

- (b) Eslinger v. Thomas, 324 F.Supp. 1329 (D.S.C. 1971), 470 F.Supp. 886 (D.S.C. 1972), aff'd and rev'd, 476 F.2d 225 (1973).

I participated in various trials and motion hearings and writing of pleadings and briefs in this action by a female law student who was appointed by her Senator as a page in the SC Senate but denied employment by the Clerk of the Senate because of her sex. The Fourth Circuit held this practice unconstitutional and established the right for women to serve as Senate pages.

- (c) State v. Larry Portee, Fifth Judicial Circuit, General Sessions, 1980, Judge William Howell, presiding.

I was co-counsel. I assisted in all pre-trial activity including extensive witness interviews and hearings, and in the trial of the case. This was a death penalty case involving murder during the commission of an armed robbery. Shortly before trial, the death penalty was abandoned and after two days of trial, a plea to voluntary manslaughter was offered and accepted.

- (d) United States v. Adams, et al., US District Court, District of SC, 1981, Judge Charles Simons, presiding.

This case involved two and one-half weeks of trial of four co-defendants accused of embezzlement of monies from Fort Jackson Post Exchange. I was sole counsel for Adams. My Defendant and one other received jury verdicts of not guilty. The other two Defendants were convicted, which convictions were later overturned by the Fourth Circuit.

- (e) Owen Martin v. National Railroad Passenger Corporation (AMTRAK), US District Court, District of SC, C. A. No. 3-86-539-16, Judge Matthew J. Perry, presiding.

I was co-counsel and participated in all phases. I represented the Plaintiff. The case involved personal injury resulting from the derailment of an Amtrak passenger train in Hamlet, N.C. The case took over a year of intensive discovery in North Carolina, Connecticut, Washington, DC, and other locations and numerous court appearances. The case was ultimately settled for an amount which is sealed, but which exceeded one million dollars.

The following is Chief Justice Toal's account of five civil appeals she has personally handled prior to her service on the bench:

- (a) Lindsay v. National Old Line Insurance Co., 262 S.C. 621, 20 S.E.2d 7 (1974).
I wrote the brief and participated in the argument. This decision set forth rules for construction of the "Retaliatory Statute" which involves license fees and taxes paid by a foreign life insurance company and also set forth SC's approach to retroactive legislation.
- (b) Peterkin v. Peterkin, 293 S.C. 311, 360 S.E.2d 311 (1987)
I was co-counsel at the trial and wrote the brief. I argued the case to the Supreme Court. This represented an important analysis by our Supreme Court of the doctrine of transmutation.
- (c) Tall Tower, Inc. and S.C.E.T.V. v. SC Procurement Review Panel, (Tall Tower I), 294 S.C. 225, 363 S.E.2d 683 (1987); Charleston Television, Inc. v. S. C. Budget and Control Board, (Tall Tower II), 296 S.C. 444, 373 S.E.2d 892 (Ct. App. 1988), rev'd, 301 S.C. 468, 392 S.E.2d 671 (1990).
These appeals all arose out of a procurement protest filed by Charleston Television, Inc., whereby it challenged SCETV's award of a long-term television tower lease to Tall Tower, Inc. The matter was tried before the Procurement Review Panel and in Circuit Court in 1986. Tall Tower was argued before the SC Supreme Court September 24, 1987. I was lead counsel for trial and argued the Tall Tower I appeal. I participated and/or wrote briefs for Tall Tower I and II in 1987 and 1988. Tall Tower II was argued to the Court of Appeals January 19, 1988. I participated in these arguments. I did not participate in Tall Tower II as it came before the Supreme Court after I was elected. These cases provided significant new analyses of state administrative law, scope of judicial review, rules of state procurement and separation of powers.
- (d) Catawba Indian Tribe v. SC, 476 U.S. 498, 106 S. Ct. 2039, 90 L. Ed2d 490 (1986), 740 F.2d 305 (4th Cir. 1984); 718 F.2d 1291 (4th Cir. 1983).
I participated in the trial and many lengthy pre-trial motion hearings, the writing of briefs for District Court, Fourth Circuit, and US Supreme Court until I left private practice March 16, 1988. I presented the argument twice at the Fourth Circuit. This case represented the third largest eastern Indian land claim. The case involved federal Indian Law, constitutional issues, and state property law. After my participation ended, this litigation continued at the Fourth Circuit and in the US Supreme Court. This case has now been settled by legislation adopted by the United States and State of SC in 1993.
- (e) Able v. S.C. P.S.C., 290 S.C. 409, 351 S.E.2d 151 (1986)

I was co-counsel at trial before the Public Service Commission and in Circuit Court. I wrote the brief and argued the case to the Supreme Court of SC. This case analyzed the requirements of the SC Administrative Procedure Act regarding the fact finding at the administrative level and is frequently cited.

The following is Chief Justice Toal's account of the criminal appeals she has personally handled prior to her service on the bench:

- (a) State v. Sachs, 264 S.C. 541, 216 S.E.2d 501 (1975)

I participated in the trial and wrote the appellate briefs and participated in the argument before the Supreme Court of SC. This decision set forth a major restatement of the law of search and seizure in this state.

- (b) State v. Hyman, 276 S.C. 559, 281 S.E.2d 209 (1981)

- (c) State v. Linder, 276 S.C. 304, 278 S.E.2d 335 (1981)

These decisions set forth detailed rules with regard to the State's death penalty statute. I participated in the submission of an amicus curiae brief, which discussed from a legislative perspective issues regarding proportionality in sentencing and other issues.

- (d) Downey v. Peyton, 451 F.2d 236 (4th Cir. 1971)

This was a habeas corpus proceeding for a state prisoner in which a new trial was obtained where the jury had been improperly influenced by information which came to a juror outside the trial of the case. This decision set forth guidelines for when the "jury room may be invaded" to determine whether the jury received extra trial information.

Chief Justice Toal reported that she has held the following judicial offices:

- (a) Associate Justice, Supreme Court of SC, elected January 27, 1988, qualified March 17, 1988, re-elected February 14, 1996;
- (b) Chief Justice, Supreme Court of SC, elected June 2, 1999, qualified March 23, 2000, re-elected Feb. 2004.

Chief Justice Toal provided the following list of her most significant orders or opinions:

- (a) State v. Stephen Christopher Stanko, 402 S.C. 252, 741 S.E.2d 708 (2013), Majority Opinion;
- (b) Walker Scott Russell v. Wachovia Bank, N.A., 370 S.C. 5, 633 S.E.2d 722 (2006), Majority Opinion;
- (c) All Saints Parish Waccamaw v. The Protestant Episcopal Church in the Diocese of SC, 385 S.C. 428, 685 S.E.2d 163 (2009), Majority Opinion;
- (d) Board of Trustees of the School District of Fairfield County v. State, 395 S.C. 276, 718 S.E.2d 210, 274 Ed. Law Rep. 720 (2011), Dissenting Opinion;
- (e) State v. Michael R. Torrence, 305 S.C. 45, 406 S.E.2d 315 (1991), Concurring Opinion.

Chief Justice Toal further reported the following regarding unsuccessful candidacies:

I filed for the position of Associate Justice of the SC Supreme Court in 1984 and in 1985. In each instance, I was screened and found qualified, but withdrew before election. These positions were filled by Justice A. Lee Chandler, elected May 9, 1984, and Justice Ernest A. Finney, Jr., elected April 3, 1985.

(9) Judicial Temperament:

The Commission believes that Chief Justice Toal's temperament has been and would continue to be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee found Chief Justice Toal to be "Qualified" as to constitutional qualifications and "Well Qualified" as to ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament. The Committee stated, "Chief Justice Toal is a dynamo with huge intellect and a clear vision of the future for the SC court system. She is responsible for many innovations and has plans for many more. She has been and continues to be a force for positive change in our court system." The Committee stated in its summary, "She is eminently qualified for the position she now holds."

A complaint was filed against Chief Justice Toal by Dr. Marie-Therese H. Assa'ad-Faltas. Finding no merit in the complaint after reviewing the complaint as to the candidate's character, competency, or ethics, the Judicial Merit Selection Commission dismissed the complaint.

Chief Justice Toal is married to William Thomas Toal. She has two children.

Chief Justice Toal reported that she was a member of the following bar associations and professional associations:

- (a) American Bar Association;
- (b) SC Bar Association;
- (c) Richland County Bar;
- (d) SC Women Lawyers Association;
- (e) John Belton O'Neill Inn of Court;
- (f) American Inns of Court Foundation, Board of Trustees, 2000–09;
Representative, 2008–Present;
- (g) National Center for State Courts, Board of Directors, Chair, 2000–08;
- (h) Conference of Chief Justices, Board of Directors, 2001-02, 2003–06;
President, 2007–08;
- (i) FBI's Criminal Justice Information Services Advisory Policy Board,
Liaison, 2009 – Present.

Chief Justice Toal provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Church:
St. Joseph's Catholic Church

- Lector (Lay Reader);
- (b) Fraternal:
 Phi Beta Kappa
 Order of the Coif
 Phi Alpha Delta Legal Fraternity
 Phi Delta Phi Legal Fraternity
 ODK Leadership Fraternity
 Mortar Board Leadership Fraternity
 Kosmos Club;
- (c) Civic and Educational:
 FBI's Criminal Justice Information Services Advisory Policy Board,
 Liaison, 2009 – Present;
 American Inns of Court Foundation, Board of Trustees, 2008-09
 Representative, 2008 – Present;
 National Center for State Courts, Board of Directors, Chair, 2007-08
 Conference of Chief Justices
 Board of Directors, 2001–02, 2003–06
 President, 2007-2008;
 Agnes Scott College Board of Trustees, 1997 – 2008;
 Kosmos Club, 1996 – Present;
 USC Bicentennial Commission, 1999 – 2001;
 Women Helping Women Achieve, USC Women's Athletic Programs, 1998–
 2006;
 Chair, SC Rhodes Scholar Selection Committee, 1994;
 ABA Presidential Working Group on the Unmet Legal Needs of Children and
 Their Families, 1993;
 SC Commission on Continuing Legal Education and Specialization,
 1992 – Present;
 Chair, SC Juvenile Justice Task Force, 1992–94;
 New York University, Appellate Judges Seminar, 1988;
 Trustee, Columbia Art Museum, 1980–85;
 SC Workers' Compensation Study Committee, 1978–88;
 Board of Visitors, Clemson University, 1978;
 Founder, First Chairman, Shandon Neighborhood Council, 1972–74;
 SC Human Affairs Commission, 1972–74;
- (d) Honors:
 Celebration of Inspiring Women, Women in Philanthropy and Leadership for
 Coastal Carolina University, 2013;
 Beacon of Justice Jurist of the Year, SEABOTA Southeast Chapter, 2011;
 Great Women, Great Chiefs, Albany Law School, 2011;
 Sandra Day O'Connor Award for the Advancement of Civics Education, National
 Center for State Courts, 2010;
 Pursuit of Justice Award, ABA Tort Trial & Insurance Practice Section, 2008;
 Honorary Doctor of Laws, Converse College, 2008;
 Honorary Doctor of Laws, Charleston School of Law, 2007;

Richland County School District 1 Hall of Fame Award, 2005;
Margaret Brent Women Lawyers of Achievement Award, American Bar Association Commission on Women in the Profession, 2004;
Government Technology Top 25 Doers, Dreamers and Drivers, 2002;
Center for Digital Government, In the Arena Award, 2002;
Honorary Doctor of Law, University of SC, 2000;
Honorary Doctor of Law, The Citadel, 1999;
SC Trial Lawyers Association, Portrait Honoree, 1995;
SC Women Lawyers Association, Jean Galloway Bissell Award, 1995;
Richland County Bar Association (SC), John W. Williams Award, 1994;
Dreher High School Hall of Fame, 1994;
Congaree Girl Scout Council Woman of Distinction, 1993;
SC Public Relations Society of America, Citizen of the Year, 1992;
Honorary Doctor of Laws, Columbia College, 1992;
Agnes Scott College, Outstanding Alumnae Award, 1991;
University of Notre Dame Award, 1991;
Algernon Sidney Sullivan Award, University of SC, 1991;
Honorary Doctor of Humane Letters, College of Charleston, 1990;
University of SC Mortar Board Woman of the Year, 1989;
SC Pharmacists Association Legislator of the Year, 1985;
SC Municipal Association DSA Award, 1980;
Columbia Record, Ten for the Future, 1976;
Greenville News Outstanding Legislator of the Year Award, 1976;
Recipient, Columbia Jaycees DSA Award, 1976;
Columbia BPW Career Woman of the Year, 1974.

Chief Justice Toal further reported:

It is a rare privilege given few in life to have been allowed to serve as an Associate Justice and as Chief Justice on the SC Supreme Court for the past 25 years. Today I am still filled with the same excitement and love for my work with which I began my service on March 17, 1988. I believe I have been a productive member of our Court. I have written approximately 1,150 majority opinions for our court in the 25 years of my tenure. I have also written approximately 130 dissenting opinions. The opinions I have written for the Court have addressed virtually every area of the law. I have prepared opinions for the Court analyzing and deciding issues related to the United States Constitution and the SC Constitution. I have written opinions interpreting both federal and state legislation. My opinions have ranged from those involving criminal appeals, civil appeals, appeals from administrative agencies (including, but not limited to, the Worker's Compensation Commission, the SC Public Service Commission, the SC Health and Human Services Finance Commission, the SC Department of Revenue, the State Crop Pest Commission, and the SC Coastal Council), election contests, domestic appeals, and appeals arising from probate court. I have written opinions for the Court addressing certified questions from Federal District Courts. I have written several opinions for the Court where the death penalty was at issue for the appellant. I have written opinions for the Court in which the appellant was attacking an act of the legislature as unconstitutional

(including, but not limited to, the SC Tort Claims Act, certain tax commission regulations, the Video Gaming Act, and certain sections of the probate code). I have written opinions for the Court that have become important precedents regarding the admissibility of certain evidence and regarding both civil and criminal procedures. I read and independently research, where appropriate, every matter that comes before our Court. I participate actively in Continuing Legal Education Seminars as a teacher and as a student.

As an Associate Justice, I was assigned several special projects by each of the Chief Justices under whom I have served. These projects included:

1989-90 Chair and Co-Drafter of the new SC Appellate Court Rules, submitted to the General Assembly in 1990, made effective 9-1-90, the first major revision of the rules since the mid 1970's;

1989-91 Supervised Supreme Court Building Renovation Project including presentations to House Ways and Means, Senate Finance, Joint Bond Review Committees and Budget and Control Board; attendance at all construction team meetings with General Services, contractors, and architect; daily site inspection for 13 months; resulting project completed under budget;

1992-94 Chair, SC Juvenile Justice Task Force created with the encouragement of Governor Carroll Campbell and US District Judge Joseph Anderson to study the Juvenile Justice Department and suggest lower cost, more effective alternative programs for the confinement of juveniles who pose a risk to the community and rehabilitation of convicted juveniles. The resulting Task Force Report was presented to the Governor, the General Assembly and Judge Anderson;

1993-94 Chair, Task Force for Adoption of SC Rules of Evidence patterned on the Federal Rules of Evidence. This was a large research and drafting project undertaken by the Court and its staff attorneys. The finished product, including Court drafted Reporters Comments, was submitted to the 1995 General Assembly and became effective September 3, 1995. SC became the 36th state to adopt a form of the Federal Rules of Evidence;

1992-2000 Court liaison with Budget and Control Board, DSS, Clerks of Court and the Governor's Office on implementation of a computerized Child Support Enforcement System;

1992-2000 Court supervisor of our new Information Technology Unit. We are proceeding, with support from the General Assembly, to computerize our judges' offices statewide.

As Chief Justice, I have taken very seriously my responsibility under Canon 4. I travel the state speaking to all manner of audiences – business, law enforcement, school children, lawyers, church groups, civic organizations, judges of all levels, local government leaders, and other community groups. I have given hundreds of addresses in my judicial career discussing the judicial system and its impact on our society.

I have chosen to highlight the use of technology to improve the delivery of justice, especially in rural SC. Electronic communication, research, and management are now used extensively in our state as a result of my efforts. We have completed an Internet-based Case Management System for Magistrates, Circuit Court and Appellate Courts. We are now building an electronic filing system for trial and appellate courts.

The Judicial Branch has been recognized statewide and nationally for our innovations in the use of technology in our courts. In October 2003, I gave the keynote address for the National Center for State Courts Court Technology Conference (CTC8) in Kansas City, Missouri. In my one-hour presentation, I told the SC story with great pride as a model for other states.

Greater professionalization of the Summary Court system, both Magistrate Court and Municipal Court, has been another focus of my administration. All levels of court are now provided with WestLaw research, funded by the SC Judicial Department. We negotiated a statewide contract, provided special templates for use by Magistrates, and provided the WestLaw system at our expense. We have upgraded judicial education, certification and technical training for the Summary Court bench. We also placed on line all forms and the multi-volume bench book. Magistrates are able to download the latest forms and keep much more current with the changes in the laws that affect their courts.

A closer working relationship with the 46 county Clerks of Court has been another strong point of emphasis by me. The SC Judicial Department has obtained several federal grants, which have provided some new computer and printer equipment for each Clerk of Court. All 46 clerks now have a Web page. These Web pages are the portal for an Internet-based, statewide Case Management System for Magistrates Court and Circuit Court (Common Pleas and General Sessions), which is now deployed in all 46 counties.

I made elimination of the large backlog in production of Circuit and Family Court transcripts by our Court Reporters a top priority when I became Chief. Some cases were over two years from request. We completely reworked our management and assignment techniques. We revised, updated and republished the Court Reporters manual. We increased the per page fee for transcripts for the first time in many years. The backlog has been eliminated, and the system is functioning well.

I have formed a strong partnership with the Solicitors, Public Defenders and the Law Enforcement community to focus on improving the backlog of cases in General Sessions Court. These backlogs cost the counties thousands of dollars in jail expenses for those awaiting trial who are not out on bond. The victims, defendants and the community all suffer when these criminal cases are not resolved. Large backlogs also send negative messages to the offender community about whether the state is serious about enforcing its laws.

Finally, I have initiated an outreach to SC students and teachers. In 2001, the Supreme Court and Court of Appeals held oral arguments on the main campus of the University of SC and at each of its branch campuses in recognition of the bicentennial of the establishment of the university. College students were invited to hear the arguments and participate in a Question and Answer session with the Court. This proved so successful that each appellate court has begun to sit in other locations in the state and to include high school students in these sessions. The Supreme Court also conducted a term in the historic Charleston Courthouse to honor its reopening after its "post Hugo" total restoration. In 2003, the Supreme Court began the Case of the Month and Class Action programs. The Class Action Program brings middle- and high-school students to the state Supreme Court to attend oral arguments and a Question and Answer session with our Court. With the consent of the lawyers and parties, a case is designated "Case of the

Month.” The Case of the Month Program provides streaming video of a case argued before the state Supreme Court. In addition, students are allowed to review the briefs submitted for the case. In 2005, the Supreme Court in conjunction with the SC Bar Law Related Education Division started the SC Supreme Court Institute. This program for middle- and high-school social-studies teachers teaches them how to bring law to life for their students. In 2009, I was instrumental in making SC one of the first pilot states for Justice Sandra Day O’Connor’s iCivics project, a web-based interactive civics education program that teaches students about the judiciary in particular and civics and government in general through the use of video games. I also support the use of “Justice Case Files,” a graphic novel series developed by the National Center for State Courts that gives students insight into how judges make decisions, how the courts protect the public, and why courts are so important to a democratic society.

I am personally involved in extensive teaching activities. I have also continued to author scholarly articles and books on legal topics.

(11) Special Questions for Candidates for the Chief Justice Seat:

(a) [1] Pursuant to Article V, Section 4 of the Constitution of this State, the Chief Justice of the Supreme Court is the administrative head of the unified judicial system. Explain what you believe to be the proper role for the Chief Justice to play in administering the court system.

Some historical context is helpful in describing the constitutional responsibility of SC’s Chief Justice. As the presiding officer of this state’s highest appellate court, the Supreme Court of SC, the Chief Justice, with the assistance of the Clerk of Court and the staff of the Supreme Court, oversees agendas and terms of court. As the Chief Administrative Officer of the Judicial Branch, the Chief Justice supervises the operation of the entire statewide court system.

Prior to 1973, SC’s statewide court system consisted of five Supreme Court justices and 16 Circuit Court judges. Other court business was conducted by a hodgepodge of county courts created by county legislative delegations, popularly elected probate courts and magistrate courts, and masters-in-equity courts whose judges were selected by the senator or by county delegations. The trial terms of circuit courts were set by the General Assembly.

In the late 1960s, the General Assembly created a constitutional modernization commission to recommend article-by-article revision modernization of the SC Constitution of 1895. The West Commission, as it was known, was comprised of legislative leaders, prominent lawyers, business leaders, and academics. The Commission recommended wholesale revision of Article V, the Judicial Article. The guiding concept of judicial reform was the creation of a unified court system administered by the Chief Justice. Hodgepodge courts would be eliminated, and legislative control of the day-to-day administration of courts would be relinquished. The General Assembly would elect all statewide judges. Masters-in-equity and Magistrates would be appointed by the governor, with the advice and consent of the Senate. Probate judges would continue to be popularly elected.

In 1972, modernized Article V was adopted by the people of SC. It was ratified by the General Assembly in 1973. It then took another four years for the General Assembly to adopt implementing legislation. The circuit court was expanded and a statewide family court system was created.

Our modern day SC Constitution sets forth the duties of the Chief Justice. Article V § 2 provides for a five member Supreme Court presided over by the Chief Justice or, in his absence, the senior Associate Justice. Article V § 5 provides for the administrative responsibilities of the Chief Justice. The Chief is the administrative head of the unified judicial system. He is required to appoint an administrator of the courts and authorized to appoint such assistants as he deems necessary to administer the courts of the State. The Chief Justice is required to set the terms of court of any court and to assign judges for any court in the unified system. Pursuant to Article V § 7, the Chief Justice is also required to supervise the setting of terms of court for the Court of Appeals.

Over the years since the 1970s, the Chief Justice has become responsible for the administration of a trial and appellate court system of increased complexity.

The Supreme Court itself includes the Office of the Clerk of Court, the Chief Staff Attorney, the Board of Bar Examiners, the Reporter, and the Supreme Court Library. The Clerk of Court operates as the Chief Administrative Officer for the Supreme Court. The Chief Justice interacts daily with the Clerk and the Court's divisions. These activities are a mixture of decisions made as the Court's presiding officer regarding motions, scheduling, briefing and the like, and decisions made as the Supreme Court's administrative officer involving everything from personnel matters to management of the courthouse physical plant.

Beyond the administration of the Supreme Court itself, the Chief is involved on a daily basis in management of scheduling of terms of court assignment of judges, financial and budget matters, emergency disciplinary matters, information technology policy, and response to inquiries from the other two branches and the general public, interaction with individual judges across the state, presentations to lawyers, judges and members of the general public and interaction with elected officials and staff from both the Legislative and Executive branches.

[2] As a follow-up, describe your managerial style, focusing on what you perceive to be your strengths and weaknesses as a manager and leader.

When I became Chief Justice, I created a management structure for the Judicial Branch which consists of six directors: Director of Court Administration, Clerk of the Supreme Court, Clerk of the Court of Appeals, Director of Finance and Personnel, Disciplinary Counsel, and Director of Information Technology. These directors meet at least once a month to discuss key administrative issues and initiatives. The meetings are staffed by the Executive Assistant to the Chief Justice. Information is exchanged as to the operation of the court system and solutions are developed collaboratively. As Chief, I meet with each of the

directors many times each week to provide guidance and final decision on court operations.

The Chief Justice initiates policy initiatives and budgetary planning. In addition, the Chief Justice regularly interacts with the administrative staff.

The Chief Justice is responsible for preparing the annual budget for submission to the Governor's Office and presentation to the House Ways and Means and Senate Finance Committees. The Chief Justice also supervises the administration of expenditures under the current fiscal year's operational appropriations.

Setting of terms of Court for Family and Circuit Court and appointment of Chief Administrative Judges for these courts and County Chief Administrative Magistrate Judges is made on a six-month basis by order of the Chief Justice. On a daily basis, I sign orders adjusting assignments of magistrates, family court judges, circuit court judges, senior active judges as recusals, illness or emergency needs may require.

Disciplinary and personnel supervision of judges and non-judge judicial personnel require weekly interaction between the Chief Justice and the directors.

The management of SC's courts enjoys a strong, national reputation for efficiency and fairness despite the fact that we devote a smaller amount of our judicial budget to administrative functions than the majority of states.

My biggest weakness on the administrative side is my tendency to try to "do it all myself." Most of the time I have served as Chief Justice, the State has suffered from a series of financial challenges that have made me reluctant to hire additional administrative personnel.

The exception has been in the area of information technology. When I became Chief Justice, I was faced with large trial backlogs and lack of any standardized method of managing the State's trial dockets. Most court records were still managed by hand with paper records and indexes. Automation was a clear necessity if we were to achieve more efficiency with dwindling state financial resource for the courts.

The development of a statewide automated case management system for each county Clerk of Court, all Summary Courts and the two appellate courts has been my major achievement in bringing modern organization to the way courts do business in SC.

Our Internet-based trial and appellate case management system is now fully deployed. This system was built almost entirely with federal funding. It is a model for the country.

- (b) The Chief Justice is also responsible for overseeing the budgetary priorities of the courts. What do you believe are the most significant budgetary priorities for the court system in the immediate future, and how would you attempt to meet those needs?

When I began as Chief Justice 13 years ago, the state annually spent about \$46 million out of a \$5 billion budget to operate the third branch of government. Almost all of this annual appropriation was general revenue funding.

Today, the annual budget of the Judicial Department is approximately \$65 million. About \$45 million is appropriated from general revenues, but 30 percent, or almost \$20 million, is derived from fines, fees and other funds. The amount of fees generated is subject to fluctuation influenced by the economy.

Developing more stability in funding continues to be a challenge for state courts all over the country. Our technology initiatives continue to help the courts of SC wring the maximum value out of the funds we are appropriated. The General Assembly has recently granted us capital funding to build a statewide electronic filing system. The design of this project is underway. It will make our courts far more efficient and make court records more accessible to judges, litigants and the general public. Additionally, since the Judicial Branch will own the system, we will be able to use the fees generated to support the information technology system we have built without relying so heavily on additional state appropriations for this division.

- (c) What do you consider to be the most significant challenges facing the SC court system in the foreseeable future, and what specific steps would you take to meet those challenges?

Finance and Sound Management

Stable financial support will continue to be a challenge for the state's judicial branch. Building confidence in the Legislative and Executive branches by continuing to emphasize effective management of the court's business process is the strongest way to assure continued support for Judicial Branch funding.

Additionally, the state's economic progress is very much impacted by the sound management of its court system. Many major American corporations outsourced abroad in the last 20 years to avoid overregulation and high labor costs. These corporations have now found that in many overseas jurisdictions, their copyrights and patents are not protected, their contracts are not enforced and corruption, not the rule of law, prevails. Many are now insourcing, coming back home. When these corporations look at a proposed location, they examine the efficiency and stability of the prospective state court system.

Under my watch, SC's courts have been a bright beacon for our state. I would continue to emphasize the management style which has engendered the confidence of the business community.

Public Trust & Confidence in the Rule of Law

National studies reveal that the general public is woefully unfamiliar with how courts operate and what significance the court system really has in their daily life. Basic societal stability and safety is in the most fundamental way dependent on the existence of a vibrant system for resolving civil disputes and enforcing fairly enacted criminal laws.

Many nations around the globe have systems which, on paper, mirror ours. They have constitutional guarantees of individual and property rights, fairly elected legislative and executive branches and a legal system which enforces the law and checks the unconstitutional misuse of power by the executive and legislative. But many of these nations exist in societal chaos, corruption, and lack

of basic protection of human rights because their court systems are not independent.

In this country, and in our state, court leaders have the duty to actively participate in civic education for adults and children. We also have a duty to operate our courts fairly, respectfully and impartially.

I have instituted many programs of civic education across our state. Additionally, my creation of The Chief Justice's Commission on the Profession, at the encouragement of then SC Bar President Dewey Oxner, has very effectively advanced the cause of professionalism for lawyers and judges. Programs such as year-long mentoring of each new lawyer, revamping of the disciplinary system for lawyers and judges, and development of civility programs for all lawyers are examples of successful efforts by the Commission to enhance the public's confidence in the courts of SC and its legal profession.

[Issues Related to] Increasing Societal Violence

SC has made strides in reducing non-violent crime, but violent crime continues to be a threat to societal peace and good order.

One of the most effective methods of reducing violent crime is to swiftly, effectively and fairly process outstanding violent crime cases. I would continue to emphasize establishment of good management practices for our criminal dockets.

Backlogs cost the local government dearly in housing costs for those who are not out on bond. Delay in trial encourages many out on bond to re-offend.

- (d) Based on your present plans, discuss the length of time you intend to serve as the Chief Justice if you are nominated by the Commission and elected to this position by the members of the General Assembly, and describe the accomplishments you hope to achieve over that time span.

I intend to retire on December 31, 2015, the end of the year following my 72nd birthday which will occur August 11, 2015.

In these additional two years, the following are among the priority projects I hope to accomplish:

1. Supervise the construction and deployment of the statewide electronic filing system.
2. Modernize our current court reporter system by enhancing the use of voice recognition generated trial records. The available pool of court reporters is diminishing in SC, as it is nationwide. The inability to quickly generate trial transcripts and records is the primary cause of delays in appellate disposition of cases.
3. Implement on a statewide basis the business court docket system now piloted in Charleston, Richland and Greenville for complex business-to-business disputes.
4. Modernize the management of General Sessions dockets by increased use of differentiated case management which establishes deadlines and benchmarks for the disposition of each pending criminal case.
5. Increase the use of therapeutic courts such as drug courts, criminal domestic violence courts, elder courts, and veterans' courts in giving

special management to criminal cases involving non-violent charges where addiction and/or behavioral issues can be addressed by trained professionals. Use of these tools can be powerful in reducing recidivism and jail populations for non-violent offenders.

6. Continue to supervise the renovation of the Calhoun and Supreme Court Buildings. Currently, with financial contributions from the SC Judicial Department and funding from the Budget and Control Board, I am supervising the waterproofing of the basement of the Calhoun Building and renovation of this space for the Clerk of Court's Office and records. The original entrance to the building is being reengineered to admit the general public via a lobby in the ground floor (basement). I have presented to the Joint Board Review Committee, State House Committee, SC Archives and History, the Budget and Control Board, the House Ways and Means Committee and the Senate Finance Committee. I have received approval of architectural and engineering plans and the project from all of these entities and this project is underway.

Other structural issues affecting the windows, exterior wall and roof of the Calhoun Building are being studied and engineered under my supervision. Staged in projects will be presented to the appropriate committees as funds permit.

The Supreme Court Building also has structural and water penetration issues. Engineering studies are underway, and the Judicial Department is contributing its funds to this effort.

I try to reserve every year, a portion of my state budget in unspent funds for capital improvements. I inform all budgeting authorities of the amounts carried forward and present the projects for approval. I do this because General Services is chronically underfunded. I believe I can effectively manage these construction project to conclusion.

- (e) Discuss what plans, if any, you have for fostering collegiality on the Supreme Court and through the court system in general.

I believe collegiality among the members of the SC judiciary has been the hallmark of my administration as Chief.

This atmosphere of affection and respect begins for a trial judge with an initial mentorship. Each family or circuit court judge is paired with an experienced judge for several terms of court. They co-preside and then preside under the supervision of the experienced judge.

What they learn about the practical aspects of conducting court is invaluable. They also form career-long bonds with more experienced colleagues and learn firsthand how committed SC judges are to helping each other succeed.

The Judicial Branch also conducts a new judges school. This intense, all day, three-day-long seminar covers courtroom and docket management, technology, bench book resources, ethical rules, and practical tips about the conduct of many types of trials. These seminars and the detailed bench books and manuals are developed by our judges.

The faculty is comprised of our own judges and administrative staff, law professors and attorneys.

SC has the smallest number of judges per capita of any state in the country. The per-judge caseloads are the heaviest of any state. The key to our ability to provide effective justice for SC is our judges' heartfelt commitment to the integrity of the rule of law and to our courts as an institution. Our collegiality is at the center of our success.

I have a deeply personal relationship with each statewide judge. I also have a close, personal relationship with many of our Summary Court judges. I celebrate their success with emails, telephone conversations and in-person meetings.

I also have close, personal relationships with the Clerks of Courts, Solicitors and Public Defenders. I attend every statewide meeting these members of the broader court family conduct.

With my statewide judges, I mentor their performance and contact judges frequently to praise their successes. If I receive inquiries of concern regarding a judge's performance that do not require immediate submission to Disciplinary Counsel, I have staff look into the concern. I then meet privately with the judge always accompanied by a member of Court Administration or the Clerk of the Supreme Court. These counseling sessions are conducted with dignity and respect but with candor. In the vast majority of cases, I am able to successfully resolve these performance issues. I believe the judges feel they can trust my honest and compassion. This approach has fostered a strong atmosphere of collegiality, and has given the judges the confidence to confide in me. It is well known that I will handle concerns with discretion. It is also well known that I will not hesitate to send a matter to Disciplinary Counsel where lawyer and judicial conduct rules require investigation.

Fostering collegiality on the Supreme Court requires attention to how we treat each other but also how we work together as a court. Unlike the work of an individual trial court, the decision of an appellate court is a collective and collaborative one. The nation's first Chief Justice, John Marshall, considered speaking with one voice an essential element of engendering public trust and confidence in America's newly created Judicial Branch. For most of his service, no dissents were filed by members of the US Supreme Court. As the American appellate courts, both state and federal, have matured, concurring and dissenting opinions have become an important part of developing this country's jurisprudence.

Collegiality in disagreement and respect for the views of others has been a hallmark of the SC Supreme Court in my years as its Chief. I will continue to encourage us to "speak with one voice" whenever circumstance and good conscience permit. I believe, as did John Marshall, that public confidence in our opinions is maximized when our rulings are clear and unified.

(12) Commission Members' Comments:

The Commission commented that Chief Justice Toal is imminently qualified for continued service as Chief Justice of the SC Supreme Court based on her twenty-five years as a Justice, first as an Associate Justice and then for the past thirteen years as Chief Justice on the SC Supreme Court. They noted her many accomplishments as Chief Justice, including but not limited to, the completion of an internet-based case management system for magistrates, circuit court, and appellate courts, traveling the state to speak to many different audiences about the judicial system, and her sound fiscal management of the courts especially in lean economic times.

(13) Conclusion:

The Commission found Chief Justice Toal qualified and nominated her for re-election as Chief Justice of the Supreme Court.

CIRCUIT COURT QUALIFIED AND NOMINATED

The Honorable Alison Renee Lee

At-Large, Seat 11

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Lee was born in 1958. She is 55 years old and a resident of Columbia, SC. Judge Lee provided in her application that she has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1984. She has been licensed in Texas since 1982 and in Louisiana since 1983.

(2) Ethical Fitness:

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

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

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

(3) Professional and Academic Ability:

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) Circuit Judges Conference	05/05/09;
(b) SC Association for Justice	08/06/09;
(c) Annual Judicial Conference	08/19/09;
(d) SC Women Lawyers' Conference	09/30/09;
(e) SC Bar Civil Law Update	01/22/10;
(f) SC Bar Criminal Law Update	01/22/10;
(g) Circuit Judges Association	05/05/10;
(h) SC Association for Justice	08/05/10;
(i) Annual Judicial Conference	08/18/10;
(j) SC Women Lawyers' Conference	10/22/10;
(l) SC Defense Trial Lawyers' Association	11/11/10;
(l) Circuit Judges Conference	05/05/11;
(m) SC Historical Society Colloquium	05/09/11;
(n) US Fourth Circuit Judicial Conference	06/24/11;
(o) Annual Judicial Conference	08/17/11;
(p) SC Women Lawyers' Conference	10/21/11;
(q) SC Bar Civil Law Update	01/20/12;
(r) SC Criminal Law Update	01/20/12;
(s) Circuit Judges Conference	05/02/12;
(t) Association for Justice	08/02/12;
(u) Annual Judicial Conference	08/22/12;
(v) Defense Trial Lawyers Conference	11/08/12;
(w) SC Bar Civil Law Update	01/25/13;
(x) SC Bar Criminal Law Update	01/25/13;
(y) Circuit Judges Conference	05/03/13;
(z) US Fourth Circuit Judicial Conference	06/28/13.

Judge Lee reported that she has taught the following law related courses or lectured at the following conferences, institutions or judicial education programs:

- (a) August 1985 Judicial CLE on Settling the Family Court Record on Appeal;
- (b) September 1985 CLE Federal Court Practice: Pretrial Orders, Sanctions & Local Rules;
- (c) November 1993 Drafting Criminal Laws under the Sentencing Classification Act in house CLE for Legislative Counsel;
- (d) Bridge the Gap (May 1996, March 1997, May 1997, March 1998, May 1998) Practice Tips for the Administrative Law Judge Division;
- (e) January 1997 CLE Update for the Administrative Law Judge Division;
- (f) March 1998 SC Practice & Procedure Update: Rules of the Administrative Law Judge Division;
- (g) May 1998 SC Women Lawyers' CLE panel discussion on What Works and What Doesn't;
- (h) February 2000 CLE Tips from the Bench: Circuit Court Motions/Appeals;
- (i) December 2002 CLE Lawyer Conduct/Ethics - Civil Cases;
- (j) April 2003 SC Women Lawyer's CLE – Effective Use of Exhibits at Trial;

- (k) October 2004 Black Lawyers' CLE panel on civility and ethics;
- (l) October 2005 CLE on Criminal and Trial Advocacy, panel discussion;
- (m) September 2006 Black Lawyers' CLE panel on tips from the bench;
- (n) December 2006 Municipal Association speaker on ethics.

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

(4) Character:

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

The Commission also noted that Judge Lee 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 Lee reported that, to her knowledge, she is not rated by any legal rating organization.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Lee was admitted to the SC Bar in 1984.

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

- (a) 1982-83 Law Clerk, Honorable Israel M. Augustine, Jr., Louisiana Fourth Circuit Court of Appeals;
- (b) 1983-84 Law Clerk, Honorable C. Tolbert Goolsby, Jr., SC Court of Appeals;
- (c) 1984-89 Associate, McNair Law Firm, P.A., primarily litigation in contract or consumer related issues. Last two years practiced labor and employment related litigation;
- (d) 1989-94 Staff Counsel, SC Legislative Council, drafting legislation and amendments for members of the General Assembly in the areas of transportation, crime, corrections and prisons, and education;
- (e) 1994-99. Administrative Law Judge presiding over administrative hearing relating to insurance, environmental permitting, alcoholic beverages, wages, taxes, video poker, bingo, appeals from occupational licensing boards, and hearings on regulations promulgated by certain state agencies;

- (f) 1999-present. Circuit Court Judge. Court of statewide general jurisdiction in criminal and civil matters. Appellate jurisdiction over municipal, magistrate, and probate cases.

Judge Lee reported that she has held the following judicial offices:

- (a) Administrative Law Judge, March 1, 1994 - March 4, 1999;
- (b) Circuit Court At Large, Seat 11, March 5, 1999 - present.

The following is Judge Lee's account of her five most significant orders or opinions:

- (a) Chastain v. AnMed Health Foundation et al., (SC Cir. Court, Anderson Co. 2008), aff'd, 388 SC 170, 694 S.E.2d 541 (SC 2010).

The plaintiff brought a medical malpractice claim against the charitable hospital and its nurses. The plaintiff had to establish that the nurses were grossly negligent to obtain a verdict against them individually. After hearing the testimony during the course of the week, the jury returned a verdict against the hospital only. The jury specifically found that the nurses were not grossly negligent. The hospital was a charitable organization which, under the statutes, would only be liable up to \$300,000 per occurrence. Based upon post trial arguments, I reduced the \$1.54 million verdict to \$300,000. The plaintiff appealed claiming that there was more than one occurrence and therefore her damages should not have been limited. On appeal, the decision was affirmed;

- (b) Jordan et al. v. Holt et al., 96-CP-26-3792 (SC Cir. Court, Horry Co. 1999), aff'd 362 SC 201, 608 S.E.2d 129 (2005).

This was a non-jury trial in partners in a failed restaurant venture sought dissolution of the partnership, an accounting of the assets and claims for damages from the operation of the business. The trial lasted one week and involved voluminous documents, checks, records and photographs;

- (c) Graham v. Town of Latta, SC, Docket No. 2008-CP-13-0376 and 0377 (SC Cir. Court, Dillon Co. 2012), currently on appeal.

The plaintiffs were homeowners whose property was flooded during a severe rain event. They sued the Town of Latta claiming it failed to properly maintain the sewage and rainwater drainage system. Additionally the plaintiffs alleged that problems with the pipes led to the overflow in their yard which caused the repeated flooding of the property. They sued claiming negligence, trespass and inverse condemnation. The town raised issues of immunity under the state's Tort Claims Act, which limits liability for a governmental agency. There were numerous motions relating to the immunity and the claims. I granted many of the motions, reserving the claim of negligence for the jury. The jury returned a verdict in favor of the plaintiffs;

- (d) State v. Tony Watson, Docket No. 2010-GS-40-10224 (SC Cir. Court, Richland Co. 2012), currently on appeal.

Watson was charged with murder and filed a motion to determine his immunity from prosecution under the Protection of Persons and Property Act based upon the Castle Doctrine. After an evidentiary hearing, I ruled that he was entitled to immunity. The State has appealed;

- (e) Curtis v. SC, Docket No. 99-CP-23-2463 (SC Cir. Court, Greenville Co. 2000).
Mr. Curtis sought to enjoin the state from enforcing a statute prohibiting the sale of urine in interstate commerce and to declare the statute unconstitutional.

Judge Lee further reported the following regarding unsuccessful candidacies:

- (a) 1997, Candidate for Circuit Court At Large, Seat 10, qualified and nominated;
- (b) 2003, Candidate for Court of Appeals, Seat 6, qualified, not nominated;
- (c) 2004, Candidate for Court of Appeals, Seat 1, qualified, not nominated;
- (d) 2008, Candidate for Court of Appeals, Seat 3, qualified and nominated;
- (e) 2009, Candidate for Court of Appeals, Seat 5, qualified, not nominated.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee found Judge Lee to be "Qualified" as to constitutional qualifications. They found her "Well Qualified" as to ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament. The Committee stated, "Judge Lee enjoys an excellent reputation for her legal knowledge and excellent demeanor. She has a wealth of experience. As several attorneys have noted, Judge Lee 'tries to get it right' regardless of the parties or the lawyers. She works hard and obviously cares deeply about being a judge." The Committee stated in its summary, "She is extremely well qualified."

Judge Lee is married to Kenzil Franklin Summey. She has two children.

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

- (a) Richland County Bar Association;
- (b) Black Lawyer Association;
- (c) SC Women Lawyers Association, Board of Directors since 2010;
- (d) American Bar Association;
- (e) National Conference of State Trial Judges.

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

- (a) Alpha Kappa Alpha Sorority;
- (b) Columbia Chapter, The Links, Incorporated, Vice-President and President;
- (c) Moles, Inc.;
- (d) St. Peter's Catholic Church, Finance Committee.

(11) Commission Members' Comments:

The Commission members commented that Judge Lee has had a good career on the bench. They agreed with the sentiment of the SC Bar and the Midlands Citizens

Committee for Judicial Qualifications that Judge Lee has served with distinction. Specifically, the Commission members commented that it is unfortunate that she has been subject to criticism for her handling of bond issues. They expressed that she has not violated any constitutional or statutory bond provisions.

(12) Conclusion:

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

The Honorable Thomas A. Russo

At-Large, Seat 12

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to S.C. Code Ann. §2-19-40, the chairman of the Commission determined the public hearing for Judge Russo was unnecessary as there was no request for a hearing by at least six members of the Commission, his candidacy for re-election was uncontested, and there was no substantial reason for having a public hearing regarding his candidacy.

(1) Constitutional Qualifications:

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

Judge Russo was born in 1955. He is 58 years old and a resident of Florence, SC. Judge Russo provided in his application that he has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1987.

Judge Russo previously held membership in the Georgia Bar from 1988-2012.

(2) Ethical Fitness:

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

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

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

(3) Professional and Academic Ability:

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) 23rd Annual SC Criminal Law Update	01/25/2008;
(b) 6th Annual Civil Law Update	01/25/2008;
(c) SCCJC – Annual Judge's Conference	05/14/2008;
(d) SCAJ- SCAJ Annual Convention	08/07/2008;
(e) SCCA Judicial Conference	08/20/2008;
(f) SCDTAA - Annual Meeting	11/13/2008;
(g) 7th Annual Civil Law Update	01/23/2009;
(h) 24th Annual SC Criminal Law Update	01/23/2009;
(i) SCCJC – Annual Judge's Conference	05/06/2009;
(j) SCAJ – Annual Conference	08/06/2009;
(k) SCCA – 2009 Annual Judicial Conference	08/19/2009;
(l) SC Bar – Civil Law Update	01/22/2010;
(m) SC Bar – Criminal Law Update	01/22/2010;
(n) SCCJC – Annual Judge's Conference	05/05/2010;
(o) SCAJ – SCAJ 2010 Annual Convention	08/05/2010;
(p) SCCA – 2010 Judicial Conference	08/18/2010;
(q) SCDTAA – 43rd Annual Meeting	11/11/2010;
(r) SC Bar – Criminal Law Update	01/21/2011;
(s) SC Bar – Civil Law Update	01/21/2011;
(t) SCCJC – Annual Judge's Conference	05/04/2011;
(u) SCAJ – 2011 SCAJ Annual Convention	08/04/2011;
(v) SCCA – 2011 Annual Judicial Conference	08/17/2011;
(w) SC Bar – Criminal Law Update	01/20/2012;
(x) SC Bar – Civil Law Update	01/20/2012;
(y) SupCt – Lawyer Mentoring Second Pilot Program	03/01/2012;
(z) SCCJC – Annual Judge's Conference	05/02/2012;
(aa) SCAJ – 2012 Annual Convention	08/02/2012;
(bb) SCCA – 2012 Annual Judicial Conference	08/22/2012;
(cc) SCDTAA – Annual Meeting	11/08/2012;
(dd) SC Bar – Civil Law Update	01/25/2013;
(ee) SC Bar – Criminal Law Update	01/25/2013;
(ff) SCCJC – Annual Judge's Conference	05/01/2013.

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

- (a) Taught Business Law at Florence/Darlington Technical College 2001-05;

- (b) Taught “Trying DUI Cases in Municipal & Magistrates Courts” for SC Solicitors Association 2002;
- (c) Lectured at the SC Public Defenders Conference on, “Common Errors Judges witness from lawyers during jury trials.”

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

(4) Character:

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Russo was admitted to the SC Bar in 1987.

Judge Russo was admitted to the Georgia Bar in 1988.

He further stated, “I am no longer a member of the Georgia Bar. I voluntarily resigned my membership last year because it became apparent to me that I would never return to the State of Georgia to practice law. At the time of my resignation or withdrawal to practice law in Georgia, I was a member in good standing.”

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

- (a) June 2005 to Present – Circuit Court Judge At Large, Seat 12
Preside over all matters before the Circuit Court, i.e. Jury & Non-Jury Trials, Motions, Hearings, Pleas, etc.;
- (b) February 1999 to June 2005 – 12th Circuit Solicitors Office- Florence, SC;
Deputy Solicitor focusing on violent crimes & drug cases. Prosecute those type cases throughout the 12th Circuit;

- (c) March 1996 to February 1999 – Tri-County Public Defender – Edgefield, McCormick & Saluda Counties. Served as the contract Public Defender for the referenced counties while maintaining my private practice of law. Represented indigent defendants in General Sessions Court;
- (d) Oct. 1995 to Feb. 1999 – Law Office of Thomas A. Russo – Edgefield, SC
General practice of law with an emphasis in plaintiff’s personal injury work; also criminal defense, real estate closings, probate, contracts and adoptions;
- (e) Nov. 1993 to Oct. 1995 – Law Offices of Ronald A. Maxwell – Aiken, SC
General civil trial practice in all state and federal courts doing plaintiff’s personal injury work, workers compensation, products liability & wrongful death litigation;
- (f) Sept. 1991 to Nov. 1993 – 2nd Circuit Solicitors Office – Aiken, SC;
Deputy Solicitor focusing on all drug cases. Prosecute those type cases throughout the 2nd Circuit. Aided in establishing a multi-jurisdictional drug task force coordinating law enforcement agencies in the circuit’s 3 counties;
- (g) March 1988 to Sept. 1991 – Knox & Zacks, P.A. – Augusta, Georgia
Medical malpractice defense of physicians and hospitals. Plaintiff’s construction litigation, contracts and auto torts;
- (h) Sept. 1987 to April 1988 – Law Offices of Mitchell Willoughby – Columbia, SC
Communications law; Public Utilities law; Administrative law; Plaintiff’s civil work;
- (i) Dec. 1986 to Sept. 1987 – Honorable Joseph F. Anderson, Jr., United States District Court – Greenville, SC;
Law Clerk to Judge Anderson preparing briefs and memoranda for the Court and assisting Judge Anderson in carrying out the business of the Court.

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

June 2005-present as a Circuit Court Judge elected by the SC Legislature. My jurisdiction is limited to the trial courts of SC.

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

- (a) The State v. Gregory Daniels, October 10, 2012 –
In The Supreme Court Opinion No. 27180 – The Supreme Court affirmed the convictions of Mr. Daniels but proceeded to instruct the Court to remove from my charges any language suggesting that it is the jury’s duty to return a verdict that is “just” or “fair” to all parties, warning that such a charge could effectively alter the jury’s perception of the burden of proof, substituting justice and fairness for the presumption of innocence and the States burden to prove guilt beyond a reasonable doubt;
- (b) Berberich v. Naomi M. Jack, April 4, 2011 –
In The Supreme Court - Opinion No. 26955 – The SC Supreme Court reversed and remanded my decision in this comparative negligence case holding that it was reversible error to not instruct the jury on the definitions of all forms of negligence (i.e.- ordinary negligence, gross negligence and reckless willful or wanton conduct) whenever requested by a party;
- (c) The State v. Syllester D. Taylor, January 9, 2013 –

In The Supreme Court - Opinion No. 27207 – This case began in the appellate system with the SC Court of Appeals reversing a conviction of PWID Crack Cocaine holding that I was in error in not granting the defense motion to suppress the drug evidence do to an illegal warrantless search. Cert. was granted by The SC Supreme Court and that Court reversed the Court of Appeals and upheld the conviction, finding that my decision to deny the defense motion to suppress was proper under the “Totality of the Circumstances Test”;

- (d) The State v. Herman Donald McKnight, June 17, 2011 –

In The Court of Appeals – Opinion No. 2011-UP-303. The Court of Appeals affirmed my decision to deny the defendant’s request for a charge on involuntary manslaughter and upheld the defendant’s conviction for murder;

- (e) The State Accident Fund v. SC Second Injury Fund (In Re: Clinton Gaskins) v. Pee Dee Regional Transportation Authority, May 5, 2010 –

In The Court of Appeals – Opinion No. 4684. The Court of Appeals affirmed me in this case where the State Accident Fund (Carrier) sought reimbursement from the SC second Injury Fund (Fund) for monies paid to claimant for a stroke suffered during surgery for a work related back injury. The Court affirmed my decision that the agreement did not cover the Carrier’s expenses, also the Court affirmed my determination that the agreement was not void and finally the Court affirmed my refusal to apply equitable estoppel to the case.

Judge Russo further reported the following regarding an unsuccessful candidacy:

In February 2005, I was a candidate for the position of Resident Circuit Court Judge for the 12th Judicial Circuit. Prior to the election, I withdrew from the race because it became evident that I would not have the votes necessary to prevail and saw no need to waste the Legislature’s time in going through the voting process.

- (9) Judicial Temperament:

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

- (10) Miscellaneous:

The Pee Dee Citizen’s Committee on Judicial Qualifications found Judge Russo to be “Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee found Judge Russo “Well-qualified” in the remaining evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee stated in summary, “Judge Russo is a good blend of intelligence and compassion. He enjoys an excellent reputation on and off of the bench.”

Judge Russo is married to Cheryl Matthews Russo. He has three children.

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

- (a) SC Bar Association;

- (b) Florence County Bar Association;
- (c) US District Court Bar.

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

- (a) Member of Central American Mission team at Lamb's Chapel church;
- (b) Member of the Board of Directors for the Fellowship of Christian Athletes.

Judge Russo further reported:

I was temporarily suspended from the State of Georgia. When I was first elected to the bench in May of 2005 I received a Georgia Bar Dues Notice that my dues were past due. At that time I decided I would withdraw from the Georgia Bar since I felt I would not be practicing in Georgia again and it would be wasteful to continue to pay those dues. I prepared a letter to that effect but in the process of moving from the practice of law to my position on the bench that letter got lost in the shuffle and was never sent. Subsequently, I received a notice that I was suspended for not paying the dues. I immediately called the Georgia Bar authorities and although I explained my situation and that I wished to withdraw from practicing in Georgia I was informed that I could not withdraw while suspended and that I would have to be reinstated in good standing before I could withdraw. I immediately submitted the necessary paperwork to be readmitted and made the past dues current. It has turned out to be a lengthy process and I was reinstated and was a member in good standing with the Georgia Bar Association until my voluntary resignation last year. That oversight has been corrected, but I did want to discuss that situation.”

(11) Commission Members' Comments:

The Commission found Judge Russo to be well-respected on the Circuit Court bench by the members of the Bar as evidenced by the numerous positive comments from the Ballotboxonline surveys.

(12) Conclusion:

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

The Honorable Larry B. Hyman, Jr.

At-Large, Seat 13

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to S.C. Code Ann. §2-19-40, the chairman of the Commission determined the public hearing for Judge Hyman was unnecessary as there was no request for a hearing by at least six members of the Commission, his candidacy for re-election was uncontested, and there was no substantial reason for having a public hearing regarding his candidacy.

(1) Constitutional Qualifications:

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

Judge Hyman was born in 1949. He is 64 years old and a resident of Conway, SC. Judge Hyman provided in his application that he has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1976.

(2) Ethical Fitness:

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

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

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

(3) Professional and Academic Ability:

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) 2008 Orientation School for New Judges	7/9/08;
(b) 2008 Judicial Conference	8/20/08;
(c) 7 th Annual Civil Law Update	1/23/09;
(d) 24 th Annual SC Criminal Law Update	1/23/09;
(e) General Jurisdiction	4/19/09;
(f) Annual Judicial Conference	5/6/09;
(g) 2009 Orientation School	7/8/09;
(h) Annual Convention	8/6/09;
(i) 2009 Annual Judicial Conference	8/19/09;
(j) Civil Law Update	1/22/10;
(k) Criminal Law Update – Part 2	1/22/10;

(l)	SCAJ 2010 Annual Convention	8/5/10;
(m)	2010 Judicial Conference	8/18/10;
(n)	Criminal Law Section	1/21/11;
(o)	Trial & Appellate Advocacy Section	1/21/11;
(p)	2011 Annual Judicial Conference	8/17/11;
(q)	Part 2 Criminal Law Section	1/20/11;
(r)	Trial & Appellate Advocacy Section	1/20/11;
(s)	2012 Annual Judicial Conference	8/22/12;
(t)	Trial and Appellate Advocacy Section	1/25/13;
(u)	Part 2: Criminal Law Section	1/25/13.

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

- (a) I lectured at an approved CLE Seminar hosted by the SC Criminal Defense Lawyers Association in Charleston, SC, on May 26, 1997. My topic included technical aspects of the BAC DataMaster Breath Machine and legal aspects of its adoption for use in SC;
- (b) I also lectured at an approved CLE Seminar hosted by the SC Department of Transportation on November 14, 2003, in Columbia, SC. My topic was Trial Techniques in Condemnation Trials.

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

(4) Character:

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Hyman was admitted to the SC Bar in 1976.

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

I began my legal career following the bar exam in the fall of 1976. I was associated with Attorney Donald L. Van Riper out of Greenville, SC. I worked as a paralegal for Mr. Van Riper until I passed the bar exam. Thereafter, I became a partner and practiced in the areas of criminal, domestic and real estate law until April of 1977. In 1977, I returned to Horry County. My separation from Mr. Van Riper was on good terms and we remain friends to this day.

Upon my return to Horry County, I was given the opportunity to take over the practice of Attorney Sidney T. Floyd who had recently been elected as Resident Judge of the Fifteenth Judicial Circuit. Judge Floyd had been a sole practitioner engaged in the general practice of law for a number of years. This opportunity allowed me to begin practice as a sole practitioner. For approximately one year, Attorney Morgan Martin joined me in my practice. Mr. Martin was with me during 1979/1980 until he took a position as Deputy Solicitor in the Fifteenth Judicial Circuit. I was a sole practitioner after Mr. Martin's departure.

During the first ten years of my practice, I was primarily engaged in domestic law. Family court cases accounted for approximately 70% of my practice. The remainder of my practice included criminal law, real estate, contract litigation, and personal injury. In 1987 I ceased practicing any domestic law. I continued to have an active criminal law practice. However, my civil litigation expanded significantly. In addition to the usual personal injury cases, I successfully handled malpractice, wrongful death, construction, and condemnation cases. I remained active in real estate and general business law. Civil litigation accounted for 70% of my practice. My experience in the criminal courts ranged from handling traffic matters to capital cases. On the civil side of the court, I had experience handling complex plaintiff's cases as well as defending the State Department of Transportation in very complex condemnation cases.

From April 1984, through June 1987, I served as Municipal Judge for the City of Conway, SC. My responsibilities included the trial of all cases, compliance with Court Administration Reporting Rules, accounting for fines received, the issuance of all warrants for offenses occurring within the City of Conway, presiding over preliminary hearings and setting bonds in all cases but those involving potential penalties of life imprisonment or capital punishment.

I was elected to the Circuit Bench on February 6, 2008, and qualified on May 4, 2008. I have served continually since.

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

On April 2, 1984, I was appointed City Judge for the City of Conway, SC. I served until June 30, 1987. Jurisdiction of this court allowed me to issue all arrest warrants and search warrants for criminal offenses of any nature occurring in the city. I was also charged with the responsibility of setting bonds for all defendants except those charged with crimes involving a potential penalty of life in imprisonment or death. The

courts trial jurisdiction involved all offenses having a potential penalty no greater than \$200.00 in fines and/or thirty days in jail.

I was elected to the Circuit Court Bench in February 2008 and have served continually since May 4, 2008

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

- (a) Regions v. Wingard Properties, Inc. 715 S.E. 2d 348, 394 S.C. 241(App. 2011)

Regions Bank brought the action against developer to foreclose on mortgages, and the purchaser of the lot subject to mortgage intervened. Following a bench trial, I awarded the purchaser first priority equitable lien superior to Regions Bank's mortgage. The Court of Appeals, in an opinion written by Judge Pieper affirmed my ruling and held that: (1) The equitable principle of looking at substance over form permitted an award to the purchaser of an equitable lien; (2)The mortgage recording statute did not give the bank's mortgage priority over the purchaser's equitable lien; (3) The trial court properly considered the substantial likelihood that the purchaser of the lot would forfeit their down payment to the developer in awarding the purchaser an equitable lien; (4) The bank's failure to name the purchaser in their foreclosure action did not preclude the bank from seeking equitable relief against the purchaser under principle that he who seeks equity must do equity; and (5) The statute providing that future advances by lender relate back to the date of the mortgage did not give the bank's mortgage priority over the purchaser of lot's equitable lien.

- (b) Randall M. Green and Ann Green v. Wayne B. Bauerle, M.D., Wayne Bauerle, M.D., PC, and Grand Strand Regional Medical Center, LLC. Civil Action # 2011-CP-26-07403.

In my order granting Defendant Grand Strand Regional Medical Center, LLC's Motion for Partial Summary Judgment I held that (1) the Plaintiffs could not establish vicarious liability on the part of Defendant Grand Strand Regional Medical Center, LLC because the statutes of limitation and repose had expired as to Grand Strand's independent contractors or employees, and they cannot be held directly responsible for medical malpractice; (2) The Plaintiffs did not properly allege and cannot establish negligent hiring, supervision, and training on the part of Defendant Grand Strand Regional Medical Center, LLC; (3) The Relation Back Doctrine is inapplicable to the vicarious liability and negligent hiring, supervision, and training claims because the plaintiff cannot establish a critical element of the causes of action; (4) Grand Strand Regional Medical Center, LLC was never on notice that the Plaintiffs would assert a vicarious liability claim or a negligent hiring, supervision, and training claim against it based on the non-delegable duty doctrine; (5) The relation back doctrine does not apply to statutes of repose.

- (c) State of SC v. Robert Andre Palmer.

In my order denying the admission of polygraph evidence, I excluded the polygraph evidence (1) pursuant to Rule 702 and the Jones factors; (2) because of testing irregularities; (3) pursuant to Rule 403; and (4)as a matter of public policy.

- (d) Clint A. Chestnut et al, individually and as Class Representatives v. AVX Corporation, Civil Action # 2007-CP-26-07459

My order granted Plaintiff's motion to certify a class of the owners of over 200 parcels of property that were contaminated by AVX. This is a case that I have complex jurisdiction over and anticipate a multi week trial at some point next year.

- (e) Donnie McBride and Vincent Masterpaul v. SC Election Commission, et al., Civil Action # 2012-CP-26-04709.

My Writ of Mandamus ordered the SC Election Commission to count votes cast for a candidate who was removed from the ballot in order to determine if any candidate had in fact reached a majority of votes cast, and if no candidate had reached that majority then a runoff election must be held. The SC Election Commission appealed my initial granting of an Ex Parte TRO in this case to the SC Supreme Court seeking a Writ of Supercedeas. The Supreme Court denied the Petition for a Writ of Supercedeas holding that the Respondents have shown a likelihood of success on the merits.

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

While I was part-time municipal judge, I continued to practice law. Since my election to the Circuit Bench, I have had no other employment.

Judge Hyman further reported the following regarding unsuccessful candidacies:

In 1998, I withdrew as a candidate for Resident Judge of the Fifteenth Judicial Circuit, seat number two. My reason for doing so was that the Honorable Paula Thomas was an At-Large Circuit Judge in Georgetown County. When she decided to run for the vacant resident seat, making her At-Large seat available statewide, I realized any further attempts to secure the resident seat would be futile. Immediately prior to my election, I ran for the Resident Circuit Court Judge for the Fifteenth Circuit, Seat Two. That election was won by the Honorable Benjamin H. Culbertson on May 3, 2007.

- (9) Judicial Temperament:

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

- (10) Miscellaneous:

The Pee Dee Citizen's Committee on Judicial Qualifications found that Judge Hyman is "Qualified" for constitutional qualifications, physical health, and mental stability. The Committee found Judge Hyman to be "Well Qualified" for ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee stated in its summary, "Judge Hyman is well-liked, well-respected, and expects attorneys appearing in his courtroom to be well-prepared."

Judge Hyman is married to Meredith Valois Hyman. He has two children.

Judge Hyman reported that he was a member of the following bar associations and professional associations:

- (a) SC Bar Association 1976 to present;

- (b) Horry County Bar Association 1976 to present.

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

- (a) Trinity United Methodist Church – I have been a member for 30 years and have served as Men’s Sunday School Teacher, Pastor Parish Committee Chairman, Finance, Trustees and Endowment Committee;
- (b) Riverside Club – Social club that meets for dinner on Saturday nights. My wife and I attend occasionally and serve as hosts once a year;
- (c) Darling Lake Hunting Club.

Judge Hyman further reported:

In 1994 the Fraternal Order of Police presented me with its Life Saving Medal as a result of my coming to the aid of an Horry County Sheriff’s Deputy who had been shot by an escaping Defendant at the Horry County Court House. I was also featured in the Sun News newspaper’s “People Caring About Others” column.

(11) Commission Members’ Comments:

The Commission commented that Judge Hyman, who has ably served as a Circuit Court judge since 2008, is thought highly of by the litigants who appear before him.

(12) Conclusion:

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

FAMILY COURT QUALIFIED AND NOMINATED

**The Honorable Michael S. Holt
4th Judicial Circuit, Seat 3**

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to S.C. Code Ann. §2-19-40, the chairman of the Commission determined the public hearing for Judge Holt was unnecessary as there was no request for a hearing by at least six members of the Commission, his candidacy for re-election was uncontested, and there was no substantial reason for having a public hearing regarding his candidacy.

(1) Constitutional Qualifications:

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

Judge Holt was born in 1970. He is 43 years old and a resident of Hartsville, SC. Judge Holt provided in his application that he has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1996.

(2) Ethical Fitness:

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

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

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

(3) Professional and Academic Ability:

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) SCAJ Annual Convention	8/1 – 8/4/2013;
(b) Family Court Judges' Conference	4/17 – 4/19/2013;
(c) SC Bar – Family Law Section	1/25/2013;
(d) SC Bar – 2012 Family Law Updates	12/7/2012;
(e) SCAJ Annual Convention	8/3/2012;
(f) Annual Judicial Conference	8/12 – 8/14/2012;
(g) National Judicial College – Family Court	4/29 – 5/10/2012;
(h) Family Court Judges' Conference	4/18 – 4/20/2012;
(i) SC Bar – Family Law Section	1/20/2012;
(j) SC Bar – 2011 Family Law Updates	12/2/2011;
(k) Annual Judicial Conference	8/17 – 8/19/2011;
(l) Family Court Judges' Conf./Meeting	6/1/2011;
(m) SC Bar – Family Law Section	1/21/2011;
(n) SC Bar – 2010 Family Law Updates	12/3/2010;
(o) Mini Summit on Justice for Children	12/2/2010;
(p) Annual Judicial Conference	8/18 – 8/20/2010;
(q) SCAJ Annual Convention	8/5/2010;
(r) Family Court Judges' Conference	4/22 – 4/24/2010;
(s) SC Bar – Family Law Updates	1/22/2010;
(t) SC Bar – 2009 Family Law Updates	12/4/2009;
(u) Annual Judicial Conference	8/19 – 8/21/2009;
(v) School for New FC Judges	6/3/2009;
(w) Real Property Foreclosure (NBI)	1/2/2009;
(x) Plaintiff's Personal Injury (NBI)	12/9/2009;
(y) Social Security Disability (SC Bar)	10/24/2008;
(z) Handling Soc. Sec. Disability Cases (NBI)	6/16/2008.

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

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

(4) Character:

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

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

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

Elected Mayor of City of Hartsville, SC, 2005-09. I filed all required reports; however, there were late reports which resulted in fines, which were promptly paid.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Holt was admitted to the SC Bar in 1996.

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

- (a) Saleeby & Cox Law Firm, Hartsville, SC – 1996-2005 — General Practice;
- (b) Wilmeth Law Firm, Hartsville, SC – July 2005-February 2006 — General Practice;
- (c) Holt Law Firm, Hartsville, SC – Sole Practitioner, 2006-09 — General Practice.

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

SC Family Court, Fourth Judicial Circuit, Seat 3, 2009-13.

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

(a) DJJ vs. John Henry Bridges:

This case involved a juvenile who was charged with murdering an elderly lady. The matter before the Court was a “waiver” hearing and it was the first one I had handled on the bench. I ultimately determined the juvenile should be waived up to General Sessions after a contested hearing.

(b) Shirley Johnson vs. Angela Lampley:

This case was a custody battle between maternal grandparents who lived out of state and a relative in SC. The biological mother was deceased and the biological father was in prison. I awarded custody to the relative in SC. This matter was appealed but the Court affirmed the trial court’s ruling.

(c) Saurabh Jain vs. Anima Dixit:

This case involved a family from India and the only issue tried before the Court was custody. The father had come to the United States to practice medicine and left his wife and child in India. The mother came to the United States to visit and the father brought an action for custody. I awarded custody to mother after a lengthy trial.

(d) Mary Diane R. Corbett vs. Christopher A. Corbett:

This case was an equitable division case wherein the wife sought to exclude the husband from significant assets from the marriage. I went through the factors for equitable division and awarded husband half the marital estate.

- (e) DSS vs. Tina Roberts, Travis Hayes, Richard Herring, Gene Lashley, Barbara Roberts, Johnny and Cammie Corbett and Catherine Hayes:

This was a DSS Abuse and Neglect case wherein the department had asked the Court to remove the children from the parents due to domestic violence among other things. The parents did not work the treatment plan and the Department chose to move before the Court to have the children placed with the paternal grandmother who had not been involved in the children's lives. The Court gave custody to the parties who had the interim custody of the children. This case was significant due to the number of parties involved, it was a lengthy trial and that the children were placed with non-relatives who the Court felt offered the best home to the minor children.

- (9) Judicial Temperament:

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

- (10) Miscellaneous:

The Pee Dee Citizen's Committee on Judicial Qualifications reported that Judge Holt is "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee found Judge Holt "Well Qualified" in the remaining evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee stated in its summary, "Judge Holt has a strong work ethic and has a reputation in his community of making very informed decisions."

Judge Holt is married to Sherry Burton Holt. He has two children.

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

- (a) SC Bar Association;
- (b) Darlington County Bar Association.

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

- (a) University of SC Gamecock Club;
- (b) Kiwanis Club, Hartsville, SC – Past President (no longer member);
- (c) Hartsville Masonic Lodge (no longer active member);
- (d) First Presbyterian Church, Hartsville, SC – Past Elder;
- (e) Darlington Historical Society;
- (f) St. David's Historical Society.

Judge Holt further reported:

I am proud of my service since I was honored by the Legislature in 2009. I have a strong work ethic and believe I am fair and empathetic to those who appear before me.

(11) Commission Members' Comments:

The Commission noted with approval the comments from the Citizen's Committee concerning Judge Holt's strong work ethic.

(12) Conclusion:

The Commission found Judge Holt qualified and nominated him for re-election to the Family Court, Fourth Judicial Circuit, Seat 3.

**The Honorable Coreen B. Khoury
6th Judicial Circuit, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Khoury was born in 1959. She is 54 years old and a resident of Lancaster, SC. Judge Khoury provided in her application that she has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1985.

(2) Ethical Fitness:

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

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

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

(3) Professional and Academic Ability:

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) 2012 Family Court Bench/ Bar	12/07/12;
(b) Hot Tips from the Coolest Domestic Practitioners	11/08/12;
(c) Using Cognitive/Behavioral Techniques in Emotionally Charged Situations	11/06/12;
(d) Avoiding 20 Common Ethics Traps	09/09/12;
(e) Advanced Tools & Skills for More Effective Client Development	09/09/12;
(f) 2011 Family Court Bench/Bar	12/02/11;
(g) Notary Public Law	09/17/11;
(h) 2011 Domestic Law Hot Tips	09/16/11;
(i) The Eight Types of Clients and How to Survive Seven of Them	09/16/11;
(j) 2010 Family Court Bench/Bar	12/03/10;
(k) Courtney, Jill and the Tips	09/27/10;
(l) CLE for Class of 1985 Reunion	09/25/10;
(m) Ethical Traps with Electronic Communication	08/20/10;
(n) Representing the Volunteer Guardian ad Litem	05/07/10;
(o) 2009 Hot Tips from the Coolest Domestic Practitioners	09/18/10;
(p) Sidebar SC: Ethics Update 2008	09/10/09;
(q) Ethical Considerations in Marketing your Law Firm	09/10/09;
(r) 2008 Hot Tips from the Coolest Domestic Practitioners	09/19/08;
(s) Representing Foreign Nationals in SC Family and Criminal Court	07/25/08;
(t) Representing Volunteer Guardian ad Litem	03/14/08.

Judge Khoury reported that she has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

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

(4) Character:

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

The Commission also noted that Judge Khoury 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 Khoury reported that her last available rating by a legal rating organization, Martindale-Hubbell, was BV.
- (6) Physical Health:
Judge Khoury appears to be physically capable of performing the duties of the office she seeks.
- (7) Mental Stability:
Judge Khoury appears to be mentally capable of performing the duties of the office she seeks.
- (8) Experience:
Judge Khoury was admitted to the SC Bar in 1985.

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

- (a) Thomas, Goldsmith, Folks and Hodges - August 1985-August 1987;
- (b) Goldsmith, Folks and Hodges - August 1987-March 1990;
- (c) Goldsmith, Folks, Khoury & DeVenny - March 1990-December 1991;
- (d) Folks, Khoury & DeVenny - December 1991- present.

The law firm of Folks, Khoury & DeVenny is a general practice firm where each member of the firm handles specific areas of the law. I have been a member of this firm since graduating from law school and a partner with the firm since January of 2000. Since the beginning of my legal career, I have practiced predominately in the area of family law. Initially I shared the family law responsibilities with various members of the firm. Since January of 1992, I have been the firm's sole Family Court practitioner.

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

I have extensive experience in the practice areas of divorce, equitable division of property, child custody and abuse and neglect matters. I have also handled a significant amount of adoption cases throughout my career. I have handled very few matters in the area of juvenile justice. In 2012, I had about 200 appearances in Family Court. I have averaged close to this number of appearances before Family Court judges in the past five years. In these cases, I have served as the attorney for one of the litigants, guardian ad litem for a minor child/children or attorney for the guardian ad litem in DSS cases. Many of these cases were uncontested but others involved lengthy hearings.

I have handled both fault and no fault divorces. Most of these divorce cases have involved the division of marital assets and debts in some degree. These assets include real estate, retirement accounts, businesses, stocks, motor vehicles and household belongings. A number of these cases have involved the issue of alimony. I have represented mothers, fathers and grandparents in custody cases over the last twenty six (26) years. I have been successful with the help of guardians, experts, mediators and opposing counsel to resolve

many of these custody cases without expensive and protracted litigation. I usually handle about five (5) contested custody cases per year.

I have handled both private and DSS adoptions in my practice. Most of the private adoptions involved a relative or step parent adopting a child related by blood or marriage. Almost all of my adoption cases have been uncontested cases. I handled all my firm's court appointments in abuse and neglect cases until I began representing the guardian ad litem program in Lancaster around 2003. I have very little experience handling clients involved with the Department of Juvenile Justice. However, since April of 2006, I have been serving as the Judge for the Lancaster County Juvenile Drug Court. I have become more familiar with the substantial and procedural aspects of the juvenile process through my association with the Drug Court team. I believe my experience in the Family Court and my familiarity with the law of domestic relations and the Family Court system will assist me in handling all matters that would come before me as a Family Court judge.

Judge Khoury reported the frequency of her court appearances during the past five years:

- (a) federal: zero;
- (b) state: around 200 appearances per year in Family Court matters.

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

- (a) civil: 0%;
- (b) criminal: 0%;
- (c) domestic: 98%.
- (d) other: 2% (Probate Court).

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

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

Judge Khoury provided that she most often serves as sole counsel.

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

- (a) Wagner v. Wagner, SC Court of Appeals 2013-UP-120.

This matter began with an expedited temporary hearing and is currently pending before the SC Supreme Court on a Petition for a Writ of Certiorari. This case is significant because it involved various types of hearings: temporary hearings, motion hearings, contempt hearings, a merits hearing and oral arguments before the Court of Appeals. This case required the preparation of trial documents, an appellate brief, a Return to Petition for Rehearing and a Return to a Petition for Writ of Certiorari. This case was tried for over four days. The main issues in this case were the characterization of assets, the transmutation of assets and the distribution of marital assets. To date, my client has been successful at each level of this litigation and I have obtained trial experience and sharpen my trial skills at each stage of the litigation.

- (b) Anderson vs. Neal, Case No. 10-DR-29-694.

This is a matter in which I represented a father who had been trying to have a relationship with his daughter since he and the child's mother ended their relationship. The mother filed an answer and counterclaim requesting the termination of the father's parental rights and the trial judge at the temporary hearing denied the father request for visitation with his daughter. The judge at the merits hearing, despite the guardian ad litem's recommendations to the contrary, ordered reunification of the father and his daughter with a phase in schedule of visitation. Mother filed a notice of appeal and Petition for Writ of Supersedeas. Mother's Petition for Writ of Supersedeas was denied. Initial appellate briefs have not been filed. Father has begun visiting with his daughter after a three year battle. This case is significant in that father was given the opportunity to renew his relationship with his daughter. The main focus of this case as in all cases involving custody, termination of parental rights or adoption is the best interest of the child and not the desires of the parents. Contested custody and termination of rights cases are difficult to prepare for lawyers and heart wrenching for litigants but rewarding for children if their best interests are considered and healthy family relationships can be preserved.

- (c) Burleson vs. Burleson, Case 07-DR-29-385.

This case was a seven day contested custody case. I represented the father of four children ages 13, 8, 6 and 4. The 4 year old child was a special needs child. The mother was a stay at home mom and was awarded custody at the Temporary hearing. At the final hearing, the father was awarded custody. This case involved a counselor, therapist, guardian ad litem and the thorough investigation into all aspects of what was in the best interest of the children. The Court considered all the statutory and common law factors. This case is significant because it resulted in the award of custody to the father who at the beginning of the case was not considered the primary custodian parent. The Court in reaching its decision to award the father custody of the young children considered the impact of the custody decision on all areas of the children's lives—psychological, physical, environmental, spiritual, educational, medical, familial, emotional and recreational and not just the traditional roles of the parents.

- (d) Stradford vs. Wilson, 378 S.C.301, 662 S.E.2d 491 (S.C.App.2008).

In this case, I represented a mother who was opposed to changing her child's surname to that of the surname of the father. The mother and father were never married. The guardian ad litem assigned to the case recommended changing the child's surname to that of the father or including the father's name in a hyphenated surname for the child. The trial judge ordered that the child's surname be changed to that of the father. The mother appealed the judge's ruling and the decision was reversed. This case was significant in that it recognized that both parents have an equal interest in a child bearing their respective surname. In addition, the court held that the party attempting to change the child's name must prove by a preponderance of the evidence that the name change is in the child's best interests. The Court further enumerated the factors to consider when making a determination as to whether changing a child's surname is in the best interest of the child.

- (e) Boggs vs. Boggs, Case No. 2004-DR-29-446.

After a favorable ruling to my client and the issuance of the final decree of divorce, the opposing party moved to vacate the Order and reopen the case alleging he did not receive proper notice of the hearing. Husband alleged that service of the final hearing notice was defective. The motion was dismissed by the trial judge. Husband filed a Notice of Intent to Appeal. Both parties filed initial briefs with the Court of Appeals. This case was significant because it involved the application and understanding of both the substantive laws of equitable distribution and the procedural laws of domestic litigation.

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

- (a) Jerome Wagner vs. Robin Wagner, SC Court of Appeals, 3/ 27/13, 2013- UP-120;
- (b) Alvenia Lowe Brewer a/k/a Alvenia Lowe Reeves vs. Theodore Roosevelt Brewer, SC Court of Appeals, 4/10/13, 2013-UP-149;
- (c) Ryan Corey Stradford vs. Bettina Rashunda Wilson, SC Court of Appeals, 5/20/08, 378 S.C. 301, 662 S.E. 2d 491 (S.C.App.2008);
- (d) Charles Ellis Cutshaw vs. Joyce Sinclair Cutshaw, SC Court of Appeals, 4/19/04, 2004-UP-269;
- (e) Steve Jarrett Hinson vs. Marsha Floyd Hinson, SC Court of Appeals, 7/10/00, 341 S.C. 574,535 S.E. 2d 143.

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

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

I was appointed to preside over the Lancaster County Juvenile Drug Court Program on April 20, 2005. This assignment allows me to preside over hearings and impose sanctions for violations of the conditions of the Drug Court Program.

Judge Khoury reported the following regarding her most significant orders or opinions:

The Juvenile Drug Court appointment does not require the issuance of orders or opinions.

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

I have been employed as a lawyer with Folks, Khoury & DeVenny while serving as a Juvenile Drug Court Judge in the Sixth Judicial Circuit.

Judge Khoury further reported the following regarding an unsuccessful candidacy:

In 2008, I was unsuccessful in my run for Family Court Judge, Sixth Judicial Circuit, Seat 2. This election was won by W. Thomas Sprott Jr.

(9) Judicial Temperament:

The Commission believes that Judge Khoury's temperament would be excellent.

(10) Miscellaneous:

The Piedmont Citizens Committee found Judge Khoury to be “Qualified” in evaluative criteria of constitutional qualifications and “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament. The Committee stated in its summary, “The interviews conducted by the Committee indicated that Ms. Khoury is universally regarded as a person of high integrity, ethics and character. Likewise, the Committee considered her to be ‘Well Qualified’ in the areas of professional ability, reputation and experience due to her 28 years of extensive practice in handling virtually every type of Family Court matter.”

Judge Khoury is married to Jeffery Lynn Hammond. She has two children.

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

- (a) Lancaster County Bar Association;
- (b) SC Bar Association;
- (c) SC Women Lawyers Association.

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

Past member of the Lancaster County Drug and Alcohol Commission.

Judge Khoury further reported:

As a parent, community participant, teacher and lawyer, I have seen how decisions made in Family Court affect the lives of litigants, their families and friends. I have dealt with clients in distress and turmoil. I have experienced the stress and pressures of a Family Court lawyer. As a judge, I would hope to never lose sight of the emotions of litigants, the pressures of Family Court practitioners and the importance of each and every decision made in Family Court. I would behave in a way that facilitates conflict resolutions and not in a fashion that spurs emotional strife. I would be courteous to litigants, lawyers and court personnel. I would be attentive during the hearing, well versed in the law and render decisions in a timely fashion. I would try to remember that what is routine and common to me as a regular participant in Family Court hearings is new and terrifying to most litigants and witnesses. I would hope to be viewed as a judge who uses her gut, heart and head to render good decisions. I would hope to have litigants and lawyers leave the courtroom, whether successful or not, feeling their stories were heard, their positions considered and they were treated with respect in the resolution of their disputes.

(11) Commission Members’ Comments:

The Commission commented that Judge Khoury is known as a sharp Family Court practitioner, which will assist her on the bench. The Commission noted that they were also impressed with her numerous court appearances.

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

The Honorable W. Thomas Sprott, Jr.
6th Judicial Circuit, Seat 2
Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to S.C. Code Ann. §2-19-40, the chairman of the Commission determined the public hearing for Judge Sprott was unnecessary as there was no request made for a hearing by at least six members of the Commission, his candidacy for re-election was uncontested, and there was no substantial reason for having a public hearing regarding his candidacy.

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

Judge Sprott was born in 1945. He is 68 years old and a resident of Winnsboro, SC. Judge Sprott provided in his application that he has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1973.

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

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

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

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

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

<u>Conference/CLE</u>	<u>Date</u>
(a) Annual Family Court Judges Conference	04/17/13;
(b) Family Law Seminar at SC Bar Convention	01/25/13;
(c) SC Family Court Bench/Bar Conference	12/07/12;
(d) Mini-Summit on Justice for Children	12/06/12;
(e) Annual Judicial Conference	08/22/12;
(f) SCAJ Annual Convention – Family Law Seminar	08/02/12;
(g) Annual Family Court Judges Conference	04/18/12;
(h) Family Law Seminar at SC Bar Convention	01/20/12;
(i) SC Family Court Bench/Bar Conference	12/02/11;
(j) Annual Judicial Conference	08/17/11;
(k) SCAJ Annual Convention –Family Law Seminar	08/04/11;
(l) Annual Family Court Judges Conference	06/01/11;
(m) Family Law Seminar at SC Bar Convention	01/21/11;
(n) SC Family Court Bench/Bar Conference	12/03/10;
(o) Mini Summit on Justice for Children	12/02/10;
(p) Annual Judicial Confer	08/18/10;
(q) SCAJ Annual Convention – Family Law Seminar	08/05/10;
(r) Annual Family Court Judges Conference	04/22/10;
(s) Family Law Seminar at SC Bar Convention	01/22/10;
(t) SC Family Court Bench/Bar Conference	12/04/09;
(u) National Judicial College	10/04/09;
(v) Annual Judicial Conference	08/19/09;
(w) SCAJ Annual Convention – Family Law Seminar	08/06/09;
(x) Annual Family Court Judges Conference	04/22/09;
(y) Family Law Seminar at SC Bar Convention	01/23/09;
(z) SC Family Court Bench/Bar Conference	12/05/08;
(aa) Annual Judicial Conference	08/20/08;
(bb) SCAJ Annual Convention – Family Law Seminar	08/07/08;
(cc) Orientation School for New Family Court Judges	06/04/08;
(dd) Annual Family Court Judges Conference	04/23/08.

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

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

(4) Character:

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

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

Judge Sprott reported the following military service:

US Army from September 1968 to August 1970. Medical Service Corp, 1st Lt., honorable discharge.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Sprott was admitted to the SC Bar in 1973.

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

- (a) 1973–86: Sole practitioner, Winnsboro, SC - General practice including domestic, real estate, criminal, estates, served as municipal judge;
- (b) 1986–87: Partner with McDonald and Sprott, Winnsboro, SC - General practice primarily involving real estate, served as special referee and municipal judge;
- (c) 1987-97: Partner with McDonald, Sprott, Spong and Clarkson in Winnsboro, SC, - General practice with emphasis on real estate and estates, served as special referee, temporary Administrative Law Judge, and municipal judge;
- (d) 1997–2001: Sprott and Clarkson, of counsel;
- (e) 2001-08: Sole practitioner, Winnsboro, SC - emphasis on real estate and estates, special referee, County Attorney for Fairfield County from 2002-08;
- (f) 2008–present: Family Court Judge, 6th Judicial Circuit, Seat #2, - Served as Chief Administrative Judge of the Sixth Judicial Circuit for several years.

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

I was a Municipal Judge for the Town of Winnsboro from 1981-97 and was appointed by Town Council. This court has jurisdiction to try cases arising under municipal ordinances and criminal cases made under State law where the penalty did not exceed \$500.00 or 30 days. The court has the authority to issue arrest and search warrants, conduct preliminary hearings and set bail.

I was a temporary Administrative Law Judge during the interim just prior to the creation of the Administrative Law Court in 1992. My hearings were limited to those

contesting the issuance of beer and wine licenses, and permits to sell liquor. I was appointed.

I was a Special Referee in many matters until 2008, being appointed by the Clerk of Court in default matters, and by the Circuit Judge in contested matters. Most of the cases were for the partition of realty, foreclosure of mortgages, and suits to quiet title. In these matters I was given the same powers and authority of a Circuit Judge with appeal directly to the Appellate or Supreme Court.

I have been a Family Court Judge since February 25, 2008 to the present. I was elected by the legislature. The Family Court has exclusive jurisdiction over all matters involving family relationships including marriage, divorce, legal separation, custody, visitation rights, termination of parental rights, adoption, support, alimony, division of marital property and change of name. It has jurisdiction over minors under seventeen alleged to have violated local or state laws, and in some instances it has concurrent jurisdiction with magistrate or municipal courts. It further has jurisdiction over matters relating to abuse and neglect of children and vulnerable adults which involves the Department of Social Services.

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

- (a) Wilfred Allen Woods v. Etta Catherine Woods, 2010-DR-06-472. This was an alimony modification case;
- (b) Christopher Tyler Anderson v. Ashlee Gay Neal (2010-DR-29-694) 2013-000485. This was a custody, termination of parental rights case;
- (c) John W. Ankney v. Nancy L. Ankney, (2009-DR-40-0802) 212-UP-179, This was an alimony modification case affirmed by the Appellate Court;
- (d) Linda Rose Barber v. Daryl Scott Barber, as Personal Representative of the Estate of Robert Donald Barber, (2009-DR-40-0736) 2010-164206, Opinion No. 5096. This was for divorce, equitable division and awarding wife the benefit of husband's survivor benefits plan;
- (e) SC Department of Social Services v. M.R.C.L, R.L. and G.L. Opinion No. 27007, 390 S.C. 329, 701 S.E.2d 757 (Ct. App. 2010). This was a termination of parental rights case which was reversed by the Appellate Court, and the Supreme Court reversed the Appellate Court.

Judge Sprott further reported the following regarding an unsuccessful candidacy:

In 1980, I announced as a candidate for the Family Court judgeship in the 6th Circuit created upon the death of William Hare, and cleared the judicial screening committee. Prior to the election, I withdrew my candidacy. Thomas B. Barrineau of Winnsboro was elected the Family Court Judge.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Piedmont Citizens Committee found Judge Sprott “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament. The Committee found Judge Sprott “Qualified” in the evaluative criteria of constitutional qualifications. The Committee stated in its summary, “The interviews conducted by the Committee indicated that Judge Sprott has been a fine Family Court judge and remains Well Qualified to serve in that position.”

Judge Sprott is married to Jeanne Frost Wardlaw. He has one child.

Judge Sprott reported that he was a member of the following bar associations and professional associations:

- (a) SC Bar Association;
- (b) Fairfield County Bar Association, Secretary from 1974 to about 1980. President from 2006-07;
- (c) SC Conference of Family Court Judges (2008-present).

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

Winnsboro Cotillion

Judge Sprott further reported:

I began practicing law in 1973, and since then I have served in several judicial capacities and have been exposed to many areas of law. I served as a municipal judge, a temporary Administrative Law Judge, a Special Referee, and a Family Court Judge. I am still learning. I think my reputation is good, I enjoy my work, and I am honored to serve and humbled by the confidence others have placed in me. I wish to continue to serve my State in this fashion.

(11) Commission Members’ Comments:

The Commission noted that Judge Sprott has an excellent reputation in his community and he has ably served on the Family Court bench since 2008.

(12) Conclusion:

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

The Honorable Jocelyn B. Cate
9th Judicial Circuit, Seat 5
Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to S.C. Code Ann. §2-19-40, the chairman of the Commission determined the public hearing for Judge Cate was unnecessary as there was no request made for a hearing by at least six members of the Commission, her candidacy for re-election was uncontested, and there was no substantial reason for having a public hearing regarding her candidacy.

(1) Constitutional Qualifications:

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

Judge Cate was born in 1960. She is 53 years old and a resident of Hollywood, SC. Judge Cate provided in her application that she has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1986.

(2) Ethical Fitness:

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

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

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

(3) Professional and Academic Ability:

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) Annual Judicial Conference	8/20/08;
(b) Family Court Judges Conference	4/23/08;
(c) SC Family Court Bench/Bar	12/5/08;
(d) SC Bar Convention - Family Law	1/23/09;
(e) Family Court Judges Conference	4/22/09;
(f) Annual Judicial Conference	8/19/09;
(g) Prosecuting Cases in Family Court	8/21/09;
(h) SC Family Court Bench/Bar	12/4/09;
(i) SC Bar Convention – Family Laws	1/22/10;
(j) Family Court Judges Conference	4/22/10;
(k) Orientation School – New Judges	6/2/10;
(l) SCAJ Annual Convention – Family Law	8/5/10;
(m) Annual Judicial Conference	8/18/10;
(n) Mini Summit on Justice for Children	12/2/10;
(o) SC Family Court Bench/Bar	12/3/10;
(p) SC Bar Convention (video)	1/21/11;
(q) Family Court Judges Conference	6/1/11;
(r) Orientation School – New Judges	6/8/11;
(s) SCAJ Annual Convention – Family Law	8/4/11;
(t) Annual Judicial Conference	8/17/11;
(u) SC Family Court Bench/Bar	12/2/11;
(v) SC Bar Convention – Family Law	1/20/12;
(w) Family Court Judges Conference	4/18/12;
(x) Orientation School – New Judges	5/30/12;
(y) SCAJ Annual Convention – Family Law	8/2/12;
(z) Annual Judicial Conference	8/12/12;
(aa) Mandatory Family Court Judges	12/6/12;
(bb) SC Family Court Bench/Bar	12/7/12;
(cc) SC Bar Convention – Family Law	1/25/13.

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

- (a) Charleston County Bar Association “How to draft effective family court orders”;
- (b) Charleston School of Law “Pleadings and practice in Family Court; Being a Family Court judge”;
- (c) SC Bar JCLE “Juvenile drug court and panel discussion; SCTLTA judicial panel”;
- (d) Children’s Law Office “Permanency in DSS abuse/neglect cases”;
- (e) SC Fostercare Workshop, Dorchester County “DSS abuse/neglect laws”;
- (f) Pinewood Prep. School 2005 high school commencement speaker “Being a Family Court Judge”;
- (g) SC Bar Convention – Young Lawyers Division – “court appointments”;
- (h) Adjunct Professor – Webster University, “Business law I and II”;
- (i) Adjunct Professor – Limestone College, “Business law I and II”;
- (j) Guest Instructor – Trident Tech. College Paralegal Program;
- (k) Instructor – Goose Creek High School Youth Court;

- (l) Guest Instructor – law enforcement continuing education –
Goose Creek Police Department and North Charleston Police Department;
- (m) Rotary Clubs – public service and volunteerism.

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

(4) Character:

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Cate was admitted to the SC Bar in 1986.

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

(a) February 1985 – April 1986

Law clerk, Fifth Judicial Circuit Solicitor’s Office, Richland County.

Primary responsibilities included legal research, coordinating witnesses/victims for trial, prepared indictments for presentment to Grand Jury;

(b) October 1986 – May 1987

Assistant Solicitor, Ninth Judicial Circuit Solicitor’s Office, Berkeley County.

Primary responsibilities included handling Department of Social Services Abuse/neglect cases, URESA child support enforcement, prosecution of juvenile offenders and General Sessions criminal sexual conduct prosecution;

(c) May 1987 – September 1987

Judicial Law Clerk, Judge Lawrence E. Richter, Jr. (retired), Ninth Judicial Circuit, Charleston/Berkeley Counties

Primary responsibilities included legal research, drafting orders, reviewing proposed orders, frequent consultations with judge, scheduling pre-trial, discovery and motion hearings with attorneys;

- (d) September 1987 – May 1988 Watson, Tiencken and West, Moncks Corner, SC. Associate -- Domestic relations, general civil and criminal litigation, county administrative law;
- (e) May 1988 – January 1992 The Richter Firm, P.A. and Richter & Cate, P.A., Charleston, SC, Associate. Partner/Shareholder -- Domestic relations, personal injury, insurance defense, business, banking, foreclosure and other general civil and criminal litigation. Served as special referee in several Berkeley County condemnation cases;
- (f) January 1992 – April 1996 Jocelyn B. Cate, Attorney at Law, Charleston, SC Private general practice with primary emphasis in Family Court litigation;
- (g) April 1996 – February 2002 Ninth Judicial Circuit Solicitor's Office, Berkeley County. Assistant Solicitor. Juvenile prosecution;
- (h) February 2002 – Present Ninth Judicial Circuit, Family Court Judge, Seat #5.

Judge Cate further reported the following regarding an unsuccessful candidacy: Master-in-Equity (Dorchester County) – 1992.

Judge Cate reported she has held the following judicial office: February 2002 to June 2014. Family Court Judge, Ninth Judicial Circuit, Seat 5. Elected. Family Court is a court of limited jurisdiction. Exclusive and concurrent jurisdictions are conferred on this court by the SC General Assembly.

Judge Cate provided the following list of her most significant orders:

- (a) Carpenter v. Burr, 381 SC 494, 673 S.E.2d 818 (S.C. App. 2009);
- (b) SCDSS v. Doe, et. al., Unpublished Opinion No. 2007-UP-403;
- (c) Manigault v. Manigault, Unpublished Opinion No. 2008-UP-221;
- (d) CCDSS v. Price, Memorandum Opinion No. 2009-MO-066;
- (e) Ware v. Ware, 390 S.C. 493, 702 S.E.2d 390 (Ct. App. 2010); Opinion No. 27267 (S.C. 2013).

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Lowcountry Citizen's Committee on Judicial Qualifications found Judge Cate to be "Well Qualified" as to ethical fitness, professional and academic ability, character, experience, and judicial temperament, and "Qualified" as to constitutional qualifications, physical health, and mental stability.

Judge Cate is married to Ned C. Ginsburg. She has one child.

Judge Cate reported that she was a member of the following bar associations and professional associations:

- (a) ABA;
- (b) SC Bar;
- (c) Charleston and Berkeley County Bars – chairman – family law section (1992-1993); executive committee (1991-1992);
- (d) National Council of Juvenile and Family Court Judges (NCJFCJ).

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

Judge Cate further reported:

Past commission member of the SC Supreme Court Commission on CLE and Specialization. Currently serving on the Advisory Committee on Standards of Judicial Conduct.

(11) Commission Members' Comments:

The Commission commented that Judge Cate is known as an excellent Family Court judge who has diligently performed her duties since 2002.

(12) Conclusion:

The Commission found Judge Cate qualified and nominated her for re-election to the Family Court.

James C. Alexander
13th Judicial Circuit, Seat 5

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Mr. Alexander was born in 1949. He is 64 years old and a resident of Marietta, SC. Mr. Alexander provided in his application that he has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1974.

(2) Ethical Fitness:

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

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

Mr. Alexander reported that he has made campaign expenditures of approximately \$90 for: envelopes (\$60); and stationery (\$30).

Mr. Alexander testified that he has not:

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

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

(3) Professional and Academic Ability:

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) 2008 Title Insurance Seminar	09/17/08;
(b) 2008 SC Family Court Bench/Bar	12/06/08;
(c) Beyond the Elements II: South	09/25/09;
(d) Annual Professionals Seminar	11/09/09;
(e) 2009 SC Family	12/04/09;
(f) Social Security Disability	08/27/10;
(g) Annual Title Seminar (TIPS)	11/15/10;
(h) Annual TIPS Seminar	11/07/11;
(i) Everything You Need to Know about Ethics	01/13/12.

Exempt beginning in 2012.

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

- (a) I taught an off campus business law class while I was in the Air Force in Valdosta, Georgia in approximately 1976 for Troy University for one or two years;
- (b) I taught an on campus night business law class at Southern Wesleyan University in Central SC from approximately 2002-04.

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

(4) Character:

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

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

(5) Reputation:

Mr. Alexander reported that he is not rated by any legal rating organization. He further reported, "I have been rated by five clients in Martindale-Hubbell and received a favorable rating from all five clients."

Mr. Alexander reported the following military service:

I served in the United States Air Force on active duty from 1974-78. I attained the rank of Captain and received an honorable discharge. I was in the Air Force Reserve for a short period of time after discharge.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Alexander was admitted to the SC Bar in 1974.

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

- (a) I served in the Judge Advocate General's Department of the United States Air Force from 1974 to 1978. I advised the base commander on military legal issues, advised military personnel on civil issues, and served as a prosecutor for military courts martial. I also served for my final two years of service as an area defense counsel representing airmen who were charged with violations of the Uniform Code of Military Justice.
- (b) I joined the Law Office of John Bolt Culbertson in Greenville, SC in 1978 as an associate attorney. Eventually this arrangement was changed to a Partnership consisting of Mr. Culbertson, Harold Christian, Don Moorhead, and myself, practicing as Culbertson, Christian, Moorhead, and Alexander. The partnership was a general practice. I handled plaintiff cases in auto accidents, workers compensation, slip and fall, and other civil litigation. I represented clients in the Family Court for domestic litigation and juvenile litigation. I represented clients in the Court of General Sessions. The Partnership ended in 1983.
- (c) I formed a partnership with Capers Bouton in 1983 and we practiced as Bouton, Bouton, and Alexander. My practice with this firm was substantially the same. This partnership ended in 1987 when I accepted an offer to join a firm in Pickens, SC.

- (d) I joined the firm of Coyle and Hughes in Pickens County in 1987. I practiced with Redmond Coyle and Murray Hughes. This firm was involved in real estate, Family Court litigation, Social Security litigation, some personal injury litigation, and criminal work. Mr. Coyle was then the public defender for Pickens County and I represented indigent defendants in General Sessions Court and juveniles in the Family Court. I handled cases involving domestic litigation in the Family Court and personal injury litigation. I was heavily involved in the Family Court for both domestic and juvenile cases. This firm ended in 1991 when Mr. Hughes left the firm. I then formed a partnership with Mr. Coyle.
- (e) Mr. Coyle and I practiced as Coyle and Alexander until 2002. My areas of practice were substantially the same, with the addition of some real estate work. During this period of time, a full time public defender position was created in Pickens County and Mr. Coyle resigned from this position. I continued to handle private General Sessions cases and juvenile cases in the Family Court.
- (f) I practiced as a sole practitioner from 2002 until my son, Steven L. Alexander, joined the firm in 2003. During that time, I still handled Family court domestic and juvenile cases, personal injury cases, and real estate work. I also began to handle social security cases and became a licensed Title Insurance agent. I also began working as the City Attorney for the city of Liberty, SC.
- (g) After Steven L. Alexander joined the firm, my practice has been substantially the same with the exception of criminal cases and adoptions which Steven handles. Also, I do not generally represent clients in DSS abuse and neglect cases as Steven is the contract attorney for the Guardian program in Pickens County. I do assist Steven occasionally and represent the Guardian program in these cases.

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

I have had extensive experience in handling cases involving divorce and equitable division of property and child custody cases. These areas of Family Court litigation have always been a constant and fairly significant part of my practice.

I have also handled a substantial number of Family Court cases involving juveniles when I practiced with Mr. Coyle. I regularly handled abuse and neglect cases either by appointment or being privately retained until my son received a contract to represent the GAL program in Pickens County. Adoptions were a very minor part of my Family Court practice. Steven Alexander now handles adoptions and any juvenile proceedings since he joined the firm as those are areas in which he is interested.

As to abuse and neglect cases, my son has a contract with and serves as the attorney for the GAL program in Pickens County and I cannot handle any DSS case in which he is involved. I am also exempt from appointment. However, I still occasionally get involved in abuse and neglect cases if I am already representing clients on unrelated matters who are charged with those allegations. Since I am already involved with the accused parents, my son disqualifies and recuses himself and another lawyer handles that case from start to finish for the Guardian program. However, I do not seek any abuse and neglect cases because of his involvement. I do sometimes substitute for him as the attorney for the GAL and get involved in abuse and neglect cases.

I have an extensive background in the Family Court in all types of litigation and believe that this experience has prepared me to deal with these issues as a judge.

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

- (a) federal: I have handled one case in Federal District Court and that case did not involve a Court appearance. I have appeared in front of Social Security Judges approximately 20 to 25 times per year;
- (b) state: The remainder of my work has been in State Court.

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

- (a) civil: 45%;
- (b) criminal: 0%;
- (c) domestic: 40%;
- (d) other: 15%.

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

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

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

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

- (a) Mobley v. Mobley.

This Family Court matter involved custody and visitation. Litigation consisting of a divorce action and a substantial change of circumstances action was pursued over a period of several years. I represented the wife and multiple hearings were held. The case was significant because it involved most aspects of child custody and visitation issues.

- (b) Childers v. Childers.

The parties were divorced and the mother received custody of two children. Subsequent to divorce, a substantial change of circumstances action was brought as to custody of the youngest child and I represented the father. Contested hearings were held. Settlement negotiations were very difficult but the case was eventually settled by an agreement. The lawyers had developed an amicable relationship during the case and this helped with reaching a settlement. The significance is that a case has a much better chance of being settled by agreement if the lawyers involved have a good working relationship with each other.

- (c) First Citizens v. Chappell.

A bank sued my client for a deficiency balance due on a loan in his name for a car that had been purchased for his ex-wife while they were married. The issue was the interpretation of sections of the Uniform Commercial Code as to

whether the contract was only a financing agreement (client's position) or whether it was a hybrid document that also included a sales agreement (bank's position). The statute of limitations was either 6 years (bank wins) or 3 years (client wins because the bank waited 5 years to file). This was a case of first impression in SC on the issue presented. The case was tried non-jury in Common Pleas Court and resulted in judgment in favor of my client. The bank chose not to file an appeal.

(d) Young v. Young.

The Court had issued a final divorce order that divided marital property. A contempt action was filed against my client in 2009 which involved his actions as to the marital property distribution. My client's defense and substantial monetary claims raised a jurisdictional issue because a division of marital property in a prior final order was involved. The Court found that it was without jurisdiction and could not consider or determine his claims, found him in willful violation of the prior order, and imposed sanctions. A notice of intent to appeal was filed. Subsequently, an agreement was reached at a settlement conference and the appeal was dismissed. The significance is that he obtained a satisfactory portion of the monetary claims he made and the settlement saved him attorney's fees by avoiding the appeal.

(e) Dodgens v. Piggly Wiggly.

My client slipped and fell in a grocery store and suffered a very severe injury in a county in the lower part of the State and I filed a lawsuit in that county. The case involved trial preparation in two different parts of the State. The parties agreed to mediation even though it was not mandatory at that time. This mediation resulted in a satisfactory settlement to my client.

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

(a) OHC Properties, LLC vs. Dewey E. Pajala and Star Pajela, 2007-CP-39-1067.

I represented the Pajelas in this case in the Pickens County Court of Common Pleas and filed an appeal on their behalf when the Trial Court granted summary judgment to the respondent. After I filed appellant's Initial Brief and Designation of Matter to be Included in The Record on Appeal, the parties agreed for the Trial Court's Order to be vacated and the case remanded back to the Trial Court for trial. The Court of Appeals by order dated December 23, 2009 remanded the case to the Trial Judge for approval of the agreement. The Trial Judge approved the agreement and the appeal was eventually dismissed.

(b) The Cliffs at Keowee Community Association, Inc. vs. Roger L. O'Donald, Lynne O'Donald and Cornerstone National Bank, 2001-CP-39-1003.

Judgment was granted at the trial stage to the plaintiffs and defendants O'Donald whom I represented appealed. The Court Of Appeals upheld the verdict of the trial court in an unpublished opinion.

(c) Ed Frierson, IV, Virginia S. Frierson, and Allie S. Frierson vs. David L. Watson, Patricia R. Watson, Carolina First Bank, 2002-CP-39-1808.

A motion for summary Judgment was granted in favor of the plaintiffs whom I represented and defendant David Watson appealed. The Court of

Appeals upheld the verdict of the trial court in an opinion published as 271 S.C. 60 (S.C. App. 2006).

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

(9) Judicial Temperament:

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

(10) Miscellaneous:

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

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

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

- (a) SC Bar Association;
- (b) American Bar Association.

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

Pickens County Sertoma Club.

Mr. Alexander further reported:

I have been involved with people in many ways. During my legal practice, I have seen a lot of family problems and handled them on a professional level. I am also a member of Pickens First Baptist Church and have served in many capacities there, including being a Sunday School Teacher. However, my most satisfying and eye opening experience has been on the Church Benevolence Committee. On this Committee, I have dealt directly with a part of society in a personal way that a lot of citizens do not see and I have been involved with solving a variety of family issues. This experience has given me a lot of insight into the dynamics of family relationships. I also served on the City of Pickens Recreation Commission while my children were growing up and even after they were out of the program. This Commission provides recreational opportunities to all children in the Pickens area. I served as chairman for several years. Seeing and dealing with the many problems that arose with parents, children, coaches, fund raising, and City officials, was challenging. But this experience was invaluable to me as I learned to deal with people on a personal level and it helped me assist people in their legal problems on a professional level.

(11) Commission Members' Comments:

The Commission commented that Mr. Alexander has an excellent demeanor. They noted his outstanding legal experience which would be an asset on the Family Court bench.

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

Tarita A. Dunbar
13th Judicial Circuit, Seat 5
Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Ms. Dunbar meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Dunbar was born in 1961. She is 52 years old and a resident of Greenville, SC. Ms. Dunbar provided in her application that she has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1990.

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

Ms. 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.

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

Ms. 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.

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

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) Ethical Issues for Lawyers in the Electronic Age	02/28/08;
(b) Masters in Cross Examination	02/13/09;

(c)	18th Annual Criminal Practice in SC	02/27/09;
(d)	Training for Child Support	11/09/09;
(e)	Greenville County Bar CLE	02/12/2010;
(f)	SCDSS Child Support Enforcement	06/04/2010;
(g)	Domestic Violence	07/29/10;
(h)	Practice Tips for DSS Adoptions	10/29/2010;
(i)	The SC Ethics Act	06/04/2010;
(j)	Annual Ethics & Professional	12/02/2011;
(k)	US Sentencing Guidelines	11/10/2011;
(l)	FOIA Law and Issues	11/18/2011;
(m)	SC Law Review	03/01/2013;
(n)	Contempt after Turner	05/30/13.

Ms. Dunbar reported that she has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

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

(4) Character:

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

The Commission also noted that Ms. 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:

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Ms. Dunbar was admitted to the SC Bar in 1990.

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

- (a) Cromartie Law Firm basic family practice, simple divorces, (1990-91);

- (b) Director of Research and Legal Counselor on SC Senate Corrections and Penology Committee (1993-94);
- (c) Contract Attorney with the SC Labor Licensing and Regulations (advised Board Members of the statutes and regulations and wrote orders (2002-03);
- (d) Attorney with Department of Social Services Child Abuse and Neglect (2005-06);
- (e) Attorney with SC Department of Social Services Child Support Division (2006-Current).

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

I have handled a simple divorce, tried a child custody case, attorney for Department of Social Services handling abuse and neglect cases, terminating parental rights. Presently, I am an attorney with the Department of Social Services Child Support Division, handling cases establishing paternity and child support.

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

- (a) federal: 0;
- (b) state: I appear in Family Court at least three times a month.

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

- (a) civil: 0%;
- (b) criminal: 0%;
- (c) domestic: 100%;
- (d) other: Served as Director of Research and Legal Counselor for the Committee on Corrections and Penology in the SC Senate, served as contract attorney for SC Department of Labor, Licensing and Regulation.

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

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

Ms. Dunbar provided that she most often served as sole counsel.

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

- (a) I litigated or tried a termination of parental rights case. I had to prove by clear and convincing evidence that there was repetitive abuse and neglect which made it reasonably unlikely that the home could be deemed safe within twelve months. The children were removed from the home because of the mother's continued involvement with a physically abusive boyfriend and evidence of continuous domestic violence in the home even during the time the children were in DSS custody. The mother denied having contact with the boyfriend. I called the

mother as my first witness anticipating that she would deny under oath that she had continued to maintain a relationship with her abusive boyfriend. My next witnesses were at least six law enforcement officers detailing their calls and investigations to the mother's home for domestic violence between the boyfriend and her before and after the children had been removed from the home.

- (b) I was involved in a Removal Hearing in which a teenage girl alleged that her stepfather had attempted to sexually assault her. There was an additional charge of neglect because the parents had permitted the child to be absent from school without excuse. Mother argued she was homeschooling daughter and that daughter was lying about stepfather's sexual advances and abuse. Stepfather was represented by a former solicitor and mother was represented by separate counsel. I prevailed on finding educational neglect and abuse for risk of sexual offense.
- (c) One of my child support cases involved determining if the parties' prior divorce decree addressed the issue of child support. My petition requested establishing child support. Opposing counsel argued that the divorce decree had addressed the issue of child support, and therefore, my pleadings should have instead requested child support modification. If the issue of child support had been addressed previously, then the subsequent pleading must involve a request to modify an order of support. Accordingly, I needed to plead and to prove substantial or material change of circumstance to modify a prior order. I requested the court to permit the agency to amend the pleadings if it determined the prior decree properly addressed the issue of child support. I further argued that my request to amend the pleadings would not prejudice the other party.
- (d) Represented a mother who left her child in the care of the biological father and his parents for a period of time. The biological father filed an action seeking permanent custody. The issue involved whether the mother's emotional issues were relevant to her fitness to share custody or have unsupervised visitation.
- (e) Tried a case in probate court regarding whether a will had been altered and was valid.

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

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Upstate Citizen's Committee on Judicial Qualifications found Ms. Dunbar to be "Well Qualified" for each of the evaluative criteria: ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament.

Ms. Dunbar is married to Vernon F. Dunbar. She has three children.

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

- (a) I am a member of the SC Bar;
- (b) I am a member of the Greenville County Bar Association.

Ms. Dunbar provided that she was not a member of any civic, charitable, educational, social, or fraternal organizations.

Ms. Dunbar further reported:

My work experience as an attorney for the SC Labor, Licensing and Regulations involved providing legal advice to the numerous professional licensing boards during hearings regarding the suspension and revocation of licenses and issuance of fines. My position with SC Labor Licensing and Regulation allowed me to take part in deliberations concerning the decision regarding someone's professional license. I drafted orders on behalf of the Board reflecting the findings of facts and conclusions of law.

Next, I began work as an attorney representing the state of SC in abuse and neglect and adult protective services. Presently, I work in the Department of Social Services Child Support Division. My current position commonly places me in the unique position of being objective and unbiased because I am not an advocate for the custodial or noncustodial parent. My job is to protect the state's interest while being fair and objective to the parties with regard to the child support needs of the custodial parent and the ability to pay from the perspective of the noncustodial parent. My primary job duties require me to be fair and objective with both the noncustodial parent and the custodial parent. I serve people from all financial, social and cultural backgrounds. I am in court on average three days per week negotiating and litigating cases involving contempt and paternity, and establishing and modifying child support orders. This experience has sharpened my legal and analytical skills, and has equipped me to listen intently and not prejudice. I always make certain that I am fair to both sides after listening to the account of each party.

In 2005, former Governor Mark Sanford appointed me to serve as a Human Affairs Coordinator to the SC Human Affairs Commission. My quasi-judicial duties included reviewing findings and approving decisions regarding complaints of employment discrimination filed against state agencies of state government.

(11) Commission Members' Comments:

The Commission commented that Ms. Dunbar has great enthusiasm, which would serve her well as a Family Court judge. They noted her dedicated public service as an attorney for the Department of Social Services Child Support Division since 2006.

(12) Conclusion:

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

Katherine H. Tiffany
13th Judicial Circuit, Seat 5

Commission’s Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Ms. Tiffany was born in 1970. She is 43 years old and a resident of Greenville, SC. She provided in her application that she has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1995.

(2) Ethical Fitness:

The Commission’s investigation did not reveal any evidence of unethical conduct by Ms. Tiffany.

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

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

Ms. Tiffany testified she has not:

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

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

(3) Professional and Academic Ability:

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) Children’s Issues in Family Court	3/17/06;
(b) Electronic Discovery	6/2/06;12/13/00;
(c) Hot Tips from the Coolest Domestic Law Practitioners	9/22/06;
(d) Family Law Intensive Workshop	11/2/06;
(e) Family Court Bench/Bar	12/1/06;
Attendee/Speaker, “Psychological, Ad Hoc, Joint Etc Custody Update”	

(f)	Children's Issues in Family Court	3/23/07;
(g)	2007 SCTLA Annual Convention Family Law and Ethics	8/2/07;
(h)	SideBar: Ethics 2007	9/16/07;
(i)	Hot Tips from the Coolest Domestic Law Practitioners	9/21/07;
(j)	Laughter is the Best Medicine	7/17/08;
(k)	2008 SCTLA Annual Convention Family Law and Ethics	8/7/08;
(l)	Hot Tips from the Coolest Domestic Law Practitioners	9/19/08;
(m)	2009 SCAJ Annual Convention Family Law & Ethics	8/6/09;
(n)	2009 SC Family	12/4/09;
(o)	Family Law Update	1/22/10;
(p)	Advanced Family Law (National Business Institute) Attendee/Speaker "Getting the Child Heard"	2/8/10;
(q)	2010 SCAJ Annual Convention Family Law & Ethics	8/5/10;
(r)	2010 Hot Tips from the Coolest Domestic Law Practitioners Attendee/Speaker, "Child Support that is Off the Charts"	10/1/10;
(s)	SC Bar Convention Family Law Section	1/21/11;
(t)	Spring Diversity Luncheon (Greenville County Bar)	3/8/11;
(u)	2011 SCAJ Annual Convention Family Law & Ethics	8/4/11;
(v)	2011 Family Law Intensive Workshop, Course Planner & Attendee	10/6/11;
(w)	Managing Ethical Issues in Your Day to Day Practice	12/6/11;
(x)	SC Bar Convention – Family Law Section	1/20/12;
(y)	What Family Court Judges Want You to Know Moderator and Author of Handbook	2/16/12;
(z)	Presenting the Family Law Case, Speaker: Preparing the Final Order	4/27/12;
(aa)	2012 SCAJ Annual Convention Family Law & Ethics	8/2/12;
(bb)	2012 Family Court Bench Bar Seminar Attendee/Panel Member	12/7/12;
(cc)	2013 SC Bar Convention - Family Law Section	1/25/13;
(dd)	Attended 2013 SCAJ Annual Convention Family Law & Ethics	8/1/13 & 8/2/13.

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

- (a) I prepared written materials and served as a speaker at the 2005 SC Bar Family Court Bench/Bar Seminar, on the topic "War of Fathers: Biological v. Legal";
- (b) I prepared written materials and served as a speaker at the 2006 SC Bar Family Court Bench/Bar Seminar, on the topic "Psychological, Ad Hoc, Joint Etc Custody Update";
- (c) I served as a speaker at the 2010 National Business Institute Advanced Family Law Seminar, on the topic "Getting the Child Heard";
- (d) I prepared written materials and served as a speaker at the 2010 SC Bar Hot Tips from the Coolest Domestic Law Practitioners, on the topic "Child Support that is Off the Charts";
- (e) I served as the co- course planner for the 2011 SC Bar Family Law Intensive Workshop. I selected the topics, arranged for the presenters, reviewed written materials, and attended/moderated the workshop which took place over 3 days;

- (f) I prepared the written course materials (that were provided to attendees) and served as the moderator for the 2012 National Business Institute Seminar “What Family Court Judges Want You to Know”;
- (g) I prepared written materials and served as a speaker at the 2012 SC Bar Seminar “Presenting the Family Court Case” on the topic “Preparing the Final Order”;
- (h) Panel Member, 2013 SC Bar Family Court Bench Bar Seminar, December 2012;
- (i) Speaker, upcoming SC Bar Hot Tips for the Coolest Domestic Law Practitioners, “Calculating Child Support for the Haves and the Have Nots” scheduled for September 27, 2013;
- (j) Speaker, upcoming Upstate Paralegal Association Seminar, “Putting Your Best Case Forward in Family Court,” scheduled for October 11, 2013;
- (k) I am currently serving as the course planner for the 2013 SC Bar Family Law Intensive Workshop, “Twists and Turns of Child Custody in the Modern Age, scheduled for October 23-26, 2013 in Orlando, Florida.

Ms. Tiffany reported that she has published the following:

Co- Author, “Business Good Will in SC”, SC Lawyer Magazine, May 2011.

(4) Character:

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

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

(5) Reputation:

Ms. Tiffany reported that her rating by a legal rating organization, Martindale-Hubbell, is Peer Review Rating of AV PREEMINENT.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Ms. Tiffany was admitted to the SC Bar in 1995.

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

- (a) August 1995 to August 1996, Judicial Law Clerk to the Honorable Henry F. Floyd, Circuit Court 13th Judicial Circuit;
- (b) August 1996 to January 2006, Associate Attorney, Carter, Smith, Merriam, Rogers & Traxler, P.A.;
- (c) January 2006 to present, Partner/Shareholder, Carter, Smith, Merriam, Rogers & Traxler, P.A.

Ms. Tiffany further reported:

From 1996 to approximately 2002, my practice primarily focused on Family Court cases. I was also involved in some Common Pleas, Magistrate Court and Probate Court cases.

Since 2002, my practice has almost exclusively focused on Family Court cases, with only occasional involvement in other areas of practice

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

DIVORCE

I have handled the issue of divorce, both in conjunction with the other issues listed below, and as the sole issue in cases. I have been involved in cases involving divorces on all statutory grounds (one year separation; adultery; habitual drunkenness and physical cruelty), with the exception of desertion, which I have not seen raised in my 16 years in private practice. I have also handled at least one annulment action and one action involving common law marriage.

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

EQUITABLE DIVISION/PROPERTY

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

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

In all of my cases, I have tried to be diligent and thorough in preparing detailed assets and debts lists supported with documentation or objective evidence. In several cases I have worked with expert witnesses who have valued assets such as real estate, personal property, businesses and defined benefit plans, preparing direct and cross examination and educating myself on their methods.

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

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

CHILD CUSTODY

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

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

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

ADOPTION

I have served as an attorney and a guardian ad litem in several adoption actions. These actions have involved both blood relative/stepparent adoptions as well as adoptions through private agencies. Some of these actions have also included actions for termination of parental rights -- such as for failure to visit and failure to support. Most of the actions have been uncontested, but (see below) I also have experience with highly contested and complicated adoption issues.

ABUSE & NEGLECT

I have served as 608 counsel (as an attorney and as a guardian ad litem), as substitute counsel and as privately retained counsel in actions for abuse and neglect. I have represented parents and third parties accused of abuse or neglect; I have represented third party caregivers seeking to intervene in abuse and neglect actions. I have represented alleged victims of abuse and neglect, including infants, young children, teenagers and the elderly. Some of these actions have been brief and concluded after one hearing. Others have lasted for several years at a time and required numerous hearings. My court appearances in these actions have included uncontested issues (such as agreements to treatment plans) as well as contested hearings (in removal actions, termination of parental rights, and permanency planning (issues such as relief from services, reunification/return to home, placement with third parties). Some contested hearings have lasted as little as 1 hour; others have extended over several days.

JUVENILE JUSTICE

I have not served as counsel of record in any Juvenile Justice matters. However, I have gained some knowledge and experience in this area through my work on Abuse and Neglect cases, especially as a guardian ad litem where DJJ has been involved. I have attended hearings on the companion DJJ action, reviewed DJJ records, and met with caseworks involved in the companion DJJ actions.

Ms. Tiffany reported the frequency of her court appearances in the past five years as follows:

- (a) federal: no appearances;
- (b) state: schedule varied, sometimes I would appear 3 to 4 times per week, other times once per week, occasionally no appearances in a week.

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

- (a) civil: 0%;
- (b) criminal: 0%;
- (c) domestic: 100%;
- (d) other: 0%.

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

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

Ms. Tiffany provided that she most often served as chief counsel.

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

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

My partner Tom Traxler and I represented the Husband in this action, which involved a 10 year marriage; divorce on the grounds of (Wife's) adultery; equitable division of assets, as well as attorneys fees. The Husband had substantial real estate and other assets he had acquired prior to the parties' marriage. The Wife claimed, based on transmutation and special equity, that the Court should equitably divide the Husband's premarital real estate. My partner and I defended against these claims, arguing that the Husband's premarital real estate should be excluded from division. The property issues also included division of other assets, including a number of horses that had to be valued, auctioned and sold during the action; investment accounts and real estate acquired by the Wife with marital earnings during the marriage; and other real estate which wife contracted to buy prior to the date of filing of the action but did not close on until after the action was filed. The Family Court found a 10% special equity interest in the Husband's premarital real estate which was included in the marital estate, but rejected the Wife's claim that the entire property had been transmuted. The Court also found that other assets acquired by the Wife during the marriage (including the real estate contracted before but closed after the action was filed, and rental income received by the Wife) were marital assets to divide. The Wife appealed the Family's Court's ruling as to transmutation of the Husband's premarital real estate; the amount of special equity interest awarded; the inclusion of the Wife's real estate and rental income in the marital estate; and the overall apportionment in the marital estate. Mr. Traxler and I continued to represent the Husband in the appeal. The Court of Appeals issued its opinion in August of 2002, reversing the Family Court's decision to include as

marital assets the real estate Wife had contracted to buy but did not close on until after the action was filed; remanding to the Family Court to determine if the Husband had a special equity interest in this real estate; reversing the Family Court's decision to include Wife's post filing rental income in the marital estate; affirming the Family Court's finding that the Husband's premarital real estate had not been transmuted; affirming the Family Court's calculation of the Wife's special equity interest in this real estate; and affirming the Family Court's equal division of the marital estate.

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

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

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

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

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

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

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

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

This case involved a short marriage of less than 5 years. The parties had one child, who was 6 months old at the time this action was filed. A Final Hearing took place in two installments, the first in 2008, spanning 7 days, the second installment in 2009 nearly a year later, lasting 1 day.

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

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

final custody was awarded to my client and final child support was assessed, the Husband left the country, but continued to file motions from overseas.

The Husband did not appear at the conclusion of the Final Hearing. But after the Final Order was issued (which was over 100 pages long, and included an award of attorneys fees and litigation costs against the Husband as well as findings of contempt), the Husband initiated an appeal to the SC Court of Appeals which was dismissed because the Husband refused to comply with the Appellate Court Rules requiring him to pay for the costs of the transcript. The Husband then attempted to seek a “Writ of Review” with the SC Supreme Court, which was denied. My partners and I represented the Wife during both appellate actions, which lasted for nearly a year.

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

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

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

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

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

The Family Court found that Mr. Reeves’ consent was required in order for the Roes to adopt Baby Boy; that Mr. Reeves did not consent to the adoption; denied the Roes’ request for adoption, and awarded custody of Baby Boy to Mr. Reeves. When Mr. Reeves assumed custody of Baby Boy, Baby Boy had just celebrated his 1st birthday.

The Roes appealed the Family Court’s Order to the Court of Appeals. The Supreme Court of SC took certiorari and issued an opinion in May of 2011 (when Baby Boy was 2 years old) reversing the Family Court, finding that Mr. Reeves’

consent to adopt was not required and ordering Baby Boy returned to the custody of the Roes. Mr. Reeves petitioned for rehearing and later for Writ of Certiorari from the United States Supreme Court, both of which were denied.

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

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

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

I consider this case to be the most significant custody action I have handled. The custody issue which is difficult enough by itself, was complicated by the special needs of the child (which required an enormous amount of research and preparation on the child's medical, educational, therapeutic and living needs, as well as the parties' access to resources and abilities to meet these needs); the geographic distance between the parties (the Wife lived in SC, the Husband in Virginia), and the circumstances that arose during the 3 years the action was pending. A guardian ad litem was appointed who conducted a lengthy and very detailed investigation.

The Wife was represented by 3 different attorneys in the action. While the action was pending, the Wife claimed she had been diagnosed with and was being treated for cancer. She used this as a basis for delaying mediation but then refused to answer discovery requests inquiring about her medical conditions. At the request of the guardian ad litem, the parties submitted to forensic psychological and custody evaluations by a mental health expert. Both parties were deposed and literally volumes of medical and educational records for the minor child were compiled and exchanged in discovery.

The parties were awarded temporary joint custody, with primary placement remaining with the Wife and Husband receiving specific placement privileges 1 to 2 times per months and more extended placement on holidays and during summers. The Husband did not initially seek sole custody, hoping that the issue could be resolved amicably. But while the action was pending, the Husband became

concerned about the Wife's behavior toward him as well as toward the child (who had excessive absences from school and therapy). He decided to seek primary custody of the parties' child.

The Final Hearing was scheduled and continued two times before it was finally heard in June of 2012, over a period of 4 days. The final hearing involved lengthy testimony by both parties, the examination and cross examination of mental health experts, the guardian ad litem as well as third party witnesses. Over 70 exhibits were entered into evidence. The Family Court awarded the Husband (who lived in Virginia) primary placement of the parties' child (who had been in the temporary primary placement of the mother in SC for nearly 3 years) and adopted the parenting plan proposed by the Husband. I was instructed to prepare the Final Order, which was nearly 50 pages long (excluding exhibits and attachments) which has been submitted to the presiding judge.

This case required years of patience and diligence, not only from me but also from my client whose primary concern the entire time was the health, safety and well being of his child. I am proud to have represented this client and to have been a part of helping him secure his child's medical, educational and physical care.

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

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

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

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

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

- (c) Jane Roe and John Roe v. Craig Reeves, Victoria Addis and Baby Boy, 708 S.E.2d 778 (2011). Opinion Issued May 2, 2011.

I served as the guardian ad litem for Baby Boy in the underlying action. I was listed in the appeal as the guardian ad litem and was served with all filings and notified of all proceedings. I did not prepare any briefs in this matter, although I was served with the briefs prepared by the parties' counsel and reviewed them thoroughly. I attended the oral argument before the SC Supreme Court, but did not present any argument, although I was prepared to do so if called upon by the Court.

- (d) Lesle Dean Long Cobin/Respondent v. John Macarewich Cobin/Appellant, 2006-DR-23-4325

In the SC Supreme Court, Appeal from the Greenville County Family Court, Supplemental Temporary Order of Timothy L. Brown dated April 2, 2007. Order Dismissing Appeal issued by the SC Supreme Court on August 24, 2007. Order Requiring payment of Attorneys fees by Husband/Appellant to Wife/Respondent issued on October 17, 2007.

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

- (e) Lesle Dean Long Cobin/Respondent v. John Macarewich Cobin/Appellant, 2006-DR-23-4325

In the SC Court of Appeals, Appeal from the Greenville County Family Court, Final Order of William J. Wylie, dated May 14, 2009. Order(s) Dismissing Appeal and denying Motion to Reconsider issued by the SC Court of Appeals on October 5, 2009; November 12, 2009; and December 8, 2009.

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

- (f) Lesle Dean Long Cobin/Respondent v. John Macarewich Cobin/Appellant, 2006-DR-23-4325

In the SC Supreme Court, Petition for Writ of Review(Certiorari). Order denying Petition for Writ of Review issued on March 8, 2010.

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

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

Ms. Tiffany further reported the following regarding an unsuccessful candidacy:

I applied for Family Court At Large Seat 4 in August of 2012. I was found Qualified and nominated by the Judicial Merit Selection Commission. The Honorable Monet Pincus was elected to this seat on January 30, 2013.

- (9) Judicial Temperament:

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

- (10) Miscellaneous:

The Upstate Citizens Committee found Ms. Tiffany "Well-Qualified" for the evaluative criteria: physical health, mental stability, ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

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

Ms. Tiffany reported that she was a member of the following bar associations and professional associations:

- (a) SC Bar Association

- Family Law Council member 2009 through present
- Family Law Council Secretary, elected to term 2013-14;
- (b) Greenville County Bar Association.

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

- (a) Paris Elementary School Improvement Council, 2007-12;
- (b) Paris Elementary PTA
 - Member 2006 to present
 - Red Ribbon Week Coordinator 2007 to Present;
- (c) St. James Episcopal Church
 - Member 2000 to present
 - Vacation Bible School Volunteer 2010 and 2011
 - Nursery Volunteer 2010 - 2011
 - Children's Church Leader 2012 - present;
- (d) Leukemia and Lymphoma Society "Team in Training" Program
 - Fund Raiser/Participant in 2011 Savannah Rock n Roll Half Marathon
 - Raised over \$4000, trained for and completed Half Marathon course.

Ms. Tiffany further reported:

I have practiced almost exclusively as a Family Court lawyer for 17 years. My partners and I have set high standards for each other and our practice that I have strived to attain. I have tried to improve my knowledge and experience by tackling difficult issues in litigation and by researching and presenting on novel legal issues at CLE's.

I intend to bring to the bench the same drive and eagerness to learn that I have applied to my 16 years of private practice. If I have the honor of serving as a Family Court Judge, I plan to devote myself to my responsibilities for as long as I am nominated and elected to serve.

(11) Commission Members' Comments:

The Commission commented that Ms. Tiffany is known as a sharp Family Court practitioner with experience in all areas of family law. They noted that she had one of the most impressive presentations at the Public Hearing.

(12) Conclusion:

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

Melissa Johnson Emery
15th Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Ms. Emery was born in 1969. She is 44 years old and a resident of Myrtle Beach, SC. She provided in her application that she has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1994.

(2) Ethical Fitness:

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

She 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. Emery reported that she has spent \$127.00 in campaign expenditures for stationary and postage.

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

(3) Professional and Academic Ability:

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) Family Court Procedural & Substantive Law	10/11/07;
(b) Children's Issues in Family Court	03/28/08;
(c) Family Law Intensive Workshop	11/21/08;
(d) Family Court Procedural & Substantive Law	12/17/08;
(e) 2009 SC Family Court Bench Bar	12/04/09;
(f) Family Court Procedural & Substantive Law	12/10/09;

- (g) Steering Your Way Through Family Court 05/21/10;
- (h) ABA 2010 Annual Meeting – Family Court Seminar 08/05/10;
- (i) Family Court Procedural & Substantive Law 12/09/10;
- (j) The 8 Types of Clients and How to Survive 7 of Them 02/23/11;
- (k) Family Court Procedural & Substantive Law 12/08/11;
- (l) ADR: An Ethical Perspective 12/28/11;
- (m) Presenting the Family Law Case: The Basic Essentials 04/27/12;
- (n) 2011 Richland County Bar Ethics Seminar 01/19/13;
- (o) What Every Lawyer Should Know to Enjoy the Practice of Law 06/21/13.

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

- (a) I have coordinated and participated as a presenter for the annual Horry County Family Court Procedural & Substantive Law Seminar from 2000 to present. This is an annual seminar that is conducted each year by the Horry County Family Court Bar, which I have chaired since 2000. In working closely with our resident judges, the committee presents a practical nuts & bolts type seminar which aides the Family Court practitioner with substantive and procedural issues dealt with in Family Court;
- (b) I was part of the presentation faculty for the seminar Presenting the Family Law Case: The Basic Essentials on April 27, 2012. This is a seminar presented by the Family Law Council of the SC Bar on a bi-annual basis to teach attorneys who are new to Family Court the basic procedures for practicing in Family Court;
- (c) I was part of the presentation faculty for the seminar Steering Your Way Through Family Court on May 21, 2010. This is the first seminar presented by the Family Law Council of the SC Bar, now done on a bi-annual basis to teach attorneys who are new to Family Court the basic procedures for practicing in Family Court;
- (d) I was part of the presentation faculty for the seminar Children’s Issues in Family Court on March 17, 2006 and March 28, 2008. This seminar dealt directly with the issues of children in Family Court. It also served as training for Guardians ad Litem in Family Court;
- (e) I was part of the presentation faculty for the seminar Hot Tips from the Coolest Domestic Law Practitioners on September 23, 2005. This is a seminar conducted by the Family Law Council each year to educate new and experienced attorneys alike in Family court;
- (f) I was part of the presentation faculty for the seminar Guardian ad Litem Training on March 5, 2004. This seminar dealt directly with the issues of children in Family Court and served as training for Guardians ad Litem in Family Court.

Ms. Emery reported that she has published the following:

SC Family Lawyer’s Toolkit, Second Edition; Published by the SC Bar in 2010.

(4) Character:

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

Ms. Emery did not indicate any evidence of a troubled financial status. Ms. Emery has handled her financial affairs responsibly.

The Commission also noted that Ms. Emery 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. Emery reported that her rating by a legal rating organization, Martindale-Hubbell, is BV (4.4).

Ms. Emery reported that she has held the following public office:

Francis Marion University Board of Trustees – May 1998 to June 2013. All reports were timely filed.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Ms. Emery was admitted to the SC Bar in 1994.

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

- (a) Law Clerk to the Honorable James E. Lockemy, Circuit Judge of the Fourth Judicial Circuit – August 1994 to August 1995;
- (b) Law Offices of John R. Clarke, North Myrtle Beach, SC, Associate, Civil and Domestic Litigation, August 1995 to November 1996;
- (c) Jeffcoat Pike & Nappier, LLC, Myrtle Beach, SC, Associate, Domestic Litigation to include GAL work and mediation, November 1996 to August 2000;
- (d) Monckton Law Firm, Myrtle Beach, SC, Associate, Domestic Litigation to include GAL work and mediation, August 2000 to March 2001;
- (e) Jeffcoat Pike & Nappier, LLC, Myrtle Beach, SC, Partner, Domestic Litigation to include GAL work and mediation, March 2001 to October 2007;
- (f) McLain & Lee, LLC, Conway, SC, Partner, Domestic Litigation to include GAL work and mediation, October 2007 to December 2010;
- (g) Melissa Johnson Emery, LLC, Conway, SC, Owner, Domestic Litigation to include GAL work and mediation, January 2011 to Present.

Ms. Emery further reported regarding her experience with the Family Court practice area: I have practiced in the Family Court area since 1995, and exclusively since 1996.

DIVORCE/SEPARATE SUPPORT AND MAINTENANCE/EQUITABLE DIVISION:

The majority of my cases fall into this category. I have dealt with each ground for divorce as allowed by statute in my cases throughout my practice as a Family Court practitioner. Some of my cases have been so disturbing that I feared for the life of my client. I have had to seek Ex Parte Orders and Emergency Hearings on the most severe cases. As part of most divorce cases, the issue of equitable division of assets and debts must be dealt with. My cases dealing with this issue have ranged from parties with little by way of assets and debts to parties with estates worth millions of dollars. Some of the cases have included businesses that must be evaluated and buy outs discussed. I have also handled cases that deal with common law marriage and these are very difficult once the relationship goes sour.

CHILDREN'S ISSUES:

Many of the divorce cases I have handled also included issues involving the minor children of the parties. In most cases, there is generally a primary caretaker of the children, but more and more there is a blending of duties between parents in regarding to the children. Because both parents are such an integral part of raising children while they are married, it is hard to explain to parents that their time and rights to their children could be drastically cut when going through a divorce. In addition to the contested custody cases, I have also dealt with complex issues involving children such a child endangerment, drug and alcohol abuse , parental alienation, visitation restrictions and adoptions. I have also dealt with many modification actions wherein parties have moved from the area or have had other substantial changes of circumstance. I have handled many adoption cases, as I have a personal interest in this area. (I have a few family members who are adopted, including my own daughter.) I have tried two complex termination of parental rights cases in the last few years. I have also done adult adoptions. I have represented parents seeking to change the name of their child, one of which resulted in a contested trial.

Another role in which I have addressed children's issues is as a guardian ad litem.

I have served as a guardian ad litem for contested custody cases and adoptions for over fifteen years. I have participated in trials as the Guardian for the minor children involved in the action, and have conducted investigations so that I could represent the best interests of my charge. I have served as a Guardian in termination of parental rights actions, to include one particular case in which twin girls were horribly burned, allegedly by one or both of their parents.

DSS/ JUVENILE JUSTICE:

All Family Court appointments dealing with the Department of Social Services and juvenile justice came to me for many years in my prior firm. I have handled many cases as the attorney for a litigant in a DSS case or I have served as the guardian ad litem for the minor child(ren) in abuse and neglect cases. I have conducted investigations on behalf of the client. I strongly believe that any attorney appointed to these cases should serve their client just as any paid client is served. Often these people need help the most, and I know that these children are the neediest in the court system. I have handled cases as the attorney for a juvenile who has been arrested, and have also served as the GAL for the juvenile when their parent or guardian is not present or was the victim of the alleged crime.

MEDIATION:

Horry County is a pilot county for mediation, and I have served as a certified Family Court mediator for approximately thirteen years. I must say that I truly enjoy this aspect of family law. It is rewarding to help parties reach a resolution that can begin the healing process, especially for their children. The litigants may not always get what they want; however, if they have had a hand in reaching a resolution, the end result is usually very successful and contempt actions tend to be avoided.

Ms. Emery reported the frequency of her court appearances as follows:

- (a) federal: none;
- (b) state: average of 3 – 4 times per week.

Ms. Emery reported the percentage of her practice involving civil, criminal, and domestic matters as follows:

- (a) civil: 0%;
- (b) criminal: 0%;
- (c) domestic: 100%;
- (d) other: 0%.

Ms. Emery reported the percentage of her practice in trial court as follows:

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

Ms. Emery provided that she most often served as sole counsel.

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

- (a) Bret Baum v. Sabrina Baum (2011-DR-26-3004).

This was a divorce case wherein the primary issue was the transmutation of property owned by the Husband prior to the marriage. Wife claimed that the Husband's business had transmuted due to the fact that she had helped create a section of the business during the marriage and helped him work that part of the business. However, the section created added no value to the business and actually lost money for the business. Wife's argument of working with the business should be enough to transmute the business to marital property although she never invested any money into the business and never took on any liability related to the business but did a minimal task with the business. The Court found that the business had not transmuted but did give Wife a special equity in the income derived from her efforts.

- (b) Eileen K. Lee v. Thomas F. Lee, Jr. (2010-DR-22-071).

This was a divorce wherein the parties separated due to the sexual and mental abuse of the parties' minor child by the Defendant Father. While the private divorce case was pending, there were separate actions involving SCDSS and criminal charges against the Defendant Father. While the Family Court had found that the Defendant Father had abused his son, he still continued to fight in the divorce action to have access to the minor child even though he was under a court order to receive services which he refused. He contested each and every issue before the Court and this added to the level of difficulty because of the threat of

harm against the Plaintiff Mother and the minor child. He challenged the notion that the marriage was broken by his acts against the minor child as those acts did not constitute grounds for divorce under the laws of SC.

- (c) Dewey Cecil Baldwin v. Mary Florence Matherly Baldwin (2010-DR-26-0768).

This case dealt with a modification of alimony requested by the Plaintiff. At the time of the divorce, the parties agreed that the Plaintiff would pay permanent periodic alimony to the Defendant. They agreed that alimony would continue until such time as Defendant remarried or either party died, as that was the current statute at the time. Subsequently, the alimony statute was changed to include the current cohabitation clause as a way to terminate alimony. Defendant had been living with her paramour for over fifteen years but would not marry him because she would lose her alimony. Plaintiff sought to terminate the alimony because of the change in the statute regarding cohabitation as well as the fact that she was living in a relationship that was tantamount to marriage. Defendant argued that the cohabitation term did not apply to her because the law was changed after their Final Order was entered. This case challenged the Family Court judge to determine if the statutory change was retroactive to orders that came before it. During the trial, and after briefs on the topic were submitted and argued, the parties agreed to a resolution that found the relationship was tantamount to marriage and an agreement was reached. Alimony was subsequently terminated. Therefore, the issue of the statute being retroactive did not have to be addressed.

- (d) Irene Wanda Shubeck v. Theodore Richard Shubeck (2008-DR-26-2666).

This case dealt with a divorce, alimony and equitable distribution. The problematic aspect of this case was based upon the fact that the parties owned several businesses in a flea market setting which took in a lot of cash that may or may not have been accurately reported. While the parties were able to maintain a very comfortable lifestyle during the course of the marriage, the values and incomes of their businesses were sketchy at best. With difficulty, the attorneys and the Court had to pick through financial records and proof of lifestyle, to include items purchased throughout the marriage, to determine what values could be assigned to their property as well as what income could be used in determining support obligations.

- (e) David Wayne Schamens & Piliانا M. Schamens v. William Gaither & Julie Gaither (05-DR-26-2225).

This case dealt with the termination of parental rights of both parents and the adoption of the minor child by her maternal uncle and aunt. The parents of the child had been involved in litigation over the child for an eight year period of time. Both of them eventually abandoned the litigation as well as the minor child. Mother had an order allowing supervised visitation; however, she made only sporadic efforts to see her daughter. Father had supervised custody (due to sexual abuse allegations) and was to be supervised by his wife. The step-mother raised the minor child for a period of two years with no monetary support from either parent and little or no visitation with either parent. Mother's brother and sister-in-law petitioned to terminate the parents' parental rights and adopt the minor child. Both parents came forward to contest the action. Eventually, Father voluntarily gave up his parental

rights. Mother fought the action in a four day trial. The Court terminated her parental rights on six separate grounds and granted the adoption.

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

Daniel Griffin v. Terri Lopez (02-DR-26-1152). In this case I represented the Defendant who filed a Rule to Show Cause contempt action against the Plaintiff after the case was finalized. The Plaintiff was found to be in contempt and he appealed the ruling. After initial briefs were filed by the parties, the Plaintiff dismissed the appeal allowing the contempt finding to stand.

Ms. Emery reported that she has not personally handled any criminal appeals.

Ms. Emery further reported the following regarding unsuccessful candidacies:

- (a) I ran for Horry County Family Court Seat 2 in 2008. I withdrew from the race in January 2008;
- (b) I ran for Family Court At-Large Seat 5 in 2013. I lost the race by vote of the General Assembly.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Pee Dee Citizen's Committee on Judicial Qualifications found Ms. Emery to be "Qualified" as to constitutional qualifications, physical health, mental stability, and character, and "Well Qualified" as to ethical fitness, professional and academic ability, reputation, experience, and judicial temperament. The Committee stated, "Character rated as qualified rather than well-qualified due to concerns voiced by community members. The Committee stated in summary, "This committee believes Ms. Emery has the experience, ability, and temperament necessary to fulfill the requirements of a judge in Family Court."

Ms. Emery is not married. She has two children.

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

- (a) SC Bar Association;
- (b) Horry County Bar Association;
- (c) SC Bar Family Law Section Council, 2003 – present; Section Delegate, 2012; Chair, 2010; Vice Chair, 2009; Secretary 2008;
- (d) SC Fee Disputes Board, April 2012 – June 2013;
- (e) Horry County Family Court Executive Committee, 2000 – present;
- (f) Certified Family Court Mediator, 1999 – present;
- (g) Coastal Women's Law Society, 2000 – present; President 2000-03.

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

- (a) Burgess Elementary School Improvement Council, 2008 – present; Secretary 2008-09;
- (b) Francis Marion University Board of Trustees, 1998 – June 2013.

Ms. Emery further reported:

With the exception of my first year in practice, I have dedicated my entire professional life to practicing in Family Court and have practiced in no other area. I am very passionate about this area of the law. We deal with people's children, livelihood, and assets that they have worked their entire lives to acquire. They are truly at their most vulnerable and have put their complete trust in their lawyer to take care of their family issues and the presiding judge to make a fair decision. Having gone through the process of adopting a child and also a divorce myself, I have been on the "litigant" side of Family Court as well. Therefore, I am well acquainted with the fact that someone going into the Family Court arena has to put their trust in the system and the fact that the judge presiding over the matter has the requisite knowledge of law and concern for the litigants. I believe that my life experience has prepared me to be a judge who will understand the fact that those appearing in front of me are not just a caption and case number but people who need to know that the judge is compassionate and will strive to be as fair as possible.

I will also provide information as to an incident that happened approximately 13 years ago. While I do not believe that it would have a negative impact upon my ability to serve as a judge, it was brought to the attention of the Committee last year during my judicial screening, and I would like to include it in my application at this time as well:

In the spring of 2000 I was retained by a young woman who had just been served with an Ex Parte Order removing her child from her custody and placing the child with his father. There was also a Notice of Emergency Hearing which set the hearing for two or three days from the date of service. The supporting document for this Ex Parte Order was an affidavit by this woman's ex-boyfriend (not the child's father). She denied the allegations and stated that this man had since come to her and apologized for helping the child's father take custody and signing such an affidavit. He then stated that he would be willing to sign a new affidavit renouncing the first affidavit. An affidavit was prepared by my office, and my assistant personally delivered the affidavit to the man. He was working and said that he needed time to review and would deliver it back to us as the hearing was the next day. He delivered the signed affidavit to my client who brought it to me. While I did not see him sign it, I did verify that he had signed the document, compared the signatures from the previous affidavit, and I notarized the statement. This was a huge mistake and I know that and I regret it. Subsequently, the hearing was held and this man was called into Court to address the issue of the two affidavits. He admitted to the Court that he had signed them both. He had previously stated to the guardian ad litem that he had signed both affidavits as well. The Court referred the man to the Solicitor's Office due to the fact that he had signed both documents. I went to the Solicitor's Office on my own accord and advised them that this man had not signed the second document in front of a notary.

While I knew he had signed both documents, I felt that I had an obligation to advise the Solicitor handling the matter of what had transpired. I could not in good conscience allow this information to go unknown. The notarizing of that affidavit was a mistake I made early on in my career and it taught me a huge lesson that I have never forgotten or made again.

(11) Commission Members' Comments:

The Commission commented that Ms. Emery is known as a very competent Family Court practitioner. They noted her strong background as a mediator and guardian ad litem.

(12) Conclusion:

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

**The Honorable Ronald R. Norton
15th Judicial Circuit, Seat 3**

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to S.C. Code Ann. §2-19-40, the chairman of the Commission determined the public hearing for Judge Norton was unnecessary as there was no request made for a hearing by at least six members of the Commission, his candidacy for re-election was uncontested, and there was no substantial reason for having a public hearing regarding his candidacy.

(1) Constitutional Qualifications:

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

Judge Norton was born in 1952. He is 61 years old and a resident of Murrells Inlet, SC. Judge Norton provided in his application that he has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1977.

(2) Ethical Fitness:

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

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

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

(3) Professional and Academic Ability:

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) Family Law Section SC Bar Convention	01/25/13;
(b) Horry County Family Court Seminar-Procedural	12/12/12;
(c) Family Court Bench Bar Seminar	12/07/12;
(d) Mandatory Family Court Judges	12/06/12;
(e) Annual Judicial Conference	08/22/12;
(f) Annual Convention SCAJ	08/02/12;
(g) Family Court Judges Conference	04/18/12;
(h) Family Law Section SC Bar Convention	01/20/12;
(i) Horry County Family Court Seminar-Procedural	12/08/11;
(j) SC Family Court Bench Bar	12/02/11;
(k) Fifth Annual Horry County Probate Court CLE	11/18/11;
(l) Annual Judicial Conference	08/17/11;
(m) SCAJ Annual Convention	08/04/11;
(n) Family Court Judges' Conference	06/01/11;
(o) Family Law Section	01/21/11;
(p) Horry County Family Court Seminar-Procedural	12/09/10;
(q) SC Family Court Bench/Bar	12/03/10;
(r) Mini Summit on Justice for Children	12/02/10;
(s) Judicial Conference	08/18/10;
(t) SCAJ Annual Convention	08/05/10;
(u) General Jurisdiction	05/16/10;
(v) Family Court Judges Conference	04/22/10;
(w) Child Welfare in SC: Problems	01/23/10;
(x) Family Law Update	01/22/10;
(y) Family Court Seminar-Procedural	12/10/09;
(z) SC Family Court Bench/Bar	12/04/09;
(aa) Annual Judicial Conference	08/19/09;
(bb) Annual Convention SCAJ	08/06/09;
(cc) Orientation School for New Family	06/03/09;
(dd) Family Court Judges' Conference	04/22/09;
(ee) Horry County Family Court Seminar-Procedural	12/17/08;
(ff) SC Family Court Bench/Bar	12/05/08;

- | | | |
|------|--|-----------|
| (gg) | Judicial Conference | 08/20/08; |
| (hh) | Orientation School for New Family Court Judges | 06/04/08; |
| (ii) | Family Court Judges Conference | 04/23/08; |
| (jj) | Children's Issues in Family Court | 03/20/08. |

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

- (a) Lectured at the annual Horry County Bar Association Seminar on the Family Court Rules and the rules of Civil Procedure which are applicable to the Family Court. 2008-12;
- (b) Judge's Orientation School – spoke to the newly elected judges on experiences of a first year judge. April 2009;
- (c) SC Association for Justice - spoke at the Family Court Seminar on how to practice in Family Court. August 2009;
- (d) Family Court Bench Bar Seminar–spoke on mediating DSS cases. December 2011;
- (e) Judicial Observation and Experience Program – have law students sit with me for two weeks each summer to observe the view from the bench. 2008-13;
- (f) SC Supreme Court Docket Management Task Force – February 2011-November 2012.

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

(4) Character:

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Norton was admitted to the SC Bar in 1977.

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

- (a) Upon graduating from law school in 1977, I began my legal career with the law firm of Harvey, Battey, Macloskie & Bethea, P.A. I was employed in their satellite office located on Hilton Head Island. Their main location was Beaufort, SC. The practice was a general practice of law with the Hilton Head Island office concentrating on real estate transactions as well as construction litigation. As an associate, I assisted the partners in these areas. Approximately one year after becoming employed with this firm, the offices split with the Hilton Head Island office becoming the law firm of Bethea, Jordan & Griffin, P.A. William Bethea, a partner with the prior firm of Harvey, Battey, Macloskie & Bethea became the senior partner with the new law firm. This firm continued to focus and concentrate its business on real estate matters ranging from real estate closings and development to litigation involving real estate and development.
- (b) I became a partner in the firm in 1983 with my practice focusing primarily in litigation dealing with construction law as well as contract litigation. I began developing a family law practice at this time, however the firm's primary focus again dealt with real estate related issues.
- (c) In 1985, I relocated to Garden City, SC, and formed a partnership with Robert J. Barber. This firm was known as Barber & Norton, P.A. Mr. Barber handled real estate transactions and I handled litigation for the firm. This office also focused on real estate matters dealing with residential sales in Horry and Georgetown counties.
- (d) In 1986, I joined the firm of Cross, Singleton & Burroughs and the firm became known Cross, Singleton, Burroughs & Norton, P.A. Here, I continued to deal with real estate issues, but began to focus on litigation in the court of common pleas as well as Family Court. The firm was a general practice firm however we did not deal with criminal issues, focusing primarily on civil matters. It was while employed with this office that I began to direct my focus to family law as the firm had a developing family law practice.
- (e) I continued with this firm until 1994 and joined the law firm of Walker, Brehn & Norton, P.A., where I was a partner. In this office I dealt primarily with the Family Court area although I assisted the other partners in real estate matters as well as civil litigation and probate issues. I handled the Family Court matters for the firm.
- (f) In 1997, I decided to leave the firm and become a sole practitioner. My office concentrated on family law issues with approximately 80% of the practice directed to that area. I continued to be involved in some civil litigation issues as well as real estate and probate matters. The firm did not engage in the practice of criminal law.
- (g) In 2005, I took a position as a part-time Assistant City Prosecutor with the City of Myrtle Beach. This was in addition to maintaining my law practice. As a part-time Assistant City Prosecutor, I prosecuted traffic and misdemeanor cases for the city of Myrtle Beach acting as a prosecutor for bench trials on Monday night and Tuesday night of each week and prosecuting jury trials 4 days every other month.

- (h) The city of Myrtle Beach had a full-time city prosecutor in addition to my position as an Assistant City Prosecutor however in 2007, based upon the case load the City of Myrtle Beach determined it was necessary to hire a second full-time city prosecutor at which time the position of part-time Assistant City Prosecutor was phased out. My law office continued to focus primarily on family law issues 10 years.
- (i) In 2008, I was elected to the Family Court Bench and have been serving as a Family Court Judge since.

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

I served as a Special Referee appointed by the Circuit Court Judge to hear cases involving timeshare homeowners association lien foreclosures for the Court of Common Pleas. I served periodically from 2000-2007 prior to being elected to the Family Court in 2008. I had jurisdiction consistent with that of the Circuit Court in foreclosure cases.

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

Opinions generated while serving as a Special Referee involved lien foreclosures by homeowners' associations for fees. The homeowners failed to pay their monthly fees and the association filed liens and foreclosed same. My order resulted in the sale of the property to satisfy the lien. None of these have been reported.

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

While serving as a Special Referee, I continued my law practice as a sole practitioner. I have had no outside employment since my election to the Family Court.

Judge Norton further reported the following regarding an unsuccessful candidacy:

Prior to being elected to the Family Court, I offered as a candidate for the Board of Trustees for Coastal Carolina University. I withdrew my candidacy when it became evident I could not receive enough votes to be elected.

- (9) Judicial Temperament:
The Commission believes that Judge Norton's temperament has been and would continue to be excellent.
- (10) Miscellaneous:
The Pee Dee Citizen's Committee on Judicial Qualifications found Judge Norton to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee found Judge Norton to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee stated in its summary, "Judge Norton is known to be very conscientious about his work and is well-liked and respected."

Judge Norton is married to Sarah Lane Dowling Norton. He has two children.

Judge Norton reported that he was a member of the following bar associations and professional associations:

- (a) SC Bar – 1977 to present;
- (b) Horry County Bar Association – 1985 to present.

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

Judge Norton further reported:

I have had the honor and privilege of serving as a Family Court Judge since my election in 2008. While I feel I am qualified for this position, I have also grown in my appreciation for the difficulties facing the individuals appearing before me. I always try to be fair, compassionate, honest, and professional. I am committed to the position and will continue to work hard and give my all to the job.

(11) Commission Members' Comments:

The Commission members commented that Judge Norton has an excellent reputation as a Family Court judge and that he has ably served on the bench since 2008.

(12) Conclusion:

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

Thomas H. White IV
16th Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Mr. White was born in 1957. He is 56 years old and a resident of Union, SC. Mr. White provided in his application that he has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1983.

(2) Ethical Fitness:

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

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

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

(3) Professional and Academic Ability:

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) Blues, BBQ & Bar CLE	07/12/13;
(b) Ethics & Mental Health Study	01/31/13;
(c) DUI Defense From A to Z	11/09/12;
(d) Greenville County Bar Association Year End CLE	02/10/12;
(e) DUI Defense From A to Z	11/11/11;
(f) Blues, BBQ & Bar CLE	07/08/11;
(g) Blues, BBQ & Bar CLE	07/09/10;
(h) RESPA: New HUD Changes	12/17/09;
(i) A Look Back: Lessons	11/20/09;
(j) Bridging the Gap Defending DUI	11/13/09;
(k) Blues, BBQ & Bar CLE	07/10/09;
(l) Keeping the Trust – Escrow Account	06/09/09;
(m) Ethics, Baseball & Shoeless Joe Jackson (SC Bar video presentation)	12/12/07;
(n) Ethical Considerations (SC Bar video presentation)	12/12/07;
(o) DUI on Trial	11/09/07;
(p) 2007 Spring Seminar (SCACDL)	05/16/07.

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

- (a) I have served as a presenter on two separate occasions at continuing legal education seminars sponsored by the SC Association of Criminal Defense Lawyers. My presentations covered the general topic of case investigation and preparation for rural lawyers in economically-challenged locations;
- (b) I have been a frequent guest speaker to public school classrooms in Union County, SC. over the years on law-related topics and on law-related careers. In particular, I have participated as a regular presenter in the Opportunity Fair program at the middle-school and high school levels in Union County, SC public schools. These presentations have been particularly focused on educating students

regarding our legal system, the advantages of a legal education, and employment opportunities in the legal field.

Mr. White reported that he has published the following:

I have not published any books or scholarly articles; however, as president of the SC Association of Criminal Defense Lawyers in 2002, I did author three President's Columns in "The Advocate," the original newsletter for the organization.

(4) Character:

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

The Commission also noted that Mr. White 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. White reported that his rating by a legal rating organization, Martindale-Hubbell, when last rated was BV-Distinguished.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. White was admitted to the SC Bar in 1983.

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

I have been in private practice as an attorney in Union, SC since my graduation from law school and admission to the SC Bar in 1983. Initially, I was hired in 1983 as an associate with the law office of William E. Whitney, Jr.. I was an associate with this office from 1983 to 1985. In 1985, I became a partner and the firm name was changed to Whitney and White. This association remained intact from 1985 through 1989. In January, 1989, Pete G. Diamaduros joined the firm and the firm name was changed to Whitney, White and Diamaduros. This partnership remained intact from 1989 through August 1992. In August 1992, Sammy G. Diamaduros joined the firm and the firm name was changed to Whitney, White, Diamaduros & Diamaduros. In May, 2000, Pete G. Diamaduros, Sammy G. Diamaduros and I established the firm of White, Diamaduros & Diamaduros. This partnership has remained intact from May 2000 to the present. Throughout my legal career, I have maintained a general practice. My areas of practice

have included domestic litigation, criminal defense, civil trial practice with an emphasis in personal injury and workers' compensation, real estate law, and a modicum of trust and estates.

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

I have had considerable experience in the Family Court practice areas of divorce and equitable division of property and child custody. Quite frankly, the actual number of Family Court cases that I have handled in these particular practice areas are too numerous for me to count over the almost thirty (30) years that I have practiced law. With respect to adoption, I have handled approximately twenty (20) adoptions, the vast majority of which have been intra-family adoptions (i.e. step-parents adopting stepchildren, grandparents adopting grandchildren, etc.). With regard to abuse and neglect cases, the majority of my experience in those areas has been as either appointed counsel for a parent accused of abuse or neglect, or as guardian ad litem and/or counsel for guardian ad litem for the alleged abused or neglected children. As court rules changed over the years regarding legal appointments, I opted to be placed on the criminal defense list rather than the civil list, and thus I have not been involved in any abuse and neglect cases over the last several years. With regard to juvenile justice, likewise, most of my experience with the juvenile justice system has been as appointed counsel for juveniles charged with crimes. However, over the past several years, most of these have been handled by the Public Defender's office. I have also had experience on rare occasions as retained counsel for juveniles, though that has probably been on fewer than a dozen occasions during my career. Accordingly, I do believe that my considerable experience in the areas of divorce and equitable division of property and child custody will serve me well as a Family Court Judge. Additionally, my experience with adoption, abuse and neglect, and juvenile justice cases, though fairly minimal when compared with the first two areas, at least gives me an understanding of the processes. I certainly am aware of where to find the legal resources necessary for study to further my understanding of these areas. Of course, my overall extensive experience in the general practice of law gives me a broad foundation upon which to build and expand my legal knowledge.

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

- (a) federal: I am currently involved with associated counsel in a civil lawsuit in Federal Court. This is my only participation in Federal Court during the past five years;
- (b) state: I appear frequently in state courts (including Family Court, General Sessions Court, Common Pleas Court, Magistrate's Court, and Municipal Court). Obviously, at times my schedule has been more hectic than other times, but overall, it has been rare for me to go more than two weeks without an appearance in at least one of these state courts;
- (c) other: N/A.

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

- (a) civil: 20%;
- (b) criminal: (primarily personal injury) 30%;
- (c) domestic: 30%;
- (d) other (primarily real estate and workers comp): 17%;
- (e) wills, probate, assistant county attorney: 3%.

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

- (a) jury: 50% (of these roughly 10% to verdict; 90% to plea or settlement);
- (b) non-jury: 50%.

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

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

- (a) State v. Wilbur Thompson (1990-GS-44-00135) –

This was a death penalty case in General Sessions Court in Union County. I was appointed as lead counsel in 1990. George Brandt, III of Spartanburg, SC. was appointed as my co-counsel. Mr. Thompson was charged with the murder of an elderly gentleman (Mr. Adams) found dead from the infliction of some sixty-three (63) screwdriver stab wounds. Mr. Thompson was borderline mentally retarded and had a significant prior criminal history. However, after extensive investigation and research, we were able to secure evidence establishing an absolute alibi defense. Mr. Thompson was acquitted after a week of trial. Obviously, acquittals in death penalty cases are few and far between; however, this acquittal was justice at its finest, and I must say it continues to be the most significant case of my legal career.

- (b) State v. Gerald Dean Canupp (1991-GS-44-00550) –

Mr. Canupp was a young man charged with the murder of a neighbor. Due to the apparent downward trajectory of the bullet, the State had alleged that Mr. Canupp shot his neighbor from a position on a hill. I was sole counsel for this young man. I was able to obtain Mr. Canupp's acquittal by utilizing a defense of accident. In order illustrate to the jury that the fatal shot was actually fired from a position beneath the decedent (rather than from an elevated position as alleged by the State), I created a courtroom mannequin to use as demonstrative evidence. This mannequin was equipped with thumbscrews that allowed it to bend at the waist. In my cross-examination of the State's forensic pathologist, I had the witness demonstrate the path of the bullet by inserting a sharpened dowel through the body of the mannequin. I then assisted the state's witness in utilizing the thumbscrews to bend the mannequin at the waist, thus demonstrating that the trajectory of fatal shot could well have been upward in direction and thus fired from a position beneath the decedent.

- (c) Susan Smith v. David Smith (1994-DR-44-531, JR-CC-179)

I represented Susan Smith in her divorce case. It was during the course of this divorce action that the tragic drowning of the Smith children occurred. Obviously, this case took a dramatic turn from the status of somewhat commonplace domestic litigation to an international media phenomenon. The valuable experience gleaned from this case was learning how to handle the media and still maintain the integrity of the justice system and the sanctity of the attorney-client privilege.

There are many other litigated matters that I could relate; however, these three are easily the most significant of my legal career.

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

- (a) Walker v. Harris, SC Court of Appeals, March 2, 1987, 291 SC 454, 354 SE2d 56 (S.C. App. 1987);
- (b) Knox v. Bogan, SC Court of Appeals, May 28, 1996, 322 SC 64, 472 SE2d 43 (S.C. App. 1996).

The following is Mr. White's account of the criminal appeal he has personally handled: State v. Kimbrell, SC Court of Appeals, 326 S.C. 344, 481 SE2d 456 (S.C. App. 1997).

Mr. White further reported the following regarding an unsuccessful candidacy:

I was a candidate for Sixteenth Circuit Family Court Judge, Seat 1 in the Fall 1999. The legislative election was held in late January or early February of the 2000 legislative session. I was favorably reported out after screening, qualified and nominated; however, I voluntarily withdrew prior to the actual election.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Piedmont Citizen's Committee on Judicial Qualifications found Mr. White to be "Qualified" as to his constitutional qualifications and judicial temperament. The Committee found Mr. White to be "Well Qualified" in ethical fitness, professional and academic ability, character, reputation, experience, physical health, and mental stability. The Committee stated in its summary, "The interviews conducted by the Committee indicated that Mr. White is a person of high character, with extensive experience in a range of Family Court Matters."

Mr. White is married to Ann Brueckner White. He has two children.

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

- (a) SC Bar Association;
- (b) SC Criminal Association of Justice;
- (c) SC Criminal Defense Lawyers. I was a founding member of this organization. I have also served as a member of the Board of Directors for this organization,

1998-2001. I served as President Elect of this organization in 2001. I served as President of this organization in 2002.

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

- (a) Local legal counsel to Habitat for Humanity for Union County;
- (b) Elder, First Presbyterian Church, Union, SC;
- (c) Moderator, Providence Presbytery;
- (d) Member, Administrative Ministry Team, Providence Presbytery;
- (e) Member, Presbytery Response Team, Providence Presbytery.

Mr. White further reported:

I have been reared by my saintly parents to live my life on the foundational principle that all human beings are created equal and that all human beings are entitled to be treated with fairness, dignity, courtesy, and respect. I have lived my life by that foundational principle. My life circumstances have put me in positions where I have had opportunities to relate with people ranging from high social standing and significant wealth to folks from third world countries who would be considered by many to live in circumstances that placed them as the “lowest of the low”. I have mined value from all of these experiences and relationships which I believe would enable me to be a fair, just and equitable jurist.

(11) Commission Members’ Comments:

The Commission commented that they were impressed by Mr. White’s 30 plus years of legal experience in the Family Court arena. They noted that he was well-spoken at the public hearing which would serve him well as a Family Court judge.

(12) Conclusion:

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

ADMINISTRATIVE LAW COURT

**The Honorable Ralph King Anderson, III
Chief Administrative Law Judge, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to S.C. Code Ann. §2-19-40, the chairman of the Commission determined the public hearing for Judge Anderson was unnecessary as there was no request made for a hearing by at least six members of the Commission, his candidacy for re-election was uncontested, and there was no substantial reason for having a public hearing regarding his candidacy.

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Anderson meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Judge Anderson was born in 1959. He is 54 years old and a resident of Columbia, SC. Judge Anderson provided in his application that he has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC 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 not made any campaign expenditures.

Judge Anderson testified that he has not:

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

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

(3) Professional and Academic Ability:

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) SC Law Review 2013 Symposium	March 1, 2013;
(b) SC Bar Convention (Admin. & Reg. Seminar)	January 25, 2013;
(c) Witness Preparation (SCAARLA)	November 9, 2012;
(d) Post Conviction Proceedings: Sexually Violent Predator and Victims Rights	September 28, 2012;
(e) Identity Theft Protection	August 24, 2012;
(f) Investigating and Prosecuting Internet Crimes Against Children	July 27, 2012;
(g) Medicaid Fraud	January 20, 2012;
(h) 2011 Ethics Seminar (SCAARLA)	October 7, 2011;
(i) The Legislature and Law	September 16, 2011;
(j) Internet for Lawyers (SCAARLA)	August 19, 2011;
(k) Ethics and Professional Responsibility	December 3, 2010;
(l) Advanced Legal Writing & Editing	September 17, 2010;
(m) Criminal Domestic Violence in SC.	June 18, 2010;
(n) Ethics Seminar	February 25, 2010;
(o) The Nuts and Bolts of an Ethics Complaint Before the ODC	January 29, 2010;
(p) The SC Association of County's SC Local Government Attorneys'	December 11, 2009;
(q) Atty. General's Office Ethics Seminar	November 20, 2009;
(r) Hot Topics in Admin. Law	October 30, 2009;
(s) Judicial Merit Selection Commission	July 31, 2009;
(t) It's All a Game – Top Trial Lawyers Tackle Evidence	February 13, 2009;
(u) The Evolving World of Administrative Law	September 19, 2008.

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

- (a) I spoke and participated in a panel discussion at the SC Bar Convention on January 25, 2013;
- (b) I lectured at a Public Service Comm. CLE on March 20, 2013;
- (c) I lectured at two Administrative Law CLEs on February 21 & 22, 2013;
- (d) I spoke at a SC Bar CLE involving Hot Topics in Administrative Law on October 30, 2009;
- (e) I participated in a panel discussion in a 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," SC Trial Lawyer, Summer 1996.

(4) Character:

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

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

(5) Reputation:

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

Judge Anderson reported that he has held the following public office:
Appointed and served as an Assistant Attorney General 1985 to January 1995.

(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 SC Bar in 1984.

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

I began my legal career at the SC Attorney General's Office. 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) Assisted in the implementation of the Statewide Grand Jury;
- (c) Extradition hearing officer on behalf of the Governor of SC;
- (d) Counsel to the State Ethics Commission;
- (e) Represented the State in a variety of civil litigation matters;
- (f) Represented 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 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.

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

I was elected by the General Assembly to serve as an Administrative Law Judge, February 1, 1995, and served in that capacity until elected Chief Administrative Law Judge May 13, 2009. I have been serving as Chief Judge 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 appellate jurisdiction includes appeals involving Medicaid; driver's license revocations and suspensions; licensing decisions from boards/commissions under the Department of Labor, Licensing and Regulation; Budget and Control Board's Employee Insurance Program; AFDC benefits; operation of day care facilities and foster home licensing; food stamps; and revocations or suspensions of teachers' certificates. The Administrative Law Court also hears appeals from final decisions of the Department of Corrections in "non-collateral" matters, and appeals from final decisions of the SC Department of Probation, Parole and Pardon Services permanently denying parole eligibility.

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

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

- (a) McNeil v. SC Department of Corrections, 00-ALJ-04-00336-AP (September 5, 2001) (en banc). Holding reviewed in Sullivan v. SC Dept. of Corrections, 355 S.C. 437, 586 S.E.2d 124 (2003);
- (b) Paris Mountain Utilities, Inc., et al. v. SC Department of Health and Environmental Control, Docket No. 01-ALJ-07-0462-CC;
- (c) Providence Hospital v. SC Department of Health and Environmental Control and Palmetto Richland Memorial Hospital, Docket No. 02-ALJ-07-0155-CC;
- (d) Travelscape, LLC v. SC Department of Revenue, Docket No. 08-ALJ-17-0076-CC. Holding affirmed in Travelscape, LLC v. SC Dept. of Revenue, 391 S.C. 89, 705 S.E.2d 28 (2011);
- (e) Duke Energy Corporation v. SC Department of Revenue, Docket No. 10-ALJ-17-0270-CC.

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.

(9) Judicial Temperament:
The Commission believes that Judge Anderson's temperament has been and would continue to be excellent.

(10) Miscellaneous:
The Midlands Citizen's Committee on Judicial Qualifications found Judge Anderson to be "Qualified" in the evaluative criteria of constitutional qualifications. The Committee found him "Well Qualified" in the remaining criteria of ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament. The Committee stated: "According to the practitioners who appear before Judge Anderson, he is the gold standard among Administrative Law Judges. He excels in his knowledge and demeanor. It would be difficult to find a judge more personable than Judge Anderson." The Committee stated in its summary, "He [Judge Anderson] is extremely well qualified."

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 associations and professional associations:

- (a) SC Bar;
- (b) Administration and Regulatory Law Committee of the SC Bar.

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

Shandon Baptist Church.

Judge Anderson further reported:

I was one of the original six judges elected when the Administrative Law Court was implemented. During my tenure on the Court, I have worked arduously to fulfill my judicial duties. In particular, I have sought to issue well-reasoned orders which, I believe, reflect a commitment to following sound legal principles of our State's laws.

(11) Commission Members' Comments:
The Commission commented on Judge Anderson's intellect as he scored the highest of any candidate who completed the Commission's Practice and Procedure test this screening, and noted that he has very ably discharged his responsibilities as Chief Judge on the Administrative Law Court.

(12) Conclusion:
The Commission found Judge Anderson qualified and nominated him for re-election to the Administrative Law Court, Chief Judge.

QUALIFIED BUT NOT NOMINATED

Wanda L. Adams
13th Judicial Circuit, Seat 5

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

(1) Constitutional Qualifications:

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

Ms. Adams was born in 1960. She is 53 years old and a resident of Mauldin, SC. Ms. Adams provided in her application that she has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1993.

(2) Ethical Fitness:

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

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

Ms. Adams reported that she has made \$318.76 in campaign expenditures for: printing of candidacy announcements, (\$247.32), and postage, (\$71.44).

Ms. Adams testified that she has not:

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

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

(3) Professional and Academic Ability:

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) 13 th Circuit Solicitor's Office	05/06/06;
(b) Annual Solicitor's Conference	09/24/06;
(c) Annual Solicitor's Conference	09/23/07;

(d)	Technology in Prosecution	05/11/08;
(e)	Prosecuting Cases in Family Court	08/20/08;
(f)	Annual Solicitor's Conference	09/28/08;
(g)	Polishing Your Trial From the Beginning	05/03/09;
(h)	Prosecuting Cases in Family Court	08/21/09;
(i)	13 th Circuit Annual Retreat	05/02/10;
(j)	Investigation and Prosecution	06/13/10;
(k)	Trial Advocacy	06/16/11;
(l)	Judicial Ethics For Lawyers	08/17/11;
(m)	Annual Solicitor's Conference	09/25/11;
(n)	"Away For Lunch" CLE	04/05/12;
(o)	Prosecuting Sex Crimes	07/26/13.

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

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

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

(4) Character:

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

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

(5) Reputation:

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Ms. Adams was admitted to the SC Bar in 1993.

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

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

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

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

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

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

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

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

I have extensive experience in all of the above-outlined areas:

DIVORCE AND DIVISION OF PROPERTY

While in private practice from 1994 until 2005, I represented both plaintiffs and defendants in the area of divorce and equitable division of property. An example of that experience was my representation of the defendant in Pamela Holmes vs. Nathan Holmes (2000-DR-04-871). This case involved dissolution of a marriage of more than 25 years. A multi-day hearing was required to equitably divide substantial marital assets, and determine alimony, child support, custody and visitation.

CHILD CUSTODY

In the area of custody, I served as guardian ad litem in many custody actions. I also represented numerous parties seeking custody. One example is Yolanda Hart vs. Will and Cora Wren (1995-DR-23-6065). I represented the Wrens, who were the paternal aunt and

uncle of minor children placed in their care by the custodial father. Upon the death of the father, the mother petitioned the Court for custody.

ADOPTION

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

ABUSE AND NEGLECT

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

JUVENILE JUSTICE

As to the area of juvenile justice, I served as a juvenile prosecutor from 2006 until 2009. I continue to assist the 13th Circuit with the prosecution of these cases, when the current juvenile prosecutor is unavailable. I also represented juvenile defendants while in private practice. An example of such prosecution is The State vs. Charles A. (2008-JU-23-627, 2009-JU-23-119). This juvenile was declared a juvenile delinquent in 2009, after a hearing for an Assault and Battery of a High and Aggravated Nature charge. He was charged with Criminal Sexual Conduct later that year, and remains in state custody.

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

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

- (a) federal: N/A;
- (b) state: Frequently.

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

- (a) civil: None;
- (b) criminal: 100%;
- (c) domestic: None;
- (d) other: None.

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

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

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

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

(a) State vs. Ralph Hayes (Indictment No. 2011GS2307681):

The Defendant was charged with Murder and Possession of A Weapon During The Commission Of A Violent Crime. The defendant was arrested and tried almost 2 years after the female victim's body was discovered. This was a circumstantial case, that developed with the assistance of investigative skills and cooperative witnesses. One such critical witness was a homeless man, later located in Illinois. I was able to convince this reluctant witness to return to Greenville for trial. His testimony proved to be instrumental in the defendant's conviction.

(b) Estate of Michael Hildebrand (02ES2301170):

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

(c) Jane and John Doe vs. SCDSS and Billy, a minor under the age of 5 (2004-DR-04-1509):

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

(d) Pamela Holmes vs. Nathan Holmes (2000-DR-04-871):

The plaintiff wife sought a divorce on the ground of adultery. The significance of this case is that the parties had been married more than 25 years and parents to 3 children. Several days of litigation was necessary to determine multiple issues of distribution of substantial marital assets, alimony, child support and visitation.

(e) Beatrice Scurry vs. Chadwick Properties (93-05079)

This was the first litigated case of its kind in Greenville County. The issue was landlord retaliation against a tenant, who had reported substandard living conditions to the authorities. I represented the tenant in a Magistrate Court jury trial. I successfully convinced the jury that the prohibited conduct had occurred, resulting

in punitive damages and attorney fees. The significance of this case warranted media coverage.

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

The following is Ms. Adams' account of the criminal appeal she has personally handled: State vs. Darnell Alston (Indictment Nos. 2001GS2305385 – 5387):

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

Ms. Adams reported that she held the following judicial office:

I served as Assistant Municipal Court Judge for the Cities of Greenville and Greer, SC, from April 1995-August 005. I was appointed by the Greenville City Council. Municipal Court's jurisdiction is limited to cases arising under city ordinances and misdemeanors under state law.

Ms. Adams provided the list of her most significant orders or opinions:

- (a) City of Greer vs. Sandy Williams (Warrant No. F727981): Presided over the criminal domestic violence 8/22/03 jury trial of defendant Sandy Williams. She and her husband, City of Greer police officers, were both charged with domestic violence because her fellow officers were not able to determine the primary aggressor at the time of arrest. The trial involved testimony of several Greer officers and resulted in her conviction;
- (b) City of Greer vs. Brent Thompson (Warrant No. 60734CL) 3/23/05;
- (c) City of Greer vs. Kyler McAbee (Warrant No. 412000C) 6/8/05;
- (d) City of Greer vs. Robert Seals (Warrant No. 42270DC) 3/9/05;
- (e) City of Greer vs. Tiffany Norris (Warrant No. 41880DC) 7/3/05.

(9) Judicial Temperament:

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

(10) Miscellaneous:

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

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

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

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

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

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

Ms. Adams further reported:

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

(11) Commission Members' Comments:

The Commission noted with approval the many comments from the Ballot Box Surveys concerning Ms. Adams' fairness and experience as a part-time municipal judge. They commented on her dedicated public service as an assistant solicitor prosecuting drug and sex crime cases.

(12) Conclusion:

The Commission found Ms. Adams qualified to serve as a Family Court judge.

Robert A. Clark
13th Judicial Circuit, Seat 5

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

(1) Constitutional Qualifications:

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

Mr. Clark was born in 1969. He is 44 years old and a resident of Greenville, SC. Mr. Clark provided in his application that he has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 2004.

(2) Ethical Fitness:

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

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

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

(3) Professional and Academic Ability:

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) Representing Volunteer Guardians ad Litem	03/14/2008;
(b) Reconceptualizing Child Custody	04/30/2008;
(c) Representing Volunteer Guardians ad Litem	06/20/2008;
(d) Hot Tips from the Coolest Domestic Practitioners	09/19/2008;
(e) Conservation Agreements	09/30/2008;
(f) Training for Attorneys Appointed in Abuse Cases	10/24/2008;
(g) Assisting the Volunteer Guardian ad Litem	04/03/2009;
(h) Representing the Volunteer	05/07/2010;
(i) SCAJ 2010 Annual Convention (multiple classes)	08/05/2010;
(j) 2010 Hot Tips from the Coolest Domestic Prac.	10/01/2010;
(k) SC Adoption Law	10/29/2010;
(l) Mini Summitt on Justice for Children	12/02/2010;
(m) Representing the Volunteer GAL	04/15/2011;
(n) Guardian ad Litem Programs Workshop	06/02/2011;
(o) Training for New Attorneys	08/05/2011;

- | | | |
|-----|---|-------------|
| (p) | Children Cope with Divorce | 09/30/2011; |
| (q) | Expediting Permanency through Legal Avenues | 10/07/2011; |
| (r) | 2011 SC Family Law | 12/02/2011; |
| (s) | Family Court Mediation for Civil Mediators | 2011; |
| (t) | Statewide GAL Program Attorney Training | 05/18/2012; |
| (u) | SC Family Law Bundle w/ Ethics | 07/31/2013; |
| (v) | Twists and Turns of Child Custody* | 10/23/2013. |
- *Enrolled and paid for, but this is a future CLE not yet attended.

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

- (a) As the contract attorney for the Guardian ad Litem Program in Greenville County, I taught the legal portion of the training for new Guardians every year for the past 8 years;
- (b) I taught the full new GAL training program to a group of Charleston Law Students in 2010;
- (c) I have given presentations at CLEs as listed below:
 1. "Pilot Mediation Program for Abuse & Neglect Cases" at Training for Attorneys Appointed in Abuse and Neglect Cases in the 13th Judicial Circuit on 10/24/2008;
 2. "The Guardian ad Litem Tool Book" at Assisting the Volunteer GAL on 04/03/2009;
 3. "Toolkit Manual Review" at Representing the Volunteer Guardian ad Litem on 05/07/2010;
 4. "Family Court Mediation for Civil Mediators;"
 5. "Role of the Volunteer Guardian ad Litem" at Training for New Attorneys Subject to Appointments in Abuse and Neglect Cases in the 13th Judicial Circuit on 08/05/2011;
 6. "Expediting Permanency Through Legal Avenues" at Volunteer Guardian ad Litem Conference on 10/07/2011;
 7. "Online Case Management" at Statewide GAL Program Attorney Training on 05/18/2012.

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

(4) Character:

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

The Commission also noted that Mr. Clark 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. Clark reported that he is not rated by any legal rating organization. He further reported, "In the past, I have not needed the resource to market my practice; therefore I have never pursued a rating."
- (6) Physical Health:
Mr. Clark appears to be physically capable of performing the duties of the office he seeks.
- (7) Mental Stability:
Mr. Clark appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Mr. Clark was admitted to the SC Bar in 2004.

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

All of my legal career has concentrated in domestic practice:

- (a) Sole Practitioner, Robert A. Clark, Attorney at Law, 2004-present;
- (b) Contract Attorney for the SC Cass Elias McCarter Guardian ad Litem Program, June 2005 – present;
- (c) Certified Family Court Mediator 2007 to present.

I have devoted about 50-55% of my practice to the GAL program and 45-50% of my practice to private cases. About 2/3 of my private cases have been me serving as a private guardian ad litem in contested custody cases where other issues are in contest as well. Being able to talk with both sides of the case and review all of the materials from other attorneys helped me learn from some of the best family law practitioners around. I would fully participate in depositions, mediations and trials. I believe serving as a private Guardian is great training ground for being a judge.

Aside from private Guardian cases, I have represented husbands and wives in almost every type of case in Family Court. I listed the more interesting cases I have worked on in my PDQ. Additional experience has been by serving as a Certified Family Court Mediator, both paid and as a volunteer at Upstate Mediation Center where all issues can and do arise.

In addition to working on equitable distribution cases, I have a great deal of experience in running a closely held multi-million dollar business and understand sound accounting practices, financial issues and basic taxation.

I believe I have worked on or been exposed to almost every issue that comes before Family Court.

Below is a table of my work broken down by type as it relates to percentage of total income. I do not have 2005 and 2006 statistics readily available.

Robert A. Clark Income by %	Private Cases – NOT GAL related	Private Cases – as a GAL	Contract Attorney for the SCGAL Program Representing volunteers
2007	39%	29%	32%
2008	22%	46%	32%
2009	24%	44%	32%
2010	20%	43%	37%
2011	28%	33%	39%
2012	32%	36%	32%

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

My experience in law has been almost completely in Family Court. I have represented women, men and children. I have handled over 750 Family Court cases as an attorney or a private guardian ad litem. I have handled over 6,000 hearings as the attorney for the Volunteer GAL in abuse and neglect cases. In my private cases, I have worked in the following areas extensively: separate maintenance and support; divorce; custody; equitable division of property; adoptions; adult name change; minor child name change; legal services clients; pro bono clients; mediation of Family Court cases; mediation of abuse and neglect cases; child support; alimony; grandparent custody/visitation; visitation issues; contempt; paternity; private guardian ad litem in custody cases; guardian for adults; termination of parental rights; QDRO orders; relinquishment of parental rights. Although I have interacted with DJJ a great deal as GAL Attorney, I have less experience in Juvenile cases than all others listed above. I will certainly learn with due speed any area that is needed. In question 19 below, I have listed some interesting cases I have handled.

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

- (a) federal: None;
- (b) state: 3-4 days per week;

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

- (a) civil: 4%;
- (b) criminal: 1%;
- (c) domestic: 95%;
- (d) other: 0%.

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

- (a) jury: 1%;
- (b) non-jury: 99%.

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

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

- (a) As a PAI (Private Attorney Involvement) attorney for SC Legal Services, I took on a client in an alimony reduction case. I represented the former wife who received alimony. The trial judge did not consider all of the required factors in making his determination and focused instead on the advanced age of the former husband. I proffered significant evidence to the court. Legal Services (Kirby Mitchell) appealed the case on behalf of my client and won the appeal. June T. Fuller v. James T. Fuller Op. No. 4931 (S.C. Ct. App. Filed January 25, 2012) (Shearouse Adv. Sh. No. 3 at 49).
- (b) As contract attorney for the Greenville County Guardian Ad Litem Program, I was the sole attorney representing volunteer GALs. I had court for DSS cases all day every Tuesday and Thursday. When a five day trial was scheduled for one DSS case, I hired another attorney to handle the trial so I would not have to get 25-30 cases continued in order for me to do the trial. I then motioned the court for GAL Attorney fees and was awarded those fees. This was appealed, along with other issues, and reversed. The court found I and the GAL program were responsible for payment, not the litigants. SCDSS v. Mary C., Op. No. 4891 (S.C. Ct. App. Filed Sept. 21, 2011) (Shearouse Adv. Sh. No. 33 at 84).
- (c) I represented a grandfather who had custody of three grandchildren through a prior DSS action. He first wanted to terminate the parents' rights and adopt. The mother relinquished her rights. The father was incarcerated. The Grandfather later became ill and three different families each took a child. These families intervened and we prosecuted the TPR and won. The adoption took place on the same day. On appeal, the case was reversed. This is an interesting case due to the father being incarcerated and the issues of failure to support and failure to visit. It also shows how important wording is in the DSS closing orders and how they are interpreted in later cases. John and Jane Doe, Johnny and Janie Roe and Jonathan and Janet Moe v. Mother and Father, Unp. Op. No. 2009-UP-397 (S.C. Ct. App. Filed July 29, 2009).
- (d) I handled a custody action for a foreign child brought into America for medical needs. The party bringing the child into the USA then attempted to adopt the child out to my clients, who were hosting the child for the medical treatment. The parties did not agree on how things were to be handled and I helped the host family gain legal custody of the child until an adoption can be completed in the original country. I learned a great deal about international adoptions as well as state adoption laws.
- (e) As contract attorney for the GAL program in Greenville, I ultimately had to file several contempt actions against DSS for failing to file Termination of Parental Rights actions timely. The cases settled and DSS got back on track filing TPRs timely.

Mr. Clark reported that he has not personally handled any civil or criminal appeals.

Mr. Clark further reported the following regarding an unsuccessful candidacy:

I ran for the Family Court At-Large Seat number four in the Fall of 2012 and was found Qualified, but not Nominated. I have not run for any other elective public office.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Upstate Citizens Committee found Mr. Clark to be "Well Qualified" in ethical fitness, physical health, and mental stability, professional and academic ability, character, reputation, experience, and judicial temperament.

Mr. Clark is married to Mary Fretwell Clark. He has three children.

Mr. Clark reported that he was a member of the following bar associations and professional associations:

- (a) SC Bar since 2004;
- (b) Upstate Mediation Center, Board Member since 2009; Chairman of the Board July 2012- July 2013; currently Vice Chairman of the Board;
- (c) Family Court Bench-Bar Committee in Columbia since 2007;
- (d) Greenville County Bar since 2004;
- (e) American Bar Association since 2004;
- (f) National Council of Juvenile and Family Court Judges (NCJFCJ);
- (g) National Association of Counsel for Children (NACC).

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

- (a) Poinsett Club of Greenville SC;
- (b) Upstate Mediation Center – volunteer since 2007, board member since 2009, Chairman of the Board from 7/2012 – 7/2013 and currently Vice Chairman of the Board.

Mr. Clark further reported:

I have lived in Greenville my entire life. Both of my parents are from Abbeville and my mother lives in Greenville. I grew up in the Gower Estates area attending First Baptist Church, Sara Collins Elementary, Beck Middle and J.L. Mann High. I went on to attend the University of SC and graduated in 1991 with a Bachelor of Science in Business Administration. During college, I received a scholarship to attend one semester abroad in London, England. After college, I came back to Greenville to work in my family's heating and air conditioning business. I have two older brothers, so my father split the company. I took over the service and replacement company (General Air Conditioning Service Corp.) while my brothers ran the new construction company (General Hearing & Air Conditioning of Greenville, Inc.). Just a few short years later, my father passed away in 1995.

So far, I have led a remarkable life. I am grateful for the opportunities I have been given and the family and friends I have around me. I am married to Mary Fretwell Clark from both Anderson and Greenville and have three great kids: Mary Myers, Alex, and Christopher. Christopher was our foster child whom we adopted in 2011. Our

children also attended or will attend Sara Collins, Beck and J.L. Mann. As a family, we enjoy going to the mountains, going on RV trips across the United States, international travel, bike riding, and just hanging out together.

When I reached 30 years old, I had been successfully running the family business and decided I wanted to start giving back to our community that had been so giving to my family. I volunteered for the Greenville County Guardian Ad Litem Program to help abused and neglected children. I fell in love with my role and determined I could do more as attorney. So, I applied for and was accepted to the USC School of Law. I was accepted to the SC Bar in 2004 and the GAL Program hired me as the Greenville County Contract Attorney in 2005.

I again fell in love with the law and helping families in times of need. I believe I will be a compassionate judge who applies the law as written while being respectful of the litigants and attorneys. I have experience in business management, dealing with employees and customers and seeing life outside of being an attorney. I like using technology and automation and I am considered by many the Apple geek with the latest gadget.

I have successfully converted the legal files for the Guardian Program to paperless and utilize an online case management system to store virtual files, which the volunteer Guardians can access and collaborate with myself, my paralegal and the case manager at the Guardian Office. I now use an iPad from Apple in the court room to access case history and documents. These innovations have greatly improved communication, collaboration, efficiency and reduced costs. I would be eager to increase the use of technology both in and out of the court room to improve the judiciary.

Since becoming an attorney, I no longer have any day-to-day responsibilities in the heating and air conditioning company and have fully focused on being an attorney. I have also volunteered as a Judge in Youth Court; volunteered as a mediator; volunteered at Mock Trial; Pro-bono work with the Fatherhood Coalition; volunteered as a board member (prior Chairman, currently Vice Chairman) at Upstate Mediation Center; implemented the Pilot Mediation Program in Greenville for DSS cases; and Volunteered training at CLEs and GAL programs. I am currently a member of the Family Court Bench Bar Committee in Columbia.

I will work hard and get the job done as I have done all of my life.

(11) Commission Members' Comments:

The Commission commented that Mr. Clark has a passion for Family Court and a dedication for protecting children. They noted that his easy temperament and disposition would serve him well as a Family Court judge.

(12) Conclusion:

The Commission found Mr. Clark qualified to serve as a Family Court judge.

Kathryn Walsh Gooch
13th Judicial Circuit, Seat 5

Commission’s Findings: QUALIFIED, BUT NOT NOMINATED

(1) Constitutional Qualifications:

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

Ms. Gooch was born in 1968. She is 45 years old and a resident of Simpsonville, SC. Ms. Gooch provided in her application that she has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1994.

(2) Ethical Fitness:

The Commission’s investigation did not reveal any evidence of unethical conduct by Ms. Gooch.

Ms. Gooch 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. Gooch reported that she has made \$270.65 in campaign expenditures: \$6.90 for postage, \$120.00 for stationary, \$10.00 for fingerprint cards, and \$133.75 for a professional photograph.

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

(3) Professional and Academic Ability:

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) Working Together in Achieving Positive Outcomes for Children	05/13/13;
(b) Sara Schuh Child Abuse Conference	04/18/13;
(c) Special Issues in Child Welfare	12/07/12;
(d) 2012 Annual Conference	10/26/12;
(e) Abuse and Neglect Cases: Training	09/28/12;

- | | | |
|-----|---|-----------|
| (f) | Sara Schuh Child Abuse Conference | 04/19/12; |
| (g) | Annual Ethics & Professional | 12/02/11; |
| (h) | 2011 Children's Law Conference | 11/04/11; |
| (i) | Annual Retreat | 10/14/11; |
| (j) | DSS Immigration and Education | 05/23/11; |
| (k) | 2011 Sara Schuh Child Abuse Conference | 04/07/11; |
| (l) | SC Mini Summit on Justice for Children | 12/05/10; |
| (m) | Sentencing Guidelines Seminar | 10/04/10; |
| (n) | SCUPA 15 th Annual Seminar for Legal Professionals | 10/01/10; |
| (o) | 2009 SC Tort | 12/04/09; |
| (p) | Probate Court Overview 2009 | 11/06/09; |
| (q) | SCUPA 14 th Annual Seminar for Legal Professionals | 09/25/09; |
| (r) | Rules, Rules, Rules – Success with Rules | 12/12/08; |
| (s) | 2008 SC Family Court Bench/Bar | 12/05/08. |

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

- (a) From August 2005 to May 2011, I taught as an adjunct instructor for Greenville Technical College. I taught business law and legal writing for the ABA-certified Paralegal Department, business law for the Management Department, and criminal law, criminology, and juvenile delinquency classes for the Criminal Justice Department. Topics of instruction included basic concepts of criminal law, constitutional law, contracts, UCC, torts, and remedies;
- (b) I presented a continuing education seminar at the 2010 annual meeting of the SC Upstate Paralegal Association entitled, "Frugal Nellie's Helpful Tips" concerning best practices in litigation;
- (c) I was the guest speaker at the August 2010 meeting of the SC Upstate Paralegal Association, regarding the preparation and use of witnesses in trial.

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

(4) Character:

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

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

Ms. Gooch reported that she has held the following public office:

From 1997 to November 2001, I was elected as Council Member for Ward II of the Simpsonville City Council. I was elected twice, serving an unexpired term from 1997 until 1998, and being elected for a full four-year term in 1998. I timely filed my reports with the State Ethics Commission.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Ms. Gooch was admitted to the SC Bar in 1994.

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

(a) Upon graduation and after being admitted to the SC Bar in November of 1994, I worked as an associate attorney for Rolf M. Baghdady, P.A. in Columbia, SC. I assisted him in a multi-state and international practice that included federal and state complex commercial litigation, consumer bankruptcy, small estate planning and administration, commercial lease collections, small business incorporations, immigration, and real estate.

(b) I left that firm in January of 1996 and opened a solo practice in Simpsonville, SC. My practice consisted primarily of Family Court matters, including divorce, child custody, child support, visitation, adoption, and juvenile criminal cases. My practice also included Municipal and Magistrate Court criminal defense, construction litigation, contract and general litigation, and small estate planning and administration. I obtained a special certification as a Family Court Mediator. In 1998 I merged my practice with my father's solo practice, and we formed The Walsh Law Firm, LLP, continuing the same type of general practice.

As part of The Walsh Law Firm, LLP, I was a part-time contract public defender for juvenile defendants in the Greenville County Family Court. I met with accused juveniles and their families, negotiated with the Assistant Solicitor, prepared for trials, and otherwise represented juvenile defendants in delinquency hearings.

(c) In May 2003, my law partner/father retired, and we closed our office. I worked the next three months with the Spartanburg County Office of the Public Defender as an Assistant Public Defender, defending indigent defendants charged with General Sessions crimes and probation violations. I resigned in August of 2003 to take a position as a staff attorney with the SC Department of Social Services.

(d) I worked as a full-time staff attorney with the Department of Social Services from August 2003 until July 2005. I left to stay home with my children but still worked as a part-time contract attorney for DSS from May through December of 2007. I was rehired as a full-time staff attorney in November 2010 and have

worked there consistently until the present. My duties as a staff attorney consist of trying cases in the Family Court in proceedings involving child abuse and neglect, vulnerable adults, and termination of parental rights. I prepare cases for weekly trials, interview witnesses, issue subpoenas, and prepare pleadings and orders. I handle trials every week in a fast-paced environment, including examining and cross-examining witnesses, preparing and coordinating witnesses, handling exhibits, and making sound legal arguments to the Court.

- (e) From August 2005 through May 2011, I worked part-time as an adjunct instructor at Greenville Technical College. I taught business law and writing classes for the ABA-certified paralegal department, business law for the management department, and criminal law, criminology, and juvenile delinquency classes for the criminal justice department.

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

- (a) From January 1996 until August 2003, my practice consisted heavily of Family Court matters, to include divorce, equitable division of property, and child custody. The cases I handled were diverse and interesting, including same-sex couples fighting over custody, couples divorcing after decades of marriage, folks disputing the division of the few items of property they had because of need or greed, and spouses trying to find hidden assets. I also served as a guardian ad litem in many cases where custody was an issue, conducting thorough investigations, establishing relationships with children, working with families to find creative solutions, and making reports to the court.
- (b) I was certified as a Family Court Mediator, so I was also involved in several mediations where child custody and equitable division of property issues were resolved. I mediated several cases to agreement but also guided many couples to winnowing down the issues from what appeared to be overwhelming, to something manageable. I let my certification lapse only because I cannot use it as a full-time staff attorney with DSS.
- (c) I served as a private guardian ad litem in approximately four adoption cases. As a DSS staff attorney, I have participated in many adoptions, representing the agency in favor of the adoption or opposing an intervening party's request for adoption if it conflicted with the placement determined by DSS to be more appropriate. I have also been successful in trying cases for termination of parental rights and am mindful of the need for a solid record so that a child can be adopted without appealable issues.
- (d) For two years, I was the contract public defender for juveniles in Greenville County Family Court. I have in-depth experience with juvenile delinquency matters as a result of appearing in court two to three times per week for DJJ cases. I negotiated reasonable agreements but tried cases when necessary, including those charged with kidnapping and criminal sexual conduct, assault and battery, and malicious damage to property. Additionally, DJJ and DSS cases often overlap, so I am still frequently coordinating efforts to best address a family's needs in Family Court by identifying and applying resources of both agencies.

- (e) As a DSS staff attorney, I have daily experience with child abuse and neglect proceedings. My cases include termination of parental rights, sexual abuse, physical abuse, physical neglect, educational neglect, and mental injury. Additionally, I represent DSS in adult protective services cases where adults are declared to be vulnerable and in need of safe placement in the least restrictive environment.

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

- (a) federal: 0;
- (b) state: Since November 2010, I appeared in Family Court several times per week (an average of 12 – 18 cases per week between November 2010 and February 2012; an average of 8 – 10 cases per week since February 2012). Between January 2008 and November 2010, I appeared in Family Court on average of 10 times per year and in Magistrate’s Court approximately 5 times total.

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

- (a) civil: 5%;
- (b) criminal: 0%;
- (c) domestic: 95%;
- (d) other: 0%.

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

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

Ms. Gooch provided that she most often served as sole counsel.

The following is Ms. Gooch’s account of her five most significant litigated matters:

- (a) In the late 1990’s, I represented a woman who, while in a long-term same-sex relationship, adopted a child. She was the sole adoptive parent. The child spent his first five (5) or so years considering my client and her partner as his parents. The couple separated, and my client, as the sole adoptive parent, took custody. As her relationship with the former partner continued to sour, she prevented the “other mother” from visiting. The former partner sued for visitation rights. We had a hearing in the Thirteenth Judicial Circuit Family Court, and the Court denied the request for visitation. The Court did not recognize same-sex relationships and determined, to paraphrase, “not to grant rights by the back door that our statute does not grant in the front door,” meaning visitation rights for a non-biological parent.

This case was significant to me for many reasons. First, we litigated these issues long before there were any opinions in SC regarding psychological parents. Secondly, we litigated these issues many years before same-sex marriages became a “hot topic” in determining legal rights, especially as to custody. Finally, although I won this case in Court, I have often wondered how the appellate court would have decided the issue had the estranged partner appealed the case, and I have wondered how the case would be decided now, some fifteen (15) years later.

- (b) Around 2000, I represented a husband whose five-month’s pregnant wife was divorcing him on the ground of adultery. He did not contest it, nor did he contest her request for custody of their child and their unborn child. However, equitable apportionment of property, alimony, and child support were hotly contested. The couple’s expenses vastly exceeded the husband’s income, and the wife had a token job working for the same company as the husband. The wife had the ability but not the inclination to make an income comparable to her husband’s, and they were both commissions-based incomes. Their previous house in an older, prestigious Greenville neighborhood had not sold before they bought and moved into a very large and very expensive house in an upscale new subdivision in the suburbs of Greenville. The wife requested possession of the new home, alimony, child support, and that the husband assume all debts and responsibilities of the former residence. My client requested a more equitable division of property and debts, which would mean selling both of the homes and having a more reasonable and practical division of property and debts. He also requested that the wife’s income be imputed as greater than it actually was for purposes of computing alimony and child support.

While litigating these issues, the husband and wife resumed cohabitation and conjugal relations. The wife’s attorney wrote me a letter, indicating that the parties had “reconciled.” They stayed together until the second child was born, at which time the wife became upset that the husband watched a football game during her labor. She alleged that he continued his adulterous conduct, although she had no independent proof of continuing adultery. The wife forced the husband out of the home and filed for a second hearing for temporary relief.

I argued for the husband that the parties had reconciled and, consequently, his previous adultery could not be grounds for divorce after the reconciliation. The wife argued that their reconciliation had failed, and as such, she had not forgiven his previous adulterous conduct and could use it as the ground for divorce. She requested that the court make the property division considering the values as of the date of original filing.

The court determined that the reconciliation had not failed and made the property division by valuing the property on the date of the second separation; however, the court also found that the wife was entitled to a divorce on the ground of adultery based, in part, on his on-going relationship with a woman with whom he had had a previous relationship that the wife had shown to be adulterous before the reconciliation, even though she did not have proof of a sexual relationship after the second separation. The court also refused to impute a higher income to

the wife but ordered the sale of both houses and an equal division of the resulting profit, if any.

This case is memorable because of the issue of when a reconciliation is a true reconciliation and a subsequent separation begins the property division and grounds for divorce anew, versus when it is a “failed reconciliation” and the original grounds for divorce and original property valuations remain intact.

- (c) Before returning as a full-time attorney with DSS in 2010, I represented a defendant in a construction litigation case. My client worked for his father’s construction company throughout its existence and acted as a foreman, scheduler, framer, and punch-list laborer for the company. The father’s company built high-end homes, and in the 1990’s, they built a lovely, large home for a couple. My client had performed a fair amount of physical work on the home, helping with the framing, trim work, and punch list items. My client also accompanied his father in many of the discussions with the homeowners. After moving into the home, the homeowners had some complaints which they addressed with my client’s father, who in turn said to “tell [client/son],” who would take care of it.

Unfortunately, my client’s father died suddenly. Only after his death did my client realize that he and his sister were collectively 45% shareholders in their father’s company. They also discovered that they were officers in the company. Their later testimony revealed that they had received “bonuses” almost annually, and they signed paperwork that their father asked them to sign, but they never inquired as to the nature of the bonuses or the paperwork they had signed. It was revealed that the paperwork included annual minutes of the father’s company, which my client and his sister had signed unknowingly in the capacity of officers of the company.

Because of on-going problems with the home, the homeowner sued the father’s company, several subcontractors, and my client on nine separate causes of action, including breach of contract, breach of fiduciary duty, and piercing the corporate veil. The homeowner, himself a Harvard-educated lawyer, hired a Greenville-area team of Ivy League attorneys to pursue his civil action. The local area expert on piercing the corporate veil was hired as part of the Plaintiff’s team. We participated in extensive written discovery, as well as several depositions.

My client was a simple, uneducated man with no money, no experience, and no business savvy. He had done what his father told him to do, and he tried to make the best of his father’s business in finalizing and selling the remaining houses under construction after his father’s death. He did not know whether his father had been using company or personal money to take trips, buy automobiles, furnish homes, or the like. He relied on the expertise of accountants to wrap up the business and close all accounts.

Unfortunately, it appeared that the father had been using business funds for personal matters. One of the problems in collecting evidence concerning his misuse of corporate funds (and the extent of my client’s knowledge about it) was that the father’s long-term live-in girlfriend destroyed all of the business records - - except for two trash bags full -- after his death. She testified that did not destroy these “only because the shredder broke.”

We had a two-day trial, which had been referred to the Master-in-Equity. Plaintiffs presented several 5” 3-ring binders filled with exhibits, while my client and I relied on my cross-examination of their witnesses regarding my client’s participation and knowledge of events, and my client’s testimony. He was not custodian of the business records of his father’s company, nor did he sign any contract with the authority to bind the company. We used the exhibits introduced by the Plaintiff, and after a grueling trial, the Court ruled in favor of my client by dismissing the claims against him.

This case is memorable to me because we won on skill, knowledge, and ability, faced with high-priced Ivy League attorneys and litigants. I would like to think that we also had truth and justice on our side.

- (d) I represented DSS on a termination of parental rights (TPR) case recently. The child who was the subject of our TPR case had been removed from the mother at birth because of the mother’s extensive history of abuse and neglect as to her other children, as well as her failure to make any significant behavioral changes that would indicate her ability to provide a safe and loving home for this child. The mother was not offered a treatment plan at the removal hearing because of her history concerning the removal of her other children. DSS was allowed to forego reasonable efforts to try to reunify the family.

The father’s relationship with the mother was a short-term, non-marital sexual relationship. His paternity was determined by genetic testing after the child’s birth and after removal from the mother’s custody. Shortly after the paternity determination, he requested custody. DSS’ homestudy was unfavorable because of the father’s criminal history and the DSS history with his live-in paramour. The father asked for a treatment plan. At the removal hearing, the Court determined that DSS would be allowed to forego reasonable efforts as to the father, as well as the mother; nevertheless, the Court found that there were certain things that the father would have been asked to do, had a treatment plan been ordered, and those tasks were incorporated into the order but not made mandatory. At the subsequent permanency planning hearing, DSS was ordered for file for TPR within ninety (90) days.

DSS filed for TPR against the mother for severity and repetition of abuse and failure to remedy the causes for removal, and since the mother had eliminated all contact with the child after the removal hearing, DSS also asked for TPR on the grounds of failure to support, failure to visit, and abandonment. The only ground for TPR against the father was failure to remedy the causes for removal, and then that it would be in the best interest of the minor child.

The father argued that he had completed most of the suggested treatment plan. I presented evidence and argued that, although he may have completed some of the tasks, he still had not exhibited a significant change in his behaviors that would make the home safe for the child. In fact, he continued to engage in behaviors that presumably would be harmful to the child, such as smoking cigarettes when the child is allergic, failing to maintain stable income and housing, and failing to distance himself from a woman with a DSS child abuse or neglect history, evidencing a possible lack of protective capacity.

The court considered all of these factors and found that the best interest of the child would be for the parents' rights to be terminated. The termination of parental rights was granted. The father appealed the decision but later withdrew his appeal, and the child is now legally free to be adopted.

This case is memorable because of the arguments of the father who was not a legal custodian because he was not married to the mother, but who had no opportunity to display his protective capacity because the child was taken into emergency protective custody before the father had been given a chance to show he could provide a safe, stable home for the child. I believe that the court ruled in the best interests of the child.

- (e) I represented DSS in an alleged abuse situation. The victim child was one of a set of three-month old quadruplets with an older set of five-year old twin siblings. The mother was a college-educated former military woman who stayed home with the children and operated a small organizing business out of the home. The father, also college-educated, worked as an air traffic controller and was also formerly in the military, having served two tours of active duty.

The quadruplets had been born prematurely, and the victim child was the second to be released home. She experienced reflux problems and was reportedly difficult to feed, even after all of the remaining quadruplets were released home. On a Friday in June, the mother left the home to run errands while the father took care of the children. According to the father, he walked the mother to the door and when he came back into the house, he saw the child vomiting severely. When he rushed to her side, he noticed her head lolling to the side, she was having difficulty breathing, and she became nonresponsive. He "snatched her up" out of her seat, and he dialed 911 but was disconnected. He put the child on top of a table, began doing CPR, and redialed 911. The operator dispatched emergency response teams and directed the father through CPR over the phone. He had been trained in infant CPR, and when the 911 operator instructed him to perform "side CPR," he questioned what that was but followed her instructions in performing chest compressions while the infant was on her side. The CPR did not produce any noticeable response in the baby. The emergency response teams arrived and rushed the baby to the ambulance. She was not breathing, and they had difficulty intubating her. After several attempts, they were finally able to intubate her, and they took her to Spartanburg Regional Hospital.

The doctors performed several tests on the child, including CT scans, but they could not read the results because the pediatric radiologist was not available over the weekend. The mother became dissatisfied with Spartanburg Regional, and because of her positive experience with Greenville Memorial's neonatal care unit after the quadruplets were born, she requested that the baby be transferred. The baby was transferred on Sunday along with her test results.

The child abuse pediatricians at Greenville Memorial were alarmed immediately. They discovered a significant subdural hematoma on the CT scan, severe scattered hemorrhaging in both retinas, and two fractured ribs, one at a healing age of approximately 2 weeks and one at a healing age of approximately 4 weeks. Other than the ribs, the remaining are classic symptoms of non-accidental

head trauma, specifically “shaken baby syndrome.” The parents’ stories about what happened were also inconsistent with the notes from admission to Spartanburg Regional, which caused additional concern.

The doctors expressed concern about the safety of the remaining quadruplets, based on studies on twins indicating that when one twin is abused, it is highly likely that the other twin is also abused. Extrapolating that to quadruplets and the increased need for care of and the stress relating to caring for all four infants, the doctors asked that the parents consent to skeletal surveys for the other three infants. The skeletal survey is essentially an extensive series of x-rays, and the parents resisted having their children exposed to that amount of radiation. They would not consent, and they hired a lawyer.

I prepared an inspection warrant and obtained an affidavit from the child abuse pediatrician supporting the need for the skeletal surveys. Before filing the petition for the inspection warrant, I called the parents’ attorney, and at his prompting and encouragement to be involved in the investigation stage, over the next several days we negotiated not only having the skeletal surveys but also having an extensive interview as part of our investigation. Although out of the ordinary to have attorneys involved during the investigation, the interviews of the parents involved the DSS investigator, the law enforcement investigator, me as attorney for DSS, and the parents’ attorney. I found my involvement at the initial investigation very useful in later staffings within the agency when we were implementing safety plans and reaching a case decision.

I established a rapport with the parents’ attorney that results in crafting a reasonable, workable safety plan that prevented removal of all six children, kept the children at home together, maintained a much-needed routine for the twins as well as the quadruplets, and established a complex network of alternative caregivers with protective capacity to provide a safe home for the children. We had a large meeting at the home of the family, involving the DSS investigator, multiple levels of supervisors, the program coordinator, the interim county director, attorneys for DSS and the parents, the parents, the group of alternative caregivers, and the family’s extended support system. I drafted a contract for the caregivers, parents, and DSS that became the safety plan to protect the children during our investigation.

At the conclusion of the investigation, the case was indicated for physical abuse by the father (relating to the non-accidental head trauma) and physical abuse by an unknown perpetrator (relating to the broken ribs). The father entered an Alford acknowledgement to these findings, fully cooperated with DSS’ recommendations for services, and the children remained in the home.

This case is memorable because it started as an almost-certain case for emergency removal of all six children, but it ended up as an intervention where all of the children remained in the home with their parents, and treatment services were successfully completed to make the home safe. I learned to use a creative approach to a unique and complex situation. I became an active (and, I hope, helpful) participant in the investigation, safety plan, and case decision process. I credit the parents’ attorney who prompted me to take a different approach, and

ultimately I think that the best result was reached for this family in these awful circumstances.

The following is Ms. Gooch's account of a civil appeal she has personally handled:

The only appeal I have handled personally is in the matter of Crotts v. Crotts, and it was an unpublished decision of the Court of Appeals. I think it was decided in 2003. The issue was whether the divorce granted to the husband (my client) on the ground of adultery was supported by sufficient evidence. The appellant (disgruntled wife) was successful in convincing the Court of Appeals that the husband (my client) had insufficient evidence to show by a preponderance of the evidence that she was committing adultery. The husband's evidence was that the alleged paramour resided in the home with the wife, and the wife referred to the alleged paramour as her "boyfriend." The Court of Appeals determined that, absent additional proof of a romantic relationship between the wife and the alleged paramour, this was insufficient proof to support a divorce on the ground of adultery. The Court of Appeals granted the wife's appeal, and the matter was remanded to the Thirteenth Judicial Circuit Family Court.

Ms. Gooch reported she has not personally handled any criminal appeals.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Upstate Citizen's Committee on Judicial Qualifications found Ms. Gooch to be "Well Qualified" as to physical health, mental stability, ethical fitness, professional and academic ability, character, reputation, experience and judicial temperament.

Ms. Gooch is married to Matthew Thomas Gooch. She has three children.

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

- (a) SC Bar Association – member since 1994;
- (b) SC Women Lawyers Association – previous member and member for 2013;
- (c) Rotary International – President of North Spartanburg Rotary Club (2013-14); President of Simpsonville Rotary Club (2001-02); Secretary of Simpsonville Rotary Club (1997-1999); Sergeant-at-Arms (1999-2000);
- (d) Simpsonville Chamber of Commerce – VP of Governmental Affairs (1998-2000).

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

- (a) North Spartanburg Rotary Club – member since 2012; President-Elect (2012-13); President (2013-present);
- (b) Simpsonville Rotary Club – member since 1997; Secretary (1997-99); Sergeant-at-Arms (1999-2000); Group Study Exchange Team Leader (2001); President (2001-02); Rotarian of the Year (2001-02); Paul Harris Fellow;

- (c) Five Oaks Academy PTO – President (2008-09);
- (d) Horizon Presbyterian Church – member.

Ms. Gooch further reported:

With my experience, knowledge and skill, I will make an excellent Family Court judge. I have 19 years of practicing in and around the Family Court and I have practical experience in almost all of the legal areas within the Family Court’s jurisdiction. My temperament and demeanor are suitable for being a fair, courteous judge.

(11) Commission Members’ Comments:

The Commission commented on Ms. Gooch’s outstanding performance on the Commission’s practice and procedure test. They noted her dedicated service as a staff attorney with the Department of Social Services handling child abuse and neglect proceedings, vulnerable adults, and termination of parental rights.

(12) Conclusion:

The Commission found Ms. Gooch qualified to serve as a Family Court judge.

**Thomas T. Hodges
13th Judicial Circuit, Seat 5**

Commission’s Findings: QUALIFIED, BUT NOT NOMINATED

(1) Constitutional Qualifications:

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

Mr. Hodges was born in 1959. He is 54 years old and a resident of Greenville, SC. Mr. Hodges provided in his application that he has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1987.

(2) Ethical Fitness:

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

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

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

Mr. Hodges testified that he has not:

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

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

(3) Professional and Academic Ability:

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) Greenville County Annual CLE Conference	2/15/13;
(b) Cell Phone Forensics	2/11/13;
(c) Grantee Gathering	12/11/12;
(d) Hot Tips from the Coolest Domestic Law Practitioners	9/28/12;
(e) 2011 Family Court Bench/Bar	12/2/11;
(f) What Family Court Judges Want You to Know	2/18/11;
(g) Hot Tips from the Coolest Domestic Law Practitioners	10/01/10;
(h) Advanced Family Law	2/8/10;
(i) Greenville County CLE Conference	2/12/10;
(j) 2008 Family Court Bench/Bar	12/5/08;
(k) Greenville County Annual CLE Conference	2/13/08;
(l) Managing Ethical Issues in Your Day to Day Practice	12/10/07;
(m) Training for Attorneys Appointed in Abuse and Neglect Cases in the 13 th Circuit	10/05/07;
(n) Hot Tips from the Coolest Domestic Law Practitioners	9/21/07;
(o) Ethical Considerations and Pitfalls for the Family Law Lawyer	12/27/06;
(p) Civil and Criminal Law Update	12/8/06;
(q) 2006 Family Court Bench/Bar	12/1/06;
(r) Family Law Intensive Workshop	11/2/06.

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

I participated in the program titled, "What Family Court Judges Want You to Know" held in Greenville on 2/18/11. This seminar involved a panel of eight Family Court judges speaking on a variety of Family Court issues. I moderated the judges' discussions and prepared their materials.

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

(4) Character:

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

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

(5) Reputation:

Mr. Hodges reported that his rating by a legal rating organization, Martindale-Hubbell, is AV. He also reported he was selected as a "Super Lawyer" in the area of Family Law in 2008 and 2009.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Hodges was admitted to the SC Bar in 1987.

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

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

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

- (c) In October 2003, Marsh Robertson (now Judge Robertson), Ann Coleman, and I formed Robertson, Hodges and Coleman. Our practice was limited to Family Court matters exclusively. Coleman left the practice in 2005. Robertson and I formed Robertson and Hodges, LLC. We continued to practice exclusively in Family Court. Robertson was elected to the Family Court Bench in 2010. Our partnership was dissolved and I continued my practice under the name Thomas T. Hodges, P.A. I still limit my practice to Family Court matters.

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

DIVORCE:

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

ALIMONY AND CHILD SUPPORT:

I have prosecuted and defended cases requesting alimony, termination of alimony and modifications to alimony and child support awards. I have represented unwed mothers in actions to establish child support.

EQUITABLE DIVISION:

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

CHILD CUSTODY:

I have handled many custody issues whether they were part of a divorce case or independent of a divorce action. I have handled numerous change of custody actions representing both the plaintiff and defendant. I have handled cases wherein one parent has made serious, but unfounded charges of sexual abuse of the child against the other parent. I have successfully represented un-wed fathers in obtaining custody and/or visitation rights. I have represented grandparents in obtaining custody of their grandchildren.

ADOPTION:

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

ABUSE AND NEGLECT:

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

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

- (a) federal: 0%;
- (b) state: Frequent.

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

- (a) civil: 0%;
- (b) criminal: 0%;
- (c) domestic: 100%;
- (d) other: 0%.

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

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

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

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

(a) NLRB v. Minette Mills

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

(b) Tracy v. Tracy 2008-DR-23-564.

This case involved significant property and support issues. The parties were appreciably apart throughout the case concerning the identity and value of the marital property. Complicating the matter further, the wife became statutorily barred from receiving alimony midway through the case which had the effect of making both parties more steadfast in their demands. Numerous depositions were taken including expert and fact witnesses. The case was settled on the night before trial with the husband providing substantial lump sum alimony despite the statutory bar in order to take advantage of the tax benefits. This arrangement allowed him to retain more marital property which in turn allowed him to feel as if the outcome was fair to both parties.

(c) Jones v. Johnson, 2006-DR-23-968.

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

(d) Stiggers-Smith v. Smith , 2009-UP-105.

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

(e) Martin v. Martin, 2006 DR 23-5378.

I represented the defendant/father in this divorce case that turned into a heated custody battle. The temporary order granted the father custody after the mother had moved out of state and refused to allow him to see the children. Later a contempt hearing was held on the mother's claim that the father had exposed the children to his paramour. The father prevailed in the hearing and ultimately was granted primary custody of the children.

Mr. Hodges reported that he has not personally handled a civil appeal, but explained further:

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

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

Mr. Hodges further reported the following regarding an unsuccessful candidacy:

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

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Upstate Citizens Committee found Mr. Hodges to be "Well Qualified" for ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament.

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

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

- (a) SC Bar;
- (b) Greenville County Bar.

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

- (a) I am a member of the Greenville Country Club;
- (b) I am a member of Hogskins Hunt Club in Honea Path, SC;
- (c) I am a member of the Greenville Gun Club.

Mr. Hodges further reported:

I have been practicing exclusively in the Family Court for 10 years. Prior to that, I was a labor lawyer for 16 years with one of the nation's preeminent labor law firms. In both practices I worked very closely with individuals who were going through stressful situations. I have worked closely with multimillionaires to bankrupt individuals. As a result I have learned how to relate and connect with people regardless of their economic, social or educational background. I believe that my ability to treat all people with the same level of dignity and respect will be an invaluable asset as a Family Court judge.

(11) Commission Members' Comments:

The Commission commented that Mr. Hodges had an excellent demeanor which would serve him well on the Family Court bench. They noted that he had an interesting legal background in both labor law and family law.

(12) Conclusion:

The Commission found Mr. Hodges qualified to serve as a Family Court judge.

Kimaka Nichols-Graham
13th Judicial Circuit, Seat 5

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

(1) Constitutional Qualifications:

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

Ms. Nichols-Graham was born in 1972. She is 41 years old and a resident of Greenville, SC. Ms. Nichols-Graham provided in her application that she has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1998.

(2) Ethical Fitness:

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

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

Ms. Nichols-Graham reported that she has made \$86.06 in campaign expenditures: \$18.40 for postage; \$46.40 for office supplies; and \$21.26 for copies.

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

(3) Professional and Academic Ability:

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) Greenville County Bar Year End CLE	2/15/2013;
(b) SC Bar Foundation Grantee Gathering	12/1/2012;
(c) SCLS Seminar for DSS/Child Support Enforcement Attorneys	11/2/2012;
(d) SC Black Lawyers Association Annual Retreat	9/27/2012;
(e) SCALJ Connecting Students with Tools for School	3/9/2012;

(f)	Managing Ethical Issues for Day to Day Practice	12/6/2011;
(g)	SC Legal Services Statewide Meeting	11/8/2011;
(h)	SC Black Lawyers Association Annual Retreat	10/4/2011;
(i)	Children Coping with Divorce Trans-parenting for Professionals	9/30/2011;
(j)	Judicial Ethics for Lawyers	8/17/2011;
(k)	2011 Due Process Hearing Officer Training	6/20/2011;
(l)	Spring Special Education Administrators Training and Hearing Officer Update	3/23/2011;
(m)	SC Black Lawyers Association Annual Retreat	10/01/2010;
(n)	SC Legal Services Annual Conference	11/18/2010;
(o)	Education Law Association Conference and Training	10/21/2009;
(p)	2009 Children's Law Center Conference	11/6/2009;
(q)	Education Law Training	12/4/2009;
(r)	SC Legal Services Statewide Conference	11/11/2009;
(s)	Lexis Nexis Training	11/12/2009;
(t)	2007 Disproportionate Minority Contract Training CLO	9/28/2007;
(u)	Education & Society: Accountability ELA Conference	11/15/2007;
(v)	SC Legal Services Statewide Meeting	12/11/2007;
(w)	SC Bar Convention	1/25/2007.

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

- (a) I presented a session on representing low income students and parents in school law to legal services agencies for SC Appleseed Legal Justice Center on October 11, 2001;
- (b) I presented a session on representing low income families in school law at the South Eastern Project Directors Association for directors of legal service agencies on July 15, 2002;
- (c) I presented a session on monitoring re-segregation and protecting the poor for legal service lawyers at the National Legal Aid and Public Defender Substantive Law Conference July 25, 2002;
- (d) I presented a session on the overview of a school law practice to legal services and pro bono attorneys for SC Appleseed Legal Justice Center August 12, 2004;
- (e) I presented a session on DSS Court Appointments and Defense Pointers to lawyers at the SC Black Lawyers Association Retreat October 22, 2004;
- (f) I presented a session on parent rights in school discipline procedures to legal services and pro bono attorneys for SC Appleseed Legal Justice Center February 24, 2006;
- (g) I presented a session on school discipline and special education discipline to lawyers in the Nelson Mullins Riley & Scarborough Education Pro Bono Project Training August 10, 2006;
- (h) I presented a session on students still having due process rights to school administrators, professors, and attorneys at the Education Law Association's Annual Conference October 22, 2009;
- (i) I have presented several sessions to attorneys and staff on education law at SC Legal Services' Statewide Meetings and in house education task force meetings;

- (j) I presented a session on working with students experiencing bullying to attorneys at the SC Appleseed Legal Justice Center's Education Law Training March 9, 2012.

Ms. Nichols-Graham reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Ms. Nichols-Graham did not reveal evidence of any founded grievances or criminal allegations made against her. The Commission's investigation of Ms. Nichols-Graham did not indicate any evidence of a troubled financial status. Ms. Nichols-Graham has handled her financial affairs responsibly.

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

(5) Reputation:

Ms. Nichols-Graham reported that she is not rated by any legal rating organization.

(6) Physical Health:

Ms. Nichols-Graham appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Nichols-Graham appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Nichols-Graham was admitted to the SC Bar in 1998.

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

- (a) Legal Services Agency of Western Carolina, Inc., Greenville, SC.
Staff Attorney. Provided general law practice and community education in housing, probate, and family law cases. November 1998 to September 1999;
- (b) Children's Law Attorney. Practiced law for low income children by focusing primarily on adoptions, children's social security cases, special education advocacy, and school discipline cases. September 1999 until December 31, 2001;
- (c) SC Legal Services. Greenville, SC.
Staff Attorney II. Practices law in cases in Greenville County that includes divorce, custody, school discipline, special education, special needs relative adoptions, bankruptcy, credit card defense, and children social security appeals. Appears in Magistrate's Court, Family Court, the Court of Common Pleas, Court of Appeals, and the US Bankruptcy Court in various cases. January 1, 2002 to present;

- (d) Education Unit Head. Leads the education unit, secures local funding, trains attorneys across the state on how to represent students in the public education system, teaches parents how to advocate for children, and operates the Greenville County United Way's Securing Public School Opportunities Program. Practices law in education cases in Greenville County and has practiced education law in Anderson, Spartanburg, Pickens, Oconee, Orangeburg, Horry, Richland, Charleston, Greenwood, York, and Clarendon counties in cases before hearing officers, School Boards, the Court of Common Pleas, and the SC Court of Appeals. March 2003 to present;
- (e) Acting Managing Attorney. Supervised six attorneys, two paralegals, and three support staff. Assigned cases, supervised legal work, handled personnel issues, and participated on management team while the Managing Attorney was on extended leave. September 24, 2007 through December 31, 2007;
- (f) Acting Managing Attorney. Supervised five full time attorneys, three contract attorneys, one volunteer attorney, three support staff employees, and a satellite office. Reviewed emergency intakes, assigned cases, supervised legal work, handled personnel issues, and provided other managerial duties while the Managing Attorney was on extended leave. August 26, 2009 through November 24, 2009;
- (g) Interim Managing Attorney. Ensures the efficient operation of the Greenville Office and maintains a caseload primarily in Family Court. The Greenville Office serves Greenville, Anderson, Pickens, and Oconee counties. Reviews, accepts and assigns or denies applicants. Reviews all cases for quality and compliance. Supervises the legal work of attorneys, several support staff, and the financial accounts. Addresses human resource issues. Prepares grant reports. Participates in the statewide management team. April 1, 2013, to present;
- (h) Managing Attorney. Ensures the efficient operation of the Greenville Office and maintains a caseload primarily in Family Court. The Greenville Office serves Greenville, Anderson, Pickens, and Oconee counties. Reviews, accepts and assigns or denies applicants. Reviews all cases for quality and compliance. Supervises the legal work of attorneys, several support staff, and the financial accounts. Addresses human resource issues. Prepares grant reports. Participates in the statewide management team. July 1, 2013 to present.

Ms. Nichols-Graham further reported regarding her experience with the Family Court practice area:

I have experience in handling divorces (physical cruelty, one year separation, and adultery defense), although my experience is primarily with physical cruelty divorces because of the legal services case acceptance policy. I have significant experience in handling custody and adoption cases. My custody cases involve disputes involving biological parents and non biological parents but usually when there is an allegation of abuse and DSS is not involved or custody is needed to secure some benefit on behalf of the child. My experience with adoption cases is primarily with relative special needs adoptions. I have experience representing defendants in abuse and neglect cases but lately due to limited resources we refer many of those cases to court appointed attorneys unless

we are already representing a party in a divorce or custody case. I do not have significant experience handling juvenile justice cases but I believe the vast amount of work that I do for students in school discipline cases has more than prepared me to learn what I do not know in that area.

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

- (a) federal: 5%;
- (b) state: 95%.

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

- (a) civil: 20%;
- (b) criminal: 0%;
- (c) domestic: 80%;
- (d) other: 0%.

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

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

Ms. Nichols-Graham provided that she most often served as sole counsel.

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

- (a) Jane Doe, A High School Student in Richland County School District Two and her Parent, Mary Doe, vs. Richland County School District Two. Case Number: 2006-CP-40-6545.

This case was significant to me because I represented a student that was expelled from school and accused of committing sexual offenses without any evidence. The parent unsuccessfully appealed to the board after simply stating persuasive legal grounds but she needed legal services to appeal to the court system. We prevailed in Circuit Court but the school district appealed the decision to the court of appeals. This case is evidence that things do not always work themselves out and there are times that the indigent need civil legal services to secure basic opportunities.

- (b) Martha Sue Payne vs. Mary and Ray Patterson, William Scott McFadden. Case Number 2005-DR-23-3223.

This case was significant because I successfully defended a change of custody action among relatives for children that were previously abused and neglected. I also represented the third party in the previous contested abuse and neglect case. The court granted my motion an involuntary dismissal at the conclusion of the Plaintiff's case.

- (c) Martha Sue Payne vs. Mary Patterson. Case Number: 2006-DR-23-4112.

This case was significant to me because I was unsuccessful in appealing a visitation contempt case. It is important for people to have access to the legal system but the legal system should not be involved in every family dispute

- (d) Linda Elliott vs. Melinda Elliott and George Sijon. Case Number:1999-DR-23-5640.

This case was significant to me because I successfully defended a biological mother with very little means in a custody case against the maternal grandmother had great resources and the guardian ad litem's recommendation.

- (e) Darla Yates vs. Eddie Crooks. Case Number: 2005-DR-39-418.

This case was significant to me because I represented a client in a visitation Rule to Show Cause. There was an allegation of a history of abuse in a prior case that prevented my client from being able to represent herself.

The following is Ms. Nichols-Graham's account of the civil appeals she has personally handled:

- (a) Jane Doe, A High School Student in Richland County School District Two and her Parent, Mary Doe, vs. Richland County School District Two. Decided March 25, 2009. 382 S.C. 656; 677 S.E.2d 610;
- (b) *Unpublished Opinion*. Martha Sue Payne vs. Mary Patterson. Decided April 26, 2010.

Ms. Nichols-Graham reported she has not personally handled any criminal appeals.

Ms. Nichols-Graham further reported the following regarding an unsuccessful candidacy:

I applied for Family Court Judge, At Large, Seat 4, in Fall 2012 and was found qualified but not nominated by the Judicial Merit Selection Commission.

- (9) Judicial Temperament:

The Commission believes that Ms. Nichols-Graham's temperament would be excellent.

- (10) Miscellaneous:

The Upstate Citizens Committee found Ms. Nichols-Graham to be "Well Qualified" for ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament.

Ms. Nichols-Graham is married to Hakim Rahman Graham. She has one child.

Ms. Nichols-Graham reported that she was a member of the following bar associations and professional associations:

- (a) SC Bar, Young Lawyers Division, Executive Council 2002-03;
- (b) SC Bar Children's Law Committee;
- (c) SC Supreme Court CLE & Specialization Commissioner, June 2003-July 2009;
- (d) Education Law Association;
- (e) Council of Parent Attorneys and Advocates;
- (f) SC Black Lawyers Association;

- (g) Greenville County Bar Association.

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

- (a) Young Lawyer of the Year Award. SC Bar. 2001-02;
- (b) Center for Educational Equity, Advisory Board of Directors (2001 to present) and Parent Reconnect Program Coordinator (2001-08);
- (c) Protection and Advocacy for People with Disabilities, Board of Directors, Grievance Committee (first term), Chair of the Personnel Committee (current term);
- (d) United Way of Greenville County. Graduate Greenville Student Enrichment Committee. (2006-07);
- (e) Bethlehem Baptist Church. Summer Bible Institute Instructor. June 2011;
- (f) Delta Sigma Theta Sorority Incorporated;
- (g) Springfield Baptist Church. Unsung Heroine Award. March 24, 2013;
- (h) Pro Parents of SC Board of Directors.

Ms. Nichols-Graham further reported:

Family and school law have always been natural interests of mine. Family relationships and educational experiences play an important role in everyone's development. My formal education was driven by a curiosity and desire to learn more about those relationships and to help others with those relationships and experiences. I blindly pursued a legal career to help and to serve the public. This does not mean that I am more susceptible to bribery than others. It is evidence to the contrary. Values like sound character, integrity, honesty, fairness, respect, and a dedication to public service are my family's business and they shaped my life experiences well before I began expressing personal opinions.

As a child, my family attended Nazarene Baptist Church in Mullins, SC and everyone in my family was actively involved in our church. For me a large part of learning to read and reading comprehension was reading aloud in Sunday School and answering questions. It was important to sound the words out correctly and know what you were talking about when you answered questions or your peers might laugh, at your expense. I quickly learned the difference between good and evil and right and wrong. Of course, growing up in a safe rural community with relatively stable families also helped. A family courtroom was the first courtroom I observed when I was interested in going to law school. Judge Timothy Pogue allowed me to volunteer in his law firm because I wanted to go to law school but I did not know a lawyer. Judge Pogue had the juvenile defender contract and he was the Marion County DSS attorney so I learned a lot about Family Court before I went to law school.

I assisted with the administration of justice in Family Court when I volunteered to help complete Order of Protection paperwork while I was a college student at Winthrop. This experience gave me insight into part of the pro se process in Family Court.

When I was in law school I spent a lot of time in Family Court working for the Richland County guardian ad litem program. I became familiar with abuse and neglect and termination of parent rights cases as well as the role of the guardian and litem in and

outside of court. I observed judges, lawyers, and guardian ad litem in many abuse and neglect and termination of parental rights trials. There were several Family Court judges in Richland County so I got to observe different judges addressing issues in and weighing concerns in many cases.

The first day I walked into a courtroom to represent a client as a member of the Bar, I was in a Family Court courtroom in a DSS vulnerable adult case before Judge Robert Jenkins. As a legal services attorney most of my courtroom experience has been overwhelmingly in Family Court.

At this point in my practice, many of my significant cases are confidential and closed matters to protect the identity of minor children but I achieved a lot in publicly reported cases. I have also had the privilege of consulting with many legal service attorneys in numerous cases, court appearances, and appellate work.

I believe my personal and professional experiences will continue to serve the public well if I am a successful candidate for Family Court.

(11) Commission Members' Comments:

The Commission commented that they were impressed by Ms. Nichols-Graham's wide range of experience in Family Court. They noted that she is a dedicated public servant who received outstanding comments from the Bar.

(12) Conclusion:

The Commission found Ms. Nichols-Graham qualified to serve as a Family Court judge.

The Honorable Michael D. Stokes
13th Judicial Circuit, Seat 5

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

(1) Constitutional Qualifications:

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

Judge Stokes was born in 1966. He is 47 years old and a resident of Taylors, SC. Judge Stokes provided in his application that he has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1991.

(2) Ethical Fitness:

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

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

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

(3) Professional and Academic Ability:

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) Magistrate Mandatory School	11/7/2008;
(b) SCSCJA Staff School	2/12/09;
(c) SCSCJA Legislative Seminar	3/4/09;
(d) Mandatory Magistrate School	10/30/09;
(e) SCSCJA Staff School	2/10/10;
(f) SCSCJA Hickory Knob School	5/3/10;
(g) SCSCJA Annual Convention	9/8/10;
(h) Mandatory Magistrate School	11/5/10;
(i) SCSCJA Legislative Seminar	3/9/11;
(j) SCSCJA Hickory Knob School	5/16/11;
(k) SCSCJA Annual Convention	9/7/11;
(l) Mandatory Magistrate School	11/4/11;
(m) SCSCJA Staff School	2/8/12;
(n) SCSCJA Legislative Seminar	3/7/12;
(o) SCSCJA Annual Convention	9/5/12;
(p) SCSCJA Staff School	2/2013;
(q) Upstate Fare (Greenville County Magistrates)	5/17/13.

Judge Stokes reported that he has taught the following law-related course:

Upper State Fare, May 17, 2013, Summary Court Judges. Lecture and presentation on Summary Court Mediation.

Judge Stokes reported that he has published the following:

- (a) Comment, Logical Relationship Test for Computing Counterclaims Adopted, SC Law Review, Vol. 42, number 1, pp. 188-191 (Autumn 1990);
- (b) Comment, Volunteers Ineligible for Worker's Compensation: Subject Matter Jurisdiction over Compensation Agreements Unsettled, SC Law Review, Vol. 42, number 1, pp. 273-275 (Autumn 1990).

(4) Character:

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Stokes was admitted to the SC Bar in 1991.

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

- (a) 1991-96, Associate, Chapman, Harter & Groves, PA. During this time I was engaged in the general practice of law an focused on family law, including divorce and equitable division of property an child custody cases. I also engaged in a real estate practice doing residential home closings and refinances. I was further exposed to insurance defense word associated with motor vehicle accidents, an defending the State of SC in tort claims made against the state from highway construction and suits brought against the state and its agencies, especially the Department of Corrections. I was also involved in preparing workers' compensation appeals to the full Workers' Compensation Commission, the Circuit Court and the state supreme court.
- (b) 1996-2000, Solo practitioner, Greenville, SC. During this time I maintained a general practice much as before, but expanded my practice areas in the field of family law in encompass not only divorce, child custody an equitable division cases, but also adoption and abuse and neglect cases. I continue to engage in residential real estate transactions, but also expanded into the area of representing financial institutions, and doing general counsel work for a credit union.
- (c) 2000-01, Partner, Mims & Stokes, Greer, SC. While in partnership with Hank Mims, I continued to practice all areas of family law such as divorce, equitable division, adoption, and abuse and neglect cases. Further, I continued in real estate and expanded into the area of criminal law.

- (d) 2001-2005. Solo practitioner, Greer, SC. My practice during this time began to sharpen its focus more tightly into the areas of family law. I continued in real estate and probate law.
- (e) 2005-present, President, Stokes & Southerlin, PA. The practice as a whole continues to be heavily involved in family law, real estate, probate law and business law. For the past five years, my personal practice has been almost exclusively focused on family law.
- (f) 1996- present, Greenville County Magistrate Judge. In this capacity, I am the magistrate who serves the north east quadrant of Greenville County which includes the communities of northern Greer and Travelers Rest, Blue Ridge, Tigerville, Mountain View, Gowensville, Skyland, and the Cliffs of Glassy. I manage a free standing office and am responsible for docket management for the civil docket, jury and non-jury, and the criminal non-jury docket. I am responsible for all public monies that pass through the office and managing the court's staff. This office handles criminal cases, summons and complaints, claims and deliveries, restraining orders and landlord tenant matters. I am also responsible for hearing all cases that arise under a county ordinance relating to building standards, property maintenance, zoning, animal control, and enforcement of county tax ordinances. I am also responsible for the Summary Court Mediation Program for the whole of Greenville County. I have a courtroom and office at county square that is used for these county wide cases.

Judge Stokes further reported regarding his experience with the Family Court practice area:

DIVORCE, PROPERTY DISTRIBUTION, AND CHILD CUSTODY

I have maintained a practice in Family Court for the entire time I have been an attorney, over 20 years. Most of my cases have involved divorce and property distribution along with child custody. As with most good practitioners, I have settled approximately 90-95% of my cases. I attribute this good settlement record to being able to work well with other attorneys and clients, and being able to explain the law to clients that apply to the client's case ,so that settlement can be realistically pursued for the client and with the client's support and enthusiasm. The law in these areas is reasonably settled and practitioners should be able to predict with reasonable accuracy the range within which a decision by a court will fall. Also, settlements have been facilitated in Greenville County because this county has had mandatory mediation for some time and this has greatly helped both litigants and the courts. Of course, for various reasons not all cases settle, and I have tried many cases before the court to conclusion.

ADOPTIONS

I have done several adoptions in my practice. I have undertaken private adoptions, step-parent adoptions, and adoptions that involved DSS where foster parents adopt the children that have been placed in their care.

ABUSE AND NEGLECT

I have handled abuse and neglect cases that have involved DSS and private actions that involved issues of abuse and neglect and termination of parental rights.

JUVENILE JUSTICE

I have never had an opportunity to handle a juvenile case. However, I have reviewed the procedure in preparing for this process, both as it relates to crimes and status offences. I have litigated several criminal matters, and as a magistrate I have heard thousands of criminal matters so I feel comfortable with the underlying criminal law and believe that I am competent to apply the process in a juvenile case in Family Court.

Judge Stokes reported the frequency of his court appearances during the past five years as follows:

- (a) federal: none;
- (b) state: Attorney 3 to 6 per month, average. Magistrate, daily.

Judge Stokes reported the percentage of his practice involving civil, criminal, and domestic during the past five years as follows:

- (a) civil: 25%;
- (b) criminal: 5%;
- (c) domestic: 70%;
- (d) other: 0%.

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

- (a) jury: 5%;
- (b) non-jury: 95%.

Judge Stokes provided that he most often served as sole counsel.

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

- (a) Knight v. Knight. Family Court case involving a long term marriage, significant real property in two states and a small business;
- (b) Bishop v. Bishop. Family Court case involving a long term marriage, property, significant debt, bankruptcy, and several contempt proceedings;
- (c) Marion v. Marion. Family Court case involving real and personal property issues and significant Quadro issues;
- (d) Wade v. Wade. Family Court case involving allegations of abuse and property issues;
- (e) Holt v. Holt. Child custody dispute involving allegations of abuse, drug abuse, child custody and visitation, and competing jurisdiction between two states.

The following is Judge Stokes' account of the civil appeals he has personally handled:

- (a) Mullinax v. Winn-Dixie Stores, Inc., 318 S.C. 431, 458 S.E. 2d 76 (Ct. App. 1995);
- (b) Seeger v. Wrenn Handling Company, Employer, and Farmington Casualty Company, Carrier, Unpublished opinion of Court of Appeals, 1999.

Judge Stokes reported that he has not personally handled any criminal appeals.

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

I was appointed a Greenville County Magistrate Judge in November 1996 and have served continuously since. The criminal jurisdiction is offenses not exceeding a fine of \$500 or 30 days imprisonment, or both. The civil jurisdiction is matters where the amount in controversy does not exceed \$7,500.00. Unlimited jurisdiction in landlord/tenant matters.

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

- (a) EmTec eviction. Case involved the eviction of a manufacturing plant. The case involved multiple parties and the amount in controversy was well into the six-figure range;
- (b) I handled the criminal case when a fire escaped and burned a portion of Paris Mountain. The case is significant in that it had significant media attention;
- (c) I have handled several animal cruelty cases that have received significant print and television coverage;
- (d) Most civil cases I hear are without significance on their own (except to the parties involved). However, they are significant here as a group because of the volume of the cases I have heard and decided is now well in excess of two thousand;
- (e) Most criminal cases standing alone are without significance at my current level of court (excepting the defendants and victims). However, the volume of cases I have decided is significant in that the number of such cases now conservatively exceeds one thousand.

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

I have continued my practice of law while a continuing part time judge from 1996 to the present at the places listed above. I have always been my own supervisor.

Judge Stokes further reported the following regarding unsuccessful candidacies:

I have run for Family Court three times from May 2008 to present. I was always found qualified, but not nominated.

(9) Judicial Temperament:

The Commission believes that Judge Stokes' temperament would be excellent.

(10) Miscellaneous:

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

Judge Stokes is married to Rachel Elizabeth Few Stokes. He has three children.

Judge Stokes reported that he was a member of the following bar associations and professional associations:

- (a) SC Bar;
- (b) Greenville County Bar;
- (c) SC Summary Court Judges Association. Life Member.

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

- (a) Masonic Lodge. Bailey Lodge, Greer, SC. No offices held;
- (b) Boy Scouts of America, Blue Ridge Council. I am on the Executive Board of Directors, a District Chairman, and the Advisor to the OA lodge for the council (OA is the Boy Scout Honor Society). I have received most awards and recognitions offered by the BSA, including but not limited to, Silver Beaver, Vigil Honor, District Award of Merit, and Eagle Scout.

Judge Stokes further reported:

My life experience would greatly affect the type of Family Court judge I would make. I was raised on my family's farm with both my mother and father, who both worked full time to provide an education, guidance, and opportunity for travel and learning experiences for me and my brother. While both my brother I were expected to achieve to the best of our abilities in school, scouts, and other extracurricular activities and to contribute to daily farm operations, we never know want or even worried about where our material needs would come from. I now realize that our relative financial comfort was in large part because my mother also worked outside the home so that we could have these privileges that others could not. I now also realize that there were no extraneous calamities, such as long-term illness, job loss, or a severe family situations that many people deal with every day. Thus, from my perspective, my early family life was rather free of struggle and worry.

I graduated from Blue Ridge High School in 1984 and went directly to college at Furman University, and from there directly to Law School at the University of SC in Columbia. While I hope my children have a similar, ideal start in life, my early background was not conducive to learning some lessons about the real world.

After law school, I immediately entered private practice and did this for about five years. At the age of thirty I was appointed as a magistrate for Greenville County. In hindsight, this was exceedingly young for someone to be made a judge. At that time I had had no children, no personal hardships, no health problems in my family to contend with, and had had little exposure to people who were not like me and had not had the similar experiences and opportunities I had enjoyed. However since that time I have had to live through life situations I would never had anticipated. I have seen others in trying circumstances through my law practice and as a magistrate.

I have been blessed and challenged by the births of my three children; two sons and one daughter, two of whom are special needs children. One of my children is severely dyslexic, couple with central auditory and central visual processing deficiencies. She requires special treatment for her impairments and had to have highly-specialized, expensive, private education. My oldest child is considered to be a high-functioning autistic child on the autism spectrum. His official diagnosis is "PPD-NOS," (Pervasive Developmental Disorder, Not Otherwise specified), as he exhibits many traits of Asperger's Disorder, but does not fully meet all the criteria. His condition requires extensive medical and therapy intervention and requires us to learn volumes of information regarding how to nurture him so that he can grow and thrive. The blessing of having my children is that

through them I have an opportunity to view life from an angle that is vastly different from “normal” people. They teach me to see and focus on events and situations that would otherwise be overlooked or given little notice. The challenge is that nurturing them properly requires tremendous amounts of patience; their situations require that I must provide more time, advance notice, latitude, and specific detailed instructions for them to perform what would be considered routine task for others.

Particularly with my oldest child, I have to continually monitor my own demeanor, as he will absorb the demeanor and attitude of the parent with whom he most closely identifies. With autism such as his, he does not instinctively know how he is to interact with others, both privately and in social situations. The way he learns to deal with other people and society is essentially by memorizing what to do from watching his role models. The professionals inform my wife and I that he will learn most of his social skills from watching me. Thus, I have learned to be mindful of my demeanor and social interaction skills to a heightened degree. I use every opportunity to set a good example for him. I am by nature a mild and friendly person, but his condition has taught me to read the demeanor of others as to how they are reacting to me. This increased awareness has been invaluable to me as a magistrate, an attorney, and as a person in general.

Having my children and the cost associated with treating their special needs has enabled me to be aware of how difficult it is to make ends meet with all the financial demands of caring for and supporting a family. I am greatly sympathetic with families and persons who are working hard and having to be mindful of their finances. I am also sympathetic to families like my own who are not only struggling financially, as is my family to help our children, but also emotionally, and have not been as fortunate as I have been in obtaining educational, medical, and emotional support. Many parents with children like mine are unable to provide the services they require regardless of their hard work and loving intentions.

I have also seen the difficulty a family can have when one of the wage earners is disabled. My wife was temporarily disabled for about six months; with three children, elderly parents, the expense for her medical care, and the loss of income, I experienced a very rude awakening to the struggles some families experience all the time.

Despite the sometimes frustrating hardship, I am in some ways thankful that I am living through these situations. These trials have given me the insight to better understand the people who come through the courtroom or my law office. Before, I intellectually understood the hardships of others, but now I have some understanding and empathy for how they feel, what they fear, and what they hope for. I better like and respect the person I have become from having experienced these trials.

These experiences along with the simple passing of time and getting older have made me a much better person, judge and attorney. The forty-seven year old judge and attorney has much smoother edges than the thirty year old, well-educated novice. I am much more relaxed with my position and am less guarded and less rigid. I have developed more patience with others as time goes on and do not hesitate to take a few extra minutes to let a client or party say a few words that may not be relevant under the rules of evidence or even to the case at hand so that they feel better and I have learned that this is not a case of a judge losing control of the courtroom or displaying weakness, but is a sign of a mature judge who tries to understand people and have a bit of compassion for them.

(11) Commission Members' Comments:

The Commission commented that Judge Stokes has very ably served as a Magistrate Judge since 1996 as well as served as an attorney in the area of family law in private practice. They noted his dedicated public service in his local community.

(12) Conclusion:

The Commission found Judge Stokes qualified to serve as a Family Court judge.

CONCLUSION

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

Supreme Court

Chief Justice

The Honorable Costa M. Pleicones

Chief Justice

The Honorable Jean Hoefer Toal

Circuit Court

At-Large, Seat 11

The Honorable Alison Renee Lee

At-Large, Seat 12

The Honorable Thomas A. Russo

At-Large, Seat 13

The Honorable Larry B. Hyman, Jr.

Family Court

4th Judicial Circuit, Seat 3

The Honorable Michael S. Holt

6th Judicial Circuit, Seat 1

The Honorable Coreen B. Khoury

6th Judicial Circuit, Seat 2

The Honorable W. Thomas Sprott, Jr.

9th Judicial Circuit, Seat 5

The Honorable Jocelyn B. Cate

13th Judicial Circuit, Seat 5

James C. Alexander

13th Judicial Circuit, Seat 5

Tarita A. Dunbar

13th Judicial Circuit, Seat 5

Katherine H. Tiffany

15th Judicial Circuit, Seat 2

Melissa Johnson Emery

15th Judicial Circuit, Seat 3

The Honorable Ronald R. Norton

16th Judicial Circuit, Seat 1

Thomas H. White IV

Administrative Law Court

Chief Adm. Law Judge, Seat 1

The Honorable Ralph King Anderson, III

The Judicial Merit Selection Commission found the following candidates QUALIFIED, BUT NOT NOMINATED:

Family Court

13th Judicial Circuit, Seat 5

Wanda L. Adams

13th Judicial Circuit, Seat 5

Robert A. Clark

13th Judicial Circuit, Seat 5

Kathryn Walsh Gooch

13th Judicial Circuit, Seat 5

Thomas T. Hodges


13th Judicial Circuit, Seat 5

Kimaka Nichols-Graham

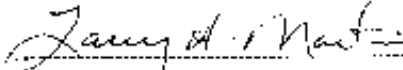
13th Judicial Circuit, Seat 5

The Honorable Michael D. Stokes


Respectfully submitted,



Representative Alan D. Clemmons



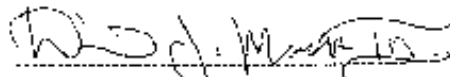
Senator Larry A. Martin



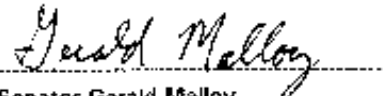
Representative Bruce W. Bannister



Senator George E. "Chip" Campsen, III



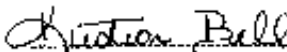
Representative David J. Mack, III



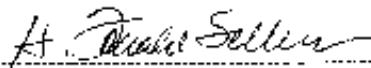
Senator Gerald Malloy




Mr. John Davis Harrell



Ms. Kristian C. Bell



Mr. H. Donald Sellers



Mr. Joseph Preston Strong, Jr.