

Judicial Merit Selection Commission

Report of Candidate Qualifications Spring 2014

Date Draft Report Issued: Thursday, May 8, 2014

Date and Time: 12:00 **Noon**

Final Report Issued: Tuesday, May 13, 2014

**Judicial candidates are not free to
seek or accept commitments until
Tuesday, May 13, 2014 at Noon.**

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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
Edward Bender
Daniel Boan
Patrick Dennis
Andy Fiffick
J.J. Gentry
Brett Hubler
Bob Maldonado
Brad Wright

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

May 8, 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 May 13**. **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, May 13**. In sum, 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 212-6623.

Thank you for your attention to this matter.

Sincerely,

Rep. Alan D. Clemmons
Chairman

Sen. Larry A. Martin
Vice-Chairman

Judicial Merit Selection Commission

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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 Spring 2014 screening.

Section 2-19-70(C) of the SC 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,

Rep. Alan D. Clemmons
Chairman

Sen. Larry A. Martin
Vice-Chairman

INTRODUCTION

The Judicial Merit Selection Commission is charged by law to consider the qualifications of candidates for the judiciary. This report details the reasons for the Commission's findings, as well as each candidate's qualifications as they relate to the Commission's evaluative criteria. The Commission operates under the law that went into effect 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;
- (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 SC 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 SC'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 the candidate currently offering for election to the Court of Appeals, Circuit Court, and Family Court.

COURT OF APPEALS QUALIFIED AND NOMINATED

Blake A. Hewitt
Court of Appeals, Seat 7

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Mr. Hewitt was born in 1978. He is 35 years old and a resident of Conway, South Carolina. Mr. Hewitt provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2005.

(2) Ethical Fitness:

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

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

Mr. Hewitt reported that he has made \$304.12 in campaign expenditures for postage stamps (\$9.20); envelopes (\$26.46); note cards and business cards (\$157.84); and copies and postage for introductory letters (\$110.62).

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

(3) Professional and Academic Ability:

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) 2014 Tort Law Update – presenter	02/27/14;
(b) Annual Convention – presenter	11/07/13;
(c) Annual Free CLE Ethics Seminar	11/01/13;
(d) Introduction to Birth Injury Litigation – presenter	10/18/13;
(e) Gideon at 50: How Far We've Come, How Far to Go – presenter	09/20/13;
(f) 2013 Annual Convention	08/01/13;
(g) What Every Lawyer Should Know to Enjoy (or Survive) the Practice of Law – presenter	06/21/13;
(h) 2012 Annual Convention – presenter	08/02/12;
(i) What Every Lawyer Should Know to Enjoy (or Survive) the Practice of Law – presenter	06/22/12;
(j) Words to the Wise – presenter	11/03/11;
(k) Sporting Clays CLE: Ethics with the Judges	10/13/11;
(l) Fourth Circuit Judicial Conference	06/24/11;
(m) J. Waites Waring and the Dissent	05/19/11;
(n) Sporting Clays CLE: Ethics with the Judges	04/14/11;
(o) 28th Annual Convention – presenter	11/04/10;
(p) SCAJ 2010 Annual Convention	08/05/10;
(q) Federal Law Clerk Seminar – presenter	10/30/09;
(r) New Edition from the FJC Supreme	09/10/09;
(s) 2004 National Sentencing Policy	08/13/09;
(t) CJA Mini Seminar-Spring 2009	05/01/09.

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

- (a) I have given several presentations on the topics of appellate advocacy, legal writing, and how to handle appeals. These have been for the SC Bar and for other organizations;
- (b) I have given several “case law update” presentations at the annual convention of the Injured Workers’ Advocates organization, of which I am a member. I have also given a case law update at a seminar for federal law clerks;
- (c) I was a member of a panel discussion on indigent defense funding at the Charleston School of Law’s symposium celebrating the 50th anniversary of the Supreme Court’s decision in Gideon v. Wainwright;
- (d) I have lectured on special filing procedures in professional negligence cases as a part of a seminar hosted by the SC Bar.

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

(4) Character:

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

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

(5) Reputation:

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

Mr. Hewitt reported the following military service:

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

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

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

- (a) From August 2005 to July 2008, I served as a judicial law clerk and legislative liaison to the Honorable Jean H. Toal, Chief Justice of the SC Supreme Court.
- (b) From July of 2008 to August of 2009, I served as a judicial law clerk to the Honorable Joseph F. Anderson, Jr., United States District Judge for the SC District.
- (c) From August of 2009 until the present time, I have been in private practice with the law firm Bluestein Nichols Thompson & Delgado. My primary area of practice has been appellate litigation. In the 4 ½ years that I have been in private practice, I have served as lead counsel for over 40 matters in South Carolina's appellate courts. I have also done trial work, but my trial work is not as extensive as my appellate work.

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

- (a) Federal: Rarely. Approximately 3% of cases. No in-court time;

- (b) State: Regularly. Five to ten oral arguments each year with various other in-court appearances.

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

- (a) Civil: 81%;
- (b) Criminal: 11%;
- (c) Domestic: 8%.

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

- (a) Jury: 6%;
- (b) Non-jury: 94%.

Regarding whether he most often served as sole counsel, chief counsel, or associate counsel, Mr. Hewitt stated, “Most of my trial court work has involved merits-based motions for which I had chief responsibility. My most recent trial work was as co-counsel in a criminal case that involved several serious felony charges. This was tried to a jury in January 2014.”

The following is Mr. Hewitt’s account of his five most significant litigated matters:

- (a) Shatto v. McLeod Regional Medical Center, 406 S.C. 470, 753 S.E.2d 416 (2013). My partners Marti Bluestein and Allison Sullivan tried this case. I handled the appeal. The case involved whether a contract worker at a hospital was classified as an “employee” or an “independent contractor.” In my view, the case is significant for two reasons. First, the Supreme Court’s decision contains a comprehensive articulation of the employment test and the reasons why this test exists. The appellate courts consider several cases each year involving this issue, but they have not generally articulated why each factor of the test exists, and this has led to confusion in the test’s application. Second, if this decision had gone the other way, it would have opened the door for an unscrupulous employer to avoid its statutory obligation to provide certain mandatory employment benefits to individuals hired to work in the employer’s core business operations;
- (b) Bone v. U.S. Food Service, 404 S.C. 67, 744 S.E.2d 552 (2013). Attorney Bill Smith of the Chappell Smith & Arden firm tried this case and hired me to handle the appeal. I believe the case is significant because it resolves a long-standing conflict between the decisions of the Supreme Court and the decisions of the Court of Appeals about immediate appealability in administrative cases. The Supreme Court began to limit immediate appeals in administrative cases after the passage of the Administrative Procedures Act in 1977. Unfortunately, the court did not uniformly follow this approach, and that lack of uniformity led the Court of Appeals to issue a group of decisions that used pre-APA law to judge whether certain administrative matters were immediately appealable. This might not sound problematic, but it resulted in a substantial amount of waste for litigants. Someone would appeal an administrative case, the Court of Appeals would decide the appeal on the merits, and when the losing party petitioned for cert., the

Supreme Court would vacate the decision of the Court of Appeals because the case was not immediately appealable. Bone is not a perfect decision, but it (finally) forces everyone to examine appealability in administrative cases through the lens of the APA;

- (c) Place on the Greene Homeowners Association v. W.G.R.Q., LLC, Op. No. 2013-UP-297 (S.C. Ct. App. filed July 3, 2013). This case is included because of its particular significance to a community. The decision of the Court of Appeals is unpublished; thus, it does not have any broad significance as precedent. Four businesses hired me in an appeal to overturn a circuit court decision which forced these businesses to close on account of a restrictive covenant. This covenant had never been previously enforced. Some of these businesses had deep ties to the community and had been in operation for over 15 years. We were fortunate enough to be successful, and it was wonderful to be able to call these clients and inform them that their businesses could remain open;
- (d) Milliken & Company v. Morin, 399 S.C. 23, 731 S.E.2d 288 (2012). I believe this matter is significant because it is the first time a SC appellate court addressed an employment contract that contained a clause called an “inventions assignment clause.” This clause granted a former employer the ownership rights of any ideas and inventions that a former employee conceived. This applied during employment and for a short time after the employment terminated. I represented the defendant in the proceedings at the Supreme Court level;
- (e) Ex Parte Brown, 393 S.C. 214, 711 S.E.2d 899 (2011). I was deeply honored to represent the SC Bar as an amicus in this case. I believe this case is significant because it held that when an attorney is appointed to represent an indigent defendant, the takings clause of the Constitution requires that the attorney receive reasonable compensation for his services. This was a break from precedent.

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

- (a) Josey v. Josey, Op. No. 2013-MO-024 (S.C. Sup. Ct. filed Sept. 11, 2013);
- (b) Milliken & Co. v. Morin, Op. No. 27154 (S.C. Sup. Ct. filed Aug. 1, 2012), 399 S.C. 23, 731 S.E.2d 288;
- (c) SC Farm Bureau Mutual Insurance Company v. Kennedy, Op. No. 27147 (S.C. Sup. Ct. filed Apr. 3, 2012), 398 S.C. 604, 730 S.E.2d 862;
- (d) Argabright v. Argabright, Op. No. 27136 (S.C. Sup. Ct. filed Feb. 8, 2012), 398 S.C. 176, 727 S.E.2d 748;
- (e) Lewin v. Lewin, Op. No. 4918 (S.C. Ct. App. filed Dec. 14, 2011), 396 S.C. 349, 721 S.E.2d 1.

The following is Mr. Hewitt’s account of the criminal appeals he has personally handled:

- (a) State v. Torrence, Op. No. 2013-UP-152 (S.C. Ct. App. filed Apr. 10, 2013) (cert. petition pending);
- (b) State v. Whitesides, Op. No. 27110 (S.C. Sup. Ct. filed Apr. 4, 2012), 397 S.C. 313, 725 S.E.2d 487;
- (c) State v. Jennings, Op. No. 27043 (S.C. Sup. Ct. filed Sept. 19, 2011), 394 S.C. 473, 716 S.E.2d 91;

- (d) Ex Parte Brown, Op. No. 26991 (S.C. Sup. Ct. filed June 21, 2011), 393 S.C. 214, 711 S.E.2d 899.

Mr. Hewitt further reported the following regarding an unsuccessful candidacy:

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

- (9) Judicial Temperament:

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

- (10) Miscellaneous:

The Pee Dee Citizens Committee found Mr. Hewitt to be "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee did not make a finding as to the evaluative criteria of constitutional qualifications, physical health, or mental stability. The Committee stated in summary, "Our committee finds Mr. Hewitt to be an extremely personable, highly intelligent candidate. Without reservation, his peers endorsed him for this appellate position based on academic abilities and character. He is well-respected by those both in and outside of the legal community and we believe he would be a strong, well-balanced presence at the Court of Appeals."

Mr. Hewitt is married to Emma Catherine Hewitt. He does not have any children.

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

- (a) SC Bar: Trial & Appellate Advocacy Section, Council Member (July 2010 - July 2013); Judicial Qualifications Committee, Committee Member (March 2011 - August 2012); Young Lawyers Division, Long-Range Planning Committee, Committee Member (July 2010 - July 2012); Young Lawyers Division, 15th Circuit Representative (July 2013 - present); Young Lawyers Foundation Board, Board Member (November 2013 - present);
- (b) Horry County Bar Association;
- (c) SC Supreme Court Historical Society;
- (d) Injured Workers Advocates: Judicial Affairs Committee, Committee Member (March 2010 - present);
- (e) SC Association for Justice: Legislative Steering Committee, Committee Member (November 2010 - present).

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

- (a) Waccamaw Sertoma Club. Board Member (July 2013 - present);
- (b) City of Conway Board of Zoning Appeals (April 2013 - present);
- (c) City of Conway Downtown Alive.

Mr. Hewitt further reported:

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

I felt it necessary to list my brief and unusual experience with the Marine Corps because it continues to have a large impact on my life. I joined the Marines with a contract to become a military lawyer, but I learned during boot camp that I did not gain acceptance to a law school. Because I was happy in boot camp I struggled with the decision to decline my commission. I was excited about the prospect of serving my country as a soldier, but I also felt strongly that my ultimate future involved going to law school. I eventually made the decision to decline a commission so that I could pursue admission to a law school more actively, and I was accepted to the USC the following academic year.

My life would obviously be quite different if I had stayed in the military. I doubt that I would have attended USC for law school, I doubt I would have met my wife; in short, had I stayed in the Marines, my life would look almost nothing like it looks today. I am happy with how my life has turned out, so I do not regret leaving. This experience nonetheless had a large impact on my personality and work ethic.

I have known for some time that I wanted to devote my career to public service. My passion as a lawyer has always been the desire to help the court system be the best that it can be – to treat people decently, to treat everyone’s case as important, and to help the court make the right decision for the right reasons. I gravitated towards appellate work because I enjoyed it and because I felt that it provided a platform for fulfilling these goals. On occasions when I realized these goals, I found great satisfaction. When I felt that the system did not act honorably, I experienced deep disappointment and frustration. Our court system must be the best that it can be, and this is what drives me as a lawyer. It would be the honor of my professional life to serve the citizens of SC by leveraging my experience and passion for their benefit by serving them as a judge on the Court of Appeals. This is where I feel that I could serve them best.

(11) Commission Members’ Comments:

The Commission commented that Mr. Hewitt is mature beyond his years, exhibited a commanding presence at the Public Hearing, and has a great background in appellate court practice, all of which would serve him well on the Court of Appeals.

(12) Conclusion:

The Commission found Mr. Hewitt qualified and nominated him for election to the Court of Appeals.

D. Garrison Hill
Court of Appeals, Seat 7

Commission’s Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Hill was born in 1964. He is 49 years old and a resident of Greenville, South Carolina. Judge Hill provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1990. He was also admitted to the District of Columbia Bar in 1990.

(2) Ethical Fitness:

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

Judge Hill 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 Hill reported that he has spent \$128.20 in campaign expenditures for stationary and postage.

Judge Hill 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 Hill 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 Hill to be intelligent and knowledgeable. His performance on the Commission’s practice and procedure questions met expectations.

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

<u>Date</u>	<u>Conference/CLE Name</u>
(a) 1/24/2014	Trial and Appellate Advocacy Section Civil Law Update;
(b) 8/21/2013	2013 Annual Judicial Conference;
(c) 7/10/2013	2013 Orientation School for New Circuit Court Judges;

(d)	5/1/2013	Spring Conference CLE;
(e)	11/7/2013	SCDTAA Annual Meeting;
(f)	10/17/2013	Fall Sporting Clays: Ethics with the Judges;
(g)	05/02/2012	Annual Circuit Court Judges Conference;
(h)	05/24/2012	Ethics Update;
(i)	08/02/2012	2012 SCAJ Annual Convention;
(j)	08/22/2012	2012 Annual Judicial Conference;
(k)	10/18/2012	Fall Sporting Clays;
(l)	11/08//2012	SCDTAA Annual Meeting;
(m)	01/25/2013	Trial & Appellate Advocacy Section;
(n)	01/25/2013	Part 2: Criminal Law Section;
(o)	05/04/2011	SC Circuit Court Judges' Conference;
(p)	07/06/2011	2011 Orientation School for New;
(q)	08/17/2011	2011 Annual Judicial Conference;
(r)	09/12/2011	The Fourth Amendment;
(s)	10/13/2011	Ethics;
(t)	01/20/2012	Part 2 Criminal Law Section;
(u)	01/20/2012	Trial & Appellate Advocacy Section;
(v)	05/06/2009	Judge's Conference;
(w)	07/08/2009	2009 Orientation School;
(x)	08/06/2009	SCAJ Annual Convention;
(y)	08/19/2009	2009 Annual Judicial Conference;
(z)	10/22/2009	Sporting Clays CLE: Ethics;
(aa)	11/05/2009	SCDTAA Annual Meeting;
(bb)	01/22/2010	Criminal Law Update-Part 2;
(cc)	01/22/2010	Civil Law Update;
(dd)	05/05/2010	Circuit Court Judges Association;
(ee)	07/07/2010	Orientation School for New;
(ff)	08/18/2010	Judicial Conference;
(gg)	10/28/2010	Sporting Clays CLE: Ethics;
(hh)	11/11/2010	SCDTAA Annual Meeting;
(ii)	01/21//2011	Criminal Law Section;
(jj)	01/21/2011	Trial & Appellate Advocacy Section.

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

- (a) I have appeared on panels at SC Bar Ethics CLEs;
- (b) I have appeared on panels at the Solicitors' conference;
- (c) I have spoken on trial advocacy at a CLE held at the Southeastern Asbestos Conference;
- (d) I have spoken on Crawford v. Washington and the Confrontation Clause at a conference held by the Greenville Bar, Batson v. Kentucky at a SCAJ conference, Ethics to the SCDTAA Trial Academy, given a caselaw update at a conference sponsored by the Colleton County Bar Association, and spoken at the York County Bar Association;

- (e) As a member of the Circuit Judges Advisory Committee, I have given annual presentations on “Judicial Ethics” and “Inherent Powers of Courts” to the New Judges’ Orientation School sponsored by S.C. Court Administration;
- (f) I have taught a January Interim course at Wofford College entitled “The Bill of Rights and Modern Citizenship.” This course involves intensive study of the origins and development of the Bill of Rights, and also provides the students the opportunity to be exposed to volunteer community service as they in turn teach what they have learned to students of a local literacy association who are preparing for the civics portion of the GED exam or the Naturalized Citizenship exam;
- (g) “Doing Business with S.C. Local Governments,” S.C. Bar CLE, 2001;
- (h) “Construction Contracting for Public Entities,” Lorman, 2001;
- (i) “Appellate Advocacy,” S.C. Bar 2000;
- (j) “Representing a Public Body,” S.C. Bar 1997;
- (k) “Freedom of Information Act Update” S.C. Ass’n of counties CLE, 1999;
- (l) I have spoken on the Freedom Information Act to a seminar for employees of the S.C. Department of Revenue and at conferences held by the S.C. Ass’n of Public Service Districts.

Judge Hill reported that he has published the following:

- (a) “Back to the Future: United States v. Jones and the search for Fourth Amendment Coherence,” May 2012 South Carolina Lawyer;
- (b) “Celebrate the Bill of Rights and act as its Guardian,” December 12, 2010 Op-Ed column in The Greenville News (article also published in The State);
- (c) “Celebrate That We’re a Nation of Laws, Not Men,” May 2, 2008 Op-Ed column in The Greenville News;
- (d) “Lay Witness Opinions,” September 2007 South Carolina Lawyer at 34.
- (e) “Rule 30(j), Charlie McCarthy and The Potted Plant,” September 2005 South Carolina Lawyer at 26;
- (f) Doing the Public’s Business, (2001) (book authored with Leo H. Hill).
- (g) “Recent Changes to the South Carolina Freedom of Information Act,” South Carolina Lawyer May/June 1999;
- (h) “The Fourth Amendment, Substance Abuse and Drug Testing in the Public Sector,” South Carolina Lawyer, May/June 1997;
- (i) “Mayhem,” 7 S.C. Juris. 213 (1991);
- (j) “Direct Criminal Contempt,” South Carolina Lawyer, Sept/Oct 1992.

From approximately 1994 to 1998 I served on the editorial board of the South Carolina Lawyer magazine published by the S.C. Bar. I served as editor-in-chief for three of these years.

I also published three student Notes in volume 40 of the South Carolina Law Review (1988). These Notes examined recent state supreme court and U.S. Court of Appeals cases dealing with post-conviction relief, the 6th amendment right to counsel, and federal civil procedure.

- (4) Character:

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

The Commission also noted that Judge Hill 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 Hill reported that his last available rating by a legal rating organization, Martindale-Hubbell, was AV. He was also listed in the Martindale-Hubbell Register of Preeminent Lawyers.
- (6) Physical Health:
Judge Hill appears to be physically capable of performing the duties of the office he seeks.
- (7) Mental Stability:
Judge Hill appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Judge Hill was admitted to the South Carolina Bar in 1990.

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

From 1989-90 I was a law clerk to Judge Billy Wilkins on the United States Court of Appeals for the Fourth Circuit. In 1990, I joined the law firm of Hill, Wyatt & Bannister. I became a partner in the firm in 1994. I had a general practice that included civil and criminal cases and appeals in all courts. In 2000, I started the law firm of Hill & Hill, LLC with my late father, Leo H. Hill. We enjoyed a wide client base and practice area, concentrating in business litigation and representation of governmental bodies including municipalities and special purpose districts. I also handled numerous civil and criminal appeals. We were fortunate to be listed in the Martindale-Hubbell Register of Pre-Eminent Lawyers.

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

- (a) federal: From 1999-2004, I was appearing in federal court on civil and criminal matters several times each month;
- (b) state: Once or more each week.

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

- (a) civil: 65%;
- (b) criminal: 15%;
- (c) domestic: 20%.

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

- (a) jury: Not more than 10%. Like most trial attorneys, most of my litigation cases began as potential jury trials but settled before trial.
- (b) non-jury: The remaining 90% of my practice in trial court consisted of motion practice and bench trials.

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

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

- (a) American Heart Association, et al. v. County of Greenville, et al., 331 S.C. 498, 489 S.E.2d 921 (1997). In this case I represented pro bono the American Heart Association and the American Cancer Society. These two charities were the residuary beneficiaries under the Will of Mrs. Kate Jackson, the widow of Baseball Legend Joseph "Shoeless Joe" Jackson. The charities sought possession and ownership of Mr. Jackson's original Last Will and Testament, on the ground that it was an asset that passed to Mrs. Jackson at her husband's death. The original was extremely valuable, as it contained one of the few known genuine signatures of "Shoeless Joe," who rarely gave autographs. Experts contend that an original "Shoeless Joe" signature is the third most valuable signature in the world, outranked only by that of Martin Luther and Button Gwinnett, a Georgia signer of the Declaration of Independence. The charities wanted to auction the original Will and use the proceeds for medical research.

Although we lost the case, it was significant to me because of the uniqueness of the parties, the subject matter and the legal principles involved.

- (b) United States v. Carnell Sanders. Early in my career I was fortunate to be on a list of qualified attorneys willing to accept appointments to represent indigent defendants in federal court. This gave me a great opportunity to gain valuable experience trying cases in federal court. Around 1993 I represented Mr. Sanders in a bank robbery case. The jury acquitted Mr. Sanders. Judge Joe Anderson has been kind enough to include my closing argument in Mr. Sanders' case in his book, The Lost Art: An Advocate's Guide to Effective Closing Argument (S.C. Bar CLE Division 2002).
- (c) State v. Joseph Sheppard. This was a death penalty case tried over a two-week period. The jury returned a life sentence. The case was significant to me because it gave me an appreciation of the death penalty trial process, and the difficulties the parties, the victims, the prosecution, the defense, the judge, the clerk's office and the jurors confront during these intense trials. The case also involved challenging legal issues, including substantive change of venue and Jackson v. Denno issues, expansive voir dire, and other matters.
- (d) SCDOT v. Antonakos. I represented the Landowner in this condemnation case that arose out of construction of the "Southern Connector" toll road in Greenville County. The case was significant because the jury returned a sizeable verdict in favor of the Landowner, and the trial also involved some novel issues under the Eminent Domain Procedures Act, S.C. Code section 28-2-10 et seq.

- (e) In Re: Safety Kleen Litigation. This was a class action case litigated in federal district court for the District of South Carolina. It involved allegations of securities fraud, corporate wrongdoing, and other causes of action on behalf of certain Safety Kleen shareholders. I served as local counsel to one of the lead Plaintiffs.

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

- (a) Poole v. Incentives Unlimited, Inc., 338 S.C. 271, 525 S.E.2d 898 (S.C. Supreme Court June 4, 2001).
This employment law case presented the issue of whether continued at-will employment constitutes sufficient consideration for a covenant not to compete.
- (b) Nedrow v. Pruitt, 336 S.C. 668, 521 S.E.2d 755 (S.C. Court of Appeals September 13, 1999).
This appeal from a jury verdict involved a challenge to the trial court's jury instructions and rulings on the admissibility of impeachment evidence.
- (c) Nalley v. Nalley, 53 F.3d 649 (4th Cir. 1995).
This appeal concerned the appropriate measure of damages for violations of the federal wiretap act.
- (d) Medlock v. 6.18 Acres of Real Property (S.C. Sup. Ct. 1992)
This arose out of and was the companion case to Medlock v. 1985 Ford F-150, 308 S.C. 68, 417 S.E.2d 85 (1992), which established the right to a jury trial under the civil forfeiture statute, S.C. Code section 44-53-30.
- (e) Bradley v. Cherokee School District, 322 S.C. 181, 470 S.E.2d 570 (S.C. Supreme Court May 2, 1996).
This appeal addressed the constitutionality of Act No. 588 of 1994, specifically whether the Act constituted special legislation, amounted to taxation without representation, and unlawfully delegated taxing power.

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

- (a) United States v. Holmes, et al., 2002 WL 440225 (4th Cir. 2002).
This appeal raised Bruton issues, and challenged the admissibility of expert testimony and juror conduct.
- (b) State v. Anders, 331 S.C. 474, 503 S.E.2d 443 (S.C. Supreme Court July 20, 1998).
This appeal involved whether a defendant's statement was admissible under the co-conspirator exception to the hearsay rule, SCRE 801, or as a statement against penal interest, SCRE 804.
- (c) State v. Harry, 321 S.C. 273, 468 S.E.2d 76 (S.C. Court of Appeals February 5, 1996).
This appeal raised issues related to circumstantial evidence, impeachment evidence, and severance.
- (d) State v. Thrift, 312 S.C. 282, 440 S.E.2d 341 (S.C. Supreme Court January 17, 1994) (on brief).
This appeal from a State Grand Jury prosecution decided important questions concerning enforceability of plea agreements and immunity from prosecution.
- (e) United States v. Winchester, 993 F.2d 229 (4th Cir. 1993).

This appeal presented the issue of whether the offense of entering a bank with the intent to commit a felony constituted a “crime of violence” sufficient to support a conviction for 18 U.S.C. section 924(c).

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

Since April 2004, I have been privileged to serve as Resident Circuit Judge for the 13th Judicial Circuit, Seat No. 4.

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

- (a) Cornelius v. Oconee County, 369 S.C. 531, 633 S.E.2d 492 (2006)
I was invited to sit as an acting Associate Justice of the S.C. supreme court, and wrote this opinion for the unanimous court concerning whether a 1976 voter referendum and the S.C. Constitution precluded Oconee County from expanding its sewerage system using certain financing sources.
 - (b) Hackworth v. Greenville County, 371 S.C. 99, 637 S.E.2d 320 (2006)
This was a claim by the Hackworths against the Greenville County Sheriff’s office for return of monies forfeited under the gambling laws. The Court of Appeals affirmed dismissal of the claim based on the Statute of Limitations.
 - (c) State v. Jeffrey Motts
I wrote the trial court order granting Mr. Motts’ request waiving his right to appeal his death sentence. The supreme court affirmed. State v. Motts, 391 S.C. 635, 707 S.E.2d 804 (2011).
 - (d) In Re South Carolina Asbestos Docket
Since 2009 I have been assigned by the supreme court to handle the asbestos trial docket throughout the state, which consists of hundreds of civil lawsuits claiming personal injury due to asbestos exposure. I have written several significant orders in this capacity, involving such issues as product identification, proximate cause, product liability, and the sophisticated user defense.
 - (e) In Re ITG Merger Litigation
This case, which I was assigned through the complex case procedure, is a shareholder and derivative class action related to the merger of two Upstate textile companies. The plaintiffs alleged hundreds of millions of dollars in damages. During the pre-trial phase, I wrote opinions dealing with Rule 23 class certification, civil conspiracy, fiduciary duty, discovery, damages and numerous other issues arising under both South Carolina and Delaware law.
- (9) Judicial Temperament:
The Commission believes that Judge Hill’s temperament has been and would continue to be excellent.
- (10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualification found Judge Hill to be “Qualified” as to constitutional qualifications, physical health, and mental stability. He was found “Well Qualified” with respect to ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

Judge Hill is not married. He has three children.

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

- (a) S.C. Bar
Member House of Delegates, 1997-2004
President, Government Law Section, 1999;
- (b) Greenville County Bar Association, Member of Executive Committee;
- (c) Haynsworth-Perry Inn of Court, 2012-current

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

Judge Hill further reported:

I am grateful to this Commission and the Legislature for the faith they placed in me 10 years ago when I was elected a circuit judge. I have done my level best to contribute to the fair and impartial administration of justice. There is nothing more professionally satisfying than having a positive impact on others, and knowing you made a difference in an important matter in a fellow person's life.

If given the opportunity, I would like to continue to serve the public in a different position in our judicial branch. I would strive to uphold the great traditions of our bench and bar and to improve the public image of the justice system. I firmly believe we have the finest justice system in the world, and it is a humbling honor and solemn responsibility to be entrusted with a judicial office.

(11) Commission Members' Comments:

The Commission commented that Judge Hill has great intellect and writing ability, which has ably served him in discharging his responsibilities on the Circuit Court and would assist him on the Court of Appeals.

(12) Conclusion:

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

Stephanie P. McDonald
Court of Appeals, Seat 7

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge McDonald was born in 1969. She is 45 years old and a resident of Charleston, South Carolina. Judge McDonald provided in her application that she has been a resident

of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1994.

(2) Ethical Fitness:

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

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

Judge McDonald reported that she made \$80 in campaign expenditures for postage.

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) SC Defense Trial Attorneys (SCDTAA) Annual Meeting	11/8/2013;
(b) Annual Judicial Conference	8/21/2013 – 8/23/2013;
(c) SC Association for Justice (SCAJ) Annual Conference	8/2/2013;
(d) SC Defense Trial Attorneys (SCDTAA) Summer Meeting	7/25/2013;
(e) SC Bar "Fast Break on Fast Track Jury Trials: How it Will Work	6/7/2013;
(f) Annual Circuit Judges Conference Classes	5/1/2013;
(g) SC Bar Convention Trial & Appellate Advocacy/Criminal Law	1/25/2013;
(h) SC Defense Trial Attorneys (SCDTAA) Annual Meeting	
National Judicial College, Reno, NV	11/8/2012;
(i) Two-week "General Jurisdiction" Course	10/14/2012 – 10/25/2012;
(j) Annual Judicial Conference	8/22/2012;
(k) SC Association for Justice (SCAJ) Annual Conference	8/2/2012;
(l) Annual Circuit Judges Conference Courses	5/2/2012;
(m) SC Bar Convention Trial & Appellate Advocacy/Criminal Law	1/2012;
(n) SC IRF Law Enforcement Defense Seminar	10/7/2011;
(o) Annual Judicial Conference	8/17/2011;
(p) SC Association for Justice (SCAJ) Annual Conference	8/4/2011;

- (q) SC Circuit Judges Orientation School
SC Historical Society 7/6/2011 – 7/8/2011;
- (r) “J. Waites Waring and the Dissent that Changed America” 5/19/2011;
- (s) Annual Circuit Judges Conference Courses 5/5/2011;
- (t) SC Association for Justice (SCAJ) – various CLE courses 8/5/2010;
- (u) Crime and Punishment Symposium –
Charleston School of Law 2/19/2010;
- (v) SC Bar Convention – Criminal Law Update 1/22/2010;
- (w) SC Conference on Lawyer and Judicial Conduct 10/22/2009;
- (x) SC IRF Law Enforcement Defense Seminar 10/2/2009;
- (y) Chief Justice Toal’s Annual Ethics/Baseball Seminar 8/13/2009;
- (z) SCAJ Annual Convention - various CLE courses
“Domestic Violence and the Criminal Justice System” 8/6/2009;
- (aa) (SC Attorney General’s Office Special Prosecutor Training) 07/09/2009;
- (bb) “It’s All a Game – Top Trial Lawyers Tackle Evidence” 02/13/2009;
- (cc) SC Bar Convention - Criminal Law Update 1/23/2009.

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

<u>Course/Lecture Name</u>	<u>Date</u>
(a) Panelist: “Ethics with the Judges” (SC Bar Sporting Clays CLE)	10/17/2013
(b) Panelist: “Tips from the Bench” at SC Defense Trial Attorneys Summer Meeting	7/25/2013;
(c) Panelist: “Fast Break on Fast Track Jury Trials: How it Will Work	6/7/2013;
(d) Panelist: “Ethics with the Judges” (SC Bar Sporting Clays CLE)	4/25/2013;
(e) Speaker, Charleston School of Law Professionalism Series “Professionalism in the Courthouse”	3/7/2013;
(f) Speaker “Mental Health Issues and the Courts” Historic Rotary Club of Charleston	2/25/2013;
(g) Panelist, Charleston School of Law Professionalism Series Judicial Panel	1/31/2013;
(h) Mock Trial Judge and Speaker, SCDTAA Trial Academy	6/8/2012;
(i) Speaker, “Ethics in the Courtroom” at Charleston Lawyers Club “Tips from Bench and Bar” CLE	2/24/2012;
(j) Panelist: “The Fairness in Civil Justice Act of 2011” SCDTAA Annual Meeting	11/4/2011;
(j) Panelist: “Ethics with the Judges” (SC Bar Sporting Clays CLE)	10/13/2011;
(k) Panelist: “Ethics with the Judges” (SC Bar Sporting Clays CLE)	4/14/2011.

Judge McDonald further reported: On December 16, 2010, I served on the faculty for a CLE seminar entitled “The Mechanics of Civil Procedure.” I prepared the materials for and presented the ethics section and the section addressing the structure and overview of our court system.

In 2006, I spoke at the Insurance Reserve Fund’s Law Enforcement Defense Seminar (CLE) on recent developments in constitutional law and the Changing composition of the Fourth Circuit and the United States Supreme Court.

At the 2004 SC Conference of Countywide Elected Officials (SCACEE Conference), I spoke about the operation of SC's Freedom of Information Act and provided an update on recent SC cases impacting countywide elected officials.

In June of 2003, I taught a one-hour session at the SC Defense Trial Lawyers' Trial Academy. I believe it was on cross-examination, but I honestly cannot remember.

I presented the "Ethics" portion for the 2001 Charleston Lawyers Club Law Week CLE. The topic was "Ten Ways to Avoid the Office of Disciplinary Counsel and Tips for Handling that Dreaded Letter."

At the 2000 Conference for Attorneys to Assist Disciplinary Counsel, I provided an investigation checklist for Attorneys to Assist and spoke on how to conduct a thorough investigation.

In 1998, I spoke at the American Bar Association's Affiliate Outreach Seminar in Las Vegas. The presentation was about the SC Bar Young Lawyer's Division's "Lawyers as Mentors" project and provided instruction for other YLDs interested in starting similar programs in their states.

In 1997, I spoke at the American Bar Association's Affiliate Outreach Seminar in Tampa. The presentation was about the SC Bar Young Lawyer's Division's "Citizenship in Schools" project and provided instruction for other YLDs interested in starting similar programs in their states.

Judge McDonald reported that she has published the following:

Co-author, "Recent Developments in Government Operations and Liability Law: Annual Update on Public Official Immunities," *The Urban Lawyer*, 1997

(4) Character:

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

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

(5) Reputation:

Judge McDonald reported that her last available rating by a legal rating organization, Martindale-Hubbell, was AV.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

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

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

On February 2, 2011, I was elected by the General Assembly to the position of Circuit Judge, At-Large, Seat 9, to fill the unexpired term of the Honorable J. Michelle Childs. As I needed some time to wind down my law practice, I was sworn in on June 30, 2011, and began serving on the bench on July 1, 2011.

My work history prior to July 1, 2011, is as follows:

- (a) Stuckey & Senn: August 1994 through June 1997;
- (b) After taking the Bar exam, I worked as an associate at Stuckey & Kobrovsky in Charleston. This firm later became Stuckey & Senn. Although this was a general practice, and I worked on some probate matters and business litigation, my primary areas of work involved constitutional and governmental issues. The first three cases that I tried on my own involved constitutional claims in United States District Court;
- (c) I became quite ill while pregnant with my only child and was forced to take a two-month leave of absence for home intravenous treatments. Upon my return to work in August of 1997, I decided to go out on my own and focus on the handling of appellate matters for several law firms. I maintained this solo practice from August of 1997 through approximately 2003. During this time period, I handled appeals for:
 - (1) Stuckey Law Firm;
 - (2) Sandra J. Senn, P.A.;
 - (3) Clawson & Staubes;
 - (4) Rhoad Law Firm (Bamberg);
 - (5) Padgett Law Firm (Bennettsville);
 - (6) Jennings and Harris (Bennettsville);
 - (7) Jay Ervin (Darlington);
- (d) I also did other work for:
 - (1) Joye Law Firm;
 - (2) David Whittington;
 - (3) Robert Gailliard;
 - (4) John Price Law Firm;
 - (5) E. Bart Daniel;
 - (6) J. Brady Hair;
 - (7) Larry Kobrovsky;
 - (8) Stanley Feldman;
- (e) The bulk of my work during this time period, however, was with Sandy Senn, with whom I worked from the month after I completed the Bar exam until I took the Bench on July 1, 2011;
- (f) My law practice involved a variety of appellate matters (for plaintiffs and defendants) and the defense of public officials, law enforcement agencies, state agencies, and local governments in state and federal courts;
- (g) I also served as a prosecutor for the SC Attorney General's Criminal Domestic Violence Task Force. Most of that work took place in Orangeburg County;

- (h) I handled some trial level cases for plaintiffs, primarily in the field of employment discrimination and harassment, but I estimate that about 60% of my private practice was in the area of civil defense.

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

- (a) Federal: 1-2 times per month;
- (b) State: 5-7 times per month, unless we were in trial.

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

- (a) Civil: 70%;
- (b) Criminal: 15%;
- (c) Domestic: 15%.

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

- (a) Jury: 85% (this figure includes matters in which summary judgment or dismissal was granted prior to trial);
- (b) Non-jury: 15%.

Judge McDonald provided that prior to her service on the bench she most often served as sole counsel or co-counsel.

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

- (a) Erickson v. Winner, Charleston County Court of Common Pleas (March 2006). This case arose from the "Domestic Court Reform Movement" that took place in SC in the early 1990s. The plaintiff, a former Dorchester County Guardian ad Litem, sued a number of defendants following the issuance of "The Winner Report," which offered a scathing view of SC's private Guardian ad Litem system. A lengthy article in the Charleston City Paper followed the issuance of the report, and the plaintiff subsequently sued several defendants for defamation and other torts. My law partner and I represented the SC Governor's GAL Office and a county office supervisor, receiving a directed verdict on all causes of action after three weeks of trial. Following the fourth week of trial, the jury returned a 6.5 million dollar verdict against several of the remaining defendants.

The appeal against our trial clients was dismissed; however, I was subsequently retained to represent two of the defendants again whom the verdict had been returned. The S.C. Supreme Court heard oral arguments in February of 2010, and on March 1, 2010, the Court vacated the 6 million dollar punitive damages verdict. See Erickson v. Winner, Memorandum Opinion No. 2010-MO-006 (2010).

- (b) Pelaccio v. Charleston County Sheriff's Office, Berkeley County Court of Common Pleas (April 2005). This wrongful death action arose after a father held his infant hostage and threatened to kill the child and blow up the family's home. He also threatened several members of law enforcement responding to the scene.

After an all-night stand-off, the father emerged from the house, holding a knife to the baby's neck. When he refused to remain in a location safe enough for the Charleston County SWAT team to retrieve the baby from the porch, a police sniper shot him in order to ensure the safety of the child and the officers on the scene. Sandy Senn and I were honored to represent the Charleston County Sheriff's Office in this matter, and after a four-day trial, the jury returned a defense verdict.

- (c) Cowsert v. Brown, Charleston County Court of Common Pleas (April 2006).
My law partner and I represented the plaintiffs in this matter, which arose after Betty Sue Cowsert fell from the elevated, second-story porch of her Folly Beach home. The contractor who built the Cowsert home had failed to secure a portion of the porch railing in any way – it was not nailed, glued, or secured to the main railing area. When the railing gave way, Mrs. Cowsert fell, suffering serious injuries. Following the four-day trial, the jury returned a significant verdict for the plaintiffs.
- (d) Gregory v. Zumalt, U.S. District Court, Charleston Division (February 2007).
This highly-publicized case arose after an officer with the City of North Charleston shot a man threatening officers with a knife and a screwdriver. The screwdriver had been sharpened to resemble an icepick. After threatening an eight-months pregnant Piggly Wiggly cashier with the knife, the suspect led the officers across a busy parking lot and Rivers Avenue. He refused to drop the weapons and stabbed one of the officers in the chest, puncturing his shirt and vest. After repeated verbal commands to drop the weapons, the suspect charged the officers and was shot. The decedent's family subsequently filed a civil rights suit, alleging that the officers had violated the decedent's constitutional rights and committed excessive force against him. Following a five-day trial, the Honorable P. Michael Duffy granted all defendants judgment as a matter of law on all causes of action. I also handled the appeal of this matter, representing the Respondent Defendants after Plaintiff appealed Judge Duffy's rulings. The Fourth Circuit affirmed Judge Duffy's decision without oral argument. See Gregory v. Zumalt, 294 Fed.Appx. 792, 2008 WL 4410375 (4th Cir. Sept. 26, 2008)(unpublished).
- (e) The City of Charleston "Sofa Super Fire" aftermath:
Sandy Senn and I represented the City of Charleston in the matters arising from this tragic 2007 fire which took the lives of nine Charleston firefighters. This work involved numerous matters, including representation during the SC-OSHA investigation, before the OSHA hearing officer, and throughout the investigations conducted by various federal agencies and law enforcement entities. After extensive pre-trial litigation and a partial appeal, the case was settled.

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

- (a) Henry v. Horry County, 334 S.C. 461, 514 S.E.2d 122 (1999);
- (b) Brown v. Daniel, 230 F.3d 1351, 2000 WL 1455443 (4th Cir. Sept. 9, 2000)(unpublished opinion);
- (c) Sunset Cay v. City of Folly Beach, 357 S.C. 414, 593 S.E.2d 462 (2004);
- (d) Michau v. Charleston County, 434 F.3d 725 (4th Cir. 2006);

- (e) Demetre v. City of Folly Beach, 2009-UP-029 (S.C. Ct. App. Jan. 1, 2009)(opinion withdrawn, substituted and refiled April 21, 2009).

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

- (a) United States v. Luther Ray Cyrus, 132 Fed.Appx. 441 (4th Cir. May 24, 2005) (I wrote the 4th Circuit brief and prepared the Joint Appendix for attorney Jay Ervin; I no longer have a copy of the brief);
- (b) United States v. Dalton, 477 F.3d 195 (4th Cir. 2007) (I assisted attorney Stanley Feldman with his preparation of the brief and his preparation for oral argument).

Judge McDonald further reported:

The last two appeals that I handled before taking the bench were appeals from Family Court:

- (a) Margaret Reiss vs. Paul Reiss, 392 S.C. 198, 708 S.E.2d 799 (Ct. App. 2011);
- (b) Margaret Reiss vs. Pamela Buck, 391 S.C. 286, 705 S.E.2d 84 (Ct. App. 2011).

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

On February 2, 2011, I was elected by the General Assembly to the position of Circuit Judge, At-Large, Seat 9. I was sworn in on June 30, 2011, and have served continuously since July 1, 2011.

The Circuit Court is SC's Court of General Jurisdiction. It consists of the Court of General Sessions (criminal court) and the Court of Common Pleas (civil court). The Circuit Court also serves as a court of limited appellate jurisdiction, handling appeals from Probate Court, Magistrate's Court, and Municipal Court.

I am currently the Chief Administrative Judge for Common Pleas in the Ninth Circuit. (January 2014 – present). For eighteen months prior to that, I was the Chief Administrative Judge for General Sessions matters in the Ninth Circuit. (July 2012 – December 2013).

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

- (a) State of SC v. Regina Carey, 2013A 10-10203071 (December 13, 2013): After stabbing her common law father-in-law once in the chest with a kitchen knife, Regina Carey was charged with murder eight (8) days after giving birth to her third child. The decedent, who had been on a cocaine and alcohol binge, twice attacked Ms. Carey as she retreated to the kitchen of the very small home. This occurred as Ms. Carey was trying to feed her twin toddlers while the infant slept on a mattress next to the kitchen. As the decedent grabbed Carey by the hair and hit her in the top of the head with his fist, Carey grabbed a kitchen knife and stabbed him once. At that point, the attacker did not stop, but continued to punch her until Carey's boyfriend pulled him away from her and to the yard. The decedent died as a result of the single stab wound. Upon the defendant's motion, I granted Carey immunity pursuant to Section 16-11-440(C) of the SC Protection of Persons and Property Act. My short order is attached along with the pages from the transcript that reflect my ruling. If the Commission or Chief Counsel would

like to have a full copy of the transcript, I am happy to provide it. No appeal has been taken.

- (b) Smilowitz v. Losorea Packaging et al, Civil Action No.: 2011-CP-4202:
This products liability litigation arose after a number of people were burned by the Napa Home and Garden “Firelites” fire pots and “pourable eco-gel fuel.” Upon the settlement of the case, the plaintiffs and the defendant Losorea filed a Joint Motion to Establish a Qualified Settlement Fund (QSF) and Appoint a Settlement Administrator. This Court retained jurisdiction over the QSF and every few weeks would meet with the attorneys to review and approve the allocation of the settlement funds to various injured individuals all over the country. Two of the QSF Orders are attached with this packet.
- (c) Sandy Lane HPR v. Harden Fraser Construction, Civil Action No.: 2010-CP-07-790 (January 14, 2012): This contractual indemnification case arose from a general contractor’s claim against a stucco subcontractor. In and of itself, this particular case is not one of my most significant, however, it is an example of the complex construction matters that I have handled during my time on the bench. Attached is the order addressing the post-trial motions.
- (d) Montclair Property Owners Ass. v. Bruce E. Kinney et al, Case No. 2008-CP-10-6897: This was also a construction case and is significant because on the eve of trial, one of the insurance carriers (Alea) filed an untimely motion to intervene for the purpose of propounding special interrogatories to, presumably, assist with a coverage determination. In reality, this was an attempt to push off the two-week date certain trial which had been set for six months. Upon the denial of its motion, Alea asserted its intention to appeal, believing (mistakenly) that this would stay the entire case. The Order denying the motion was completed late on the Friday before trial was to begin, and the parties were instructed to appear for trial as no stay would be granted. The Court of Appeals agreed. The case settled. The Order Denying the Motion to Intervene is attached.
- (e) In Re: Electronic and Satellite Monitoring as a Condition of Bond in the Ninth Judicial Circuit (September 7, 2012): In 2012, it became apparent that there were multiple bail bond and monitoring companies making no effort to monitor defendants released with house arrest and monitoring as a conditions of their bond. In response to this dangerous lack of oversight, two lengthy hearings were held to assess the problem. The Court then granted the State’s motion for a moratorium on electronic and satellite monitoring as a condition of bond in the 9th Circuit. The Charleston County Sheriff’s Office is now in the process of setting up its own monitoring program to address these deficiencies.

Judge McDonald further reported the following regarding an unsuccessful candidacy:

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

- (9) Judicial Temperament:
The Commission believes that Judge McDonald’s temperament has been and would continue to be excellent.

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualification found Judge McDonald to be “Well Qualified” in the evaluative criteria of professional and academic ability, character, reputation, experience, and judicial temperament. They found her to be “Qualified” in the evaluative criterion of constitutional qualifications. The Committee did not make a finding as to the evaluative criteria of physical health and mental stability. The Committee stated in summary, “Exceptional candidate. Committee is very impressed by her extensive experience as an appellate attorney before she went on the bench.”

Judge McDonald is not married. She has one child.

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

- (a) SC Bar Association
Positions held for the Young Lawyers Division:
 - Chair, Law School for Non-Lawyers project (1998)
 - Co-Chair, Lawyers as Mentors project (1997)
 - Chair, “Citizenship in Schools” project at Fraser Elementary School (1996)
 - Co-Chair, Lawyers for Literacy project (1995)
 - Delegate, American Bar Association Annual Meeting (Young Lawyers Division), San Francisco (Summer 1997);
- (b) Charleston County Bar Association;
- (c) Charleston Lawyers Club (1994-2004) President, 1998-1999;
- (d) Federal Bar Association (former member);
- (e) SC Women Lawyers Association;
- (f) American Bar Association (Judicial Division).

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

- (a) Mentor, SC Lawyer Mentoring Program (2009-10);
- (b) Board Member, SC Bar Foundation, 1998-2001;
- (c) Board Member, Association of Junior Leagues International, Inc. New York, NY (June 2006 – June 2009);
- (d) President, Junior League of Charleston, June 2010 – May 2011;
- (e) Commissioner, City of Charleston Mayor’s Office for Children, Youth & Families (2000-03);
- (f) Chair and Parliamentarian, 120th Annual Meeting of the Episcopal Church Women of the Diocese of SC (Spring 2004);
- (g) President, St. Philip’s Episcopal Church Women (ECW) (2003-04);
- (h) Member, City of Charleston Leadership Team, National League of Cities Municipal Leadership in Education Project (2001-03);
- (i) Board Member, Youth Service Charleston (2001-03);
- (j) Graduate, Leadership Charleston Class of 2001;
- (k) Youth Mentor, Mitchell Elementary School (1998-2001);
- (l) Advisory Board, Charleston County School District Parenting Center, District #20 (2000-2001).

Honors:	Junior League of Charleston Community Impact Award (2002)
Law School:	American Jurisprudence Award for Evidence American Jurisprudence Award for Moot Court First Year Section Legal Writing Award Order of the Barristers Captain, Craven Moot Court Team
Undergraduate:	Algernon Sydney Sullivan Award Phi Beta Kappa Mortar Board Graduate Fellowship Dorothy Shaw Leadership Award (National Sorority Award) USC Hall of Leaders Josiah Morse Award for Philosophy

Judge McDonald further reported:

While in private practice, I tried over forty (40) cases as either lead counsel or co-counsel, and I have personally handled at least forty-five (45) appeals. I have assisted attorneys at other firms with at least twenty (20) others. I practiced constitutional law for sixteen (16) years, working on cases involving allegations of illegal search and seizure, violation of the right to counsel, *Brady v. Maryland* and the requirements of Rule 5, entrapment, and various questions of probable cause.

I have also worked with the Attorney General's Office on the appeal of a case interpreting portions of SC's Sexually Violent Predator Act and the Federal Prison Litigation Reform Act. See *Michau v. Charleston County*, 434 F.3d 725 (4th Cir. 2006). I argued this case in Richmond in 2005.

My daughter, Susanne, starred as "Scout" in the Charleston Stage production of "To Kill a Mockingbird" in February of 2009. Watching her in that role - - and watching the character of Atticus Finch multiple times in a three-week period - - reaffirmed for me the knowledge that treating others fairly, with impartiality, with integrity, and with dignity is critical to the practice of law and our judicial system. I hope that I have demonstrated these characteristics during my time on the Circuit Court bench. Good temperament, patience, scholarship, strong work ethic, and the willingness to make a decision are important traits for any judge, whether on the trial bench or at the appellate level

(11) Commission Members' Comments:

The Commission commented that Judge McDonald handled a substantial amount of appellate work when she was in private practice which would aid her on the Court of Appeals and they noted her good performance in the three years she has been on the Circuit Court bench.

(12) Conclusion:

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

CIRCUIT COURT QUALIFIED AND NOMINATED

R. Scott Sprouse
Circuit Court, Tenth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Mr. Sprouse was born in 1964. He is 49 years old and a resident of Walhalla, South Carolina. Mr. Sprouse provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1990.

(2) Ethical Fitness:

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

Mr. Sprouse 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. Sprouse reported that he has made \$81.60 in campaign expenditures for postage to mail announcement letters.

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) SCAC Local Government Attorney's Institute	12/12/2008;
(b) Legal Education Seminar	05/01/2009;
(c) Prosecuting the Impaired Driver	05/27/2009;
(d) Domestic Violence & Coordinated Community Response	11/12/2009;
(e) SC Local Government Attorney's Institute	12/19/2009;
(f) The Impaired Driver: Nuts & Bolts of DUI Prosecution	05/19/2010;
(g) Victim's Advocate Training	05/22/2010;
(h) Domestic Violence and the Criminal Justice System	04/19/2011;
(i) Ethics of Email in Law Practice	06/10/2011;
(j) The Ethics of Legal Writing	07/22/2011;
(k) Handling Divorce Cases from Start to Finish	10/05/2011;
(l) Legal Ethics of Attracting and Selecting Clients	12/8/2011;
(m) Oconee Bar Legal Education Seminar	04/13/2012;
(n) What Family Court Judges Want	05/11/2012;
(o) Gun Rights and Laws in SC	06/18/2012;
(p) Enhancing Law Enforcement Ability for Convictions	06/19/2012;
(q) Prosecuting the Impaired Driver	06/20/2012;
(r) Prosecuting the Impaired Driver	6-12/13/2013;
(s) Ethics Opinions Every SC Attorney Should Know	06/28/2013.

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

- (a) I have spoken at the public library in Westminster as part of the Bar's public education program. I spoke on domestic law. I cannot recall the exact date, but it was in the early 2000s;
- (b) I spoke to a community group in Westminster on probate law in the early 2000s as well. Again, I cannot recall the exact date;
- (c) I conducted two classes in American Legal History at Clemson University in the Spring of 2005. This was a collaborative effort of the Howell Legal Society at Clemson, wherein Clemson alumni working in the legal profession took various topics and were responsible for a lecture on each topic. My topics were the development of the legal system during the antebellum era and the growth of civil and political rights during the late nineteenth and early twentieth century.

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

(4) Character:

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

The Commission also noted that Mr. Sprouse 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. Sprouse reported that his rating by a legal rating organization, Martindale Hubbell, is BV.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Sprouse was admitted to the South Carolina Bar in 1990.

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

- (a) Barnes & Smith, P.A., Beaufort, SC - August 1989-March 1990. Associate for an insurance defense firm. I primarily did research and file management. This involved a large amount of discovery documents and briefs prepared for the partners;
- (b) Morgan Law Firm, Seneca, SC - April 1990-August 1991. Partner in a general practice. I began handling various general practice cases including domestic, criminal, real estate, bankruptcy and general litigation;
- (c) R. Scott Sprouse, Attorney at Law, Seneca, SC - August 1991-July 1992. I was a sole proprietor. I continued to handle the same types of cases but added social security and personal injury to my caseload. I also began sharing the City Attorney position for the City of Westminster in February of 1992;
- (d) Ross, Stoudemire, Ballenger & Sprouse, P.A. - July 1992-December 1994. Partner in general practice firm. My practice primarily involved domestic litigation, criminal cases, personal injury cases and City Attorney work for the City of Westminster. From the Fall of 1993 until early 1994, I served as a Hearing Officer for the ABC Commission;
- (e) Ross, Stoudemire & Sprouse, P.A. - January 1995-January 1997. My practice stayed virtually the same, but the name of the firm changed. I became the sole City Attorney for Westminster in January of 1995;
- (f) Stoudemire & Sprouse, P.A. - January 1997 to present. My practice is the same, but the name of the firm changed again;
- (g) City of Westminster, City Attorney - February 1992 to present. I am involved with the City Council meetings, litigation of civil cases involving the City, and have prosecuted of criminal cases;
- (h) City of Walhalla, Municipal Judge - February 1996 to present. I was appointed by the City Council of Walhalla. I hold court weekly (some weeks we have two

traffic courts). I have general summary court criminal jurisdiction cases brought by the Walhalla Police Department. I also sign warrants and hold bond hearings. I do not have a supervisor, but answer directly to the City Council of Walhalla;

- (i) City of Seneca, Interim Municipal. I served as Interim Municipal Judge for the City Judge, Fall 1998 of Seneca for several months in the Fall of 1998. Seneca was in the process of selecting a full time Municipal Judge. The City Council asked me to serve as Interim Judge while they were going through the hiring process. I performed all the duties of Municipal Court Judge during this period. This job ended when the Honorable Danny Singleton was appointed full time Judge in December of 1998;
- (j) City of West Union, Municipal Judge - July 2007-March 2008. The City of Walhalla and the City of West Union entered into a contract wherein Walhalla would provide police protection for West Union. Accordingly, I was sworn in and began holding court in West Union. This job ended when Walhalla terminated its contract with West Union, who resumed having the Oconee County Magistrate's office handle its cases;
- (k) Town of Salem, Municipal Judge - July 2011 to present. I serve in the same capacity for the Town of Salem. I hold court once a month.

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

I have represented clients in Circuit Court since 1990 and have a wide range of experience there.

My General Sessions practice is varied. Most clients in this area of law eventually decide to plead, but some choose to take their case to a jury trial. I have represented numerous individuals in General Sessions Court. I have served as co-counsel in three cases where our client was charged with murder. Each of these cases involved multi-day jury trials. I have been sole counsel in many serious criminal cases, including, but not limited to:

- (a) Criminal sexual conduct cases (including crimes involving minors);
- (b) Trafficking in crack cocaine;
- (c) Manufacture of marijuana, possession with intent to distribute marijuana, crack and various other drugs;
- (d) Assault and Battery (including the common law Assault and Battery of a High and Aggravated Nature pre-statute);
- (e) Attempted Murder;
- (f) Kidnapping;
- (g) Carjacking;
- (h) Burglary 1st Degree;
- (i) Statewide Grand Jury drug case;
- (j) Forgery;
- (k) Larceny;
- (l) Driving Under the Influence. The large majority of these are in Summary Court;
- (m) Various other traffic offenses such as Driving Under Suspension and Habitual Offender;
- (n) I have been the attorney for a PCR applicant.

My role as Municipal Judge allows me to review the criminal statutes regularly, Since I handle warrants and bonds. I have conducted preliminary hearings in the past, although in recent years, the Oconee Magistrate's office has heard all preliminary hearings at a central location.

I also have handled a wide variety of cases in Common Pleas, some of which resulted in jury trials. Each civil case involves discovery prior to trial. I am familiar with the rules governing discovery. Some cases involve motions for summary judgment and motions on the pleadings. I have represented clients in the following types of cases:

- (a) Personal injury plaintiffs in automobile accident and premises liability cases;
- (b) Defendants in personal injury cases;
- (c) Mechanic's lien cases over the years, including having some cases where I represented the homeowner, some where I represented the general contractor and some where I represented a subcontractor. Most of these type cases involve some dispute over workmanship. I have tried these cases both jury and nonjury;
- (d) I have done some mortgage foreclosure work, although that has not been a significant part of my practice;
- (e) Property disputes such as easements, road closures, covenants and restrictions cases and trespass cases;
- (f) Breach of contract cases (also including specific performance cases);
- (g) Partnership dissolution;
- (h) Our firm has represented the landowners in several condemnation cases, where I participated in the trial of the case with my partner. I also have filed a condemnation case for the City of Westminster.

I have served as arbitrator and special referee in different Common Pleas cases on occasion. I also have been appointed guardian ad Litem for an incapacitated person in a Common Pleas case.

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

- (a) Federal: 0;
- (b) State: I average 3-8 hearings in Family Court per week when we have terms of Family Court. I have tried Family Court cases from as little a time period as thirty minutes up to multi-day contested trials. I have appearances in General Sessions about every other term, as cases that I am able to work out pleas in are dealt with on the same day. I have tried a multi-day drug trial in General Sessions, along with handling a Statewide Grand Jury case. My appearances in Common Pleas is less frequent, although I have tried both jury and non-jury trials in Common Pleas during the last five years on a variety of issues. I tried a nonjury breach of contract case two weeks ago in Common Pleas. I handle several jury trials (usually DUIs) in Magistrate's Court during the course of each year. I hold Court in Walhalla and Salem presently as Municipal Judge of each respective Municipality. I have presided over a number of jury trials as Municipal Judge and preside over bench trials with regularity when defendants contest tickets. I

recently presided over the first jury trial ever held in the Town of Salem.

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

- (a) Civil: 5%;
- (b) Criminal: 15%;
- (c) Domestic: 75%;
- (d) Other: 5%.

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

- (a) Jury: 5%;
- (b) Non-jury: 95%.

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

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

- (a) Steven Ray Hammond v. Ruia Boggs & Garland Brewer, d/b/a B & B Mobile Home Park. 93-CP-37-61. I represented the Plaintiff in an action for personal injuries brought under the SC Residential Landlord and Tenant Act. My client's leg was amputated as a result of the injuries that he sustained. I was able to settle this case for \$600,000 after mediation;
- (b) James A. Turner, Jr. vs. Oconee County, Joseph M. Sylvester and Marjorie V. Sylvester, Jack C. Prescott, Doris Freeman Prescott, and Bayshore Association, Inc.98-CP-37-77. This was a case involving a subdivision and litigation over an access road. The case was legally complicated and resulted in an appeal to the SC Court of Appeals;
- (c) The State v. Robert McClure. 94-DR-37-663, 94-GS-37-0986, 95-GS-37-0429. My client was charged with Criminal Sexual Conduct with a Minor First Degree. I tried the accompanying DSS case in the Oconee Family Court. The DSS case uncovered evidence that led the Oconee County Solicitor's Office to re-evaluate the case. After extensive negotiations, a plea to Lewd Act on a Minor was entered in General Sessions Court for a probationary sentence;
- (d) The State v. Robert Underwood. My client was charged with four counts of criminal sexual conduct with a minor 1st degree. There was a companion DSS case in Family Court that was helpful in exposing weaknesses in the State's case. I was able to obtain a plea deal with the prosecution wherein they recommended, and my client received, probation;
- (e) Jackie L. Hunt v. Alfred Hunt. 97-DR-37-708. I represented the Plaintiff initially in a separate maintenance action and the subsequent divorce. The parties had approximately one million in assets (over \$750,000 in undisputed marital property). The case also involved the issue of periodic alimony, which I was able to secure for my client, along with forty-five (45%) percent of the marital property and attorney's fees. The Defendant filed a notice of intent to appeal, but dismissed the appeal after reviewing the transcript.

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

- (a) James A. Turner, Jr. vs. Oconee County, Joseph M. Sylvester and Marjorie V. Sylvester, Jack C. Prescott, Doris Freeman Prescott, and Bayshore Association, Inc.98-CP-37-77. Court of Appeals opinion _____ issued _____, 2003;
- (b) Jesse Lee Crawford v. Sue Crawford 2006-DR-37-424 Decided without oral argument in unpublished opinion.

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

Mr. Sprouse reported that he has held the following judicial offices:

I have served as Municipal Judge for the City of Walhalla (1996-present), the City of Seneca (Interim in Fall of 1998), the City of West Union (2007-08) and the Town of Salem (2011 to present). These courts have basic summary court criminal jurisdiction, with general limitations (with some specific statutory exceptions) of 30 days incarceration and \$500.00 fine.

Mr. Sprouse reported the following regarding his employment while serving as a judge:

I have worked as a general practice attorney during the time that I have been a Municipal Judge as outlined above. I also have been a Family Court Mediator since 2006.

Mr. Sprouse further reported the following regarding unsuccessful candidacies:

- (a) 2000 - I ran for the Tenth Circuit Family Court Seat 2. I withdrew from the race prior to the election. I was deemed qualified by the Judicial Merit Selection Commission;
- (b) 2009 - I announced an intention to run for the Tenth Circuit Family Court Seat 2, but withdrew my name prior to screening;
- (c) 2012 - I ran for the Tenth Circuit Family Court Seat 2. I withdrew from the race prior to the election. I was deemed qualified by the Judicial Merit Selection Commission.

(9) Judicial Temperament:

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

(10) Miscellaneous:

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

Mr. Sprouse is married to Mary Stoudemire Sprouse. He has two children.

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

- (a) SC Bar 1990 - present;
- (b) Oconee County Bar Association (President 1997)
(Treasurer) 1990 - present;
- (c) SC Trial Lawyers Association 1993 - present;
- (d) Association of Trial Lawyers of America 1993 - present;
- American Association for Justice 1993 - present;
- (e) SC Summary Court Judges' Association 1998 - present.

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

- (a) Seneca Sertoma Club, 1990-2009
(secretary 1991-92, Board member (1995-97);
- (b) St. John's Evangelical Lutheran Church, 1997-present
Church Council, 1998-2004, 2008-11
Sunday School Teacher;
- (c) IPTAY, 1986-present
(IPTAY Representative 1994-2005);
- (d) The Oconee Assembly, 1994 - present
(Board member 2012 - present);
- (e) City of Walhalla, Coach
Boys' basketball 1996 - present
Baseball 2007 - present

I also coached the Walhalla middle school-aged boys basketball team in a summer league sponsored by the City of Seneca in the summer of 2013.

I also was an assistant travel baseball coach for the Walhalla 10 & Under Team in the summer of 2012.

I will be a coach for a Seneca-based AAU boys basketball team in the Spring and Summer of 2014;

- (f) City of Walhalla Recreational Advisory Board 2001-04;
- (g) Howell Legal Society, Clemson Alumni Association 2004-05;
- (h) Colonels Club 2004-present.

Mr. Sprouse further reported:

I am a certified Family Court Mediator, having completed the training at the SC Bar and receiving my certification on August 22, 2006. I regularly conduct mediations.

I am an Eagle Scout. I was a member of Troop 312 Boy Scouts of America in Piedmont, SC.

(11) Commission Members' Comments:

The Commission commented that Mr. Sprouse has judicial experience as a municipal court judge and they noted his even temperament, which would equip him well for the Circuit Court bench.

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

Daniel D. Hall
Circuit Court, Sixteenth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

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

Mr. Hall was born in 1954. He is 59 years old and a resident of York, South Carolina. Mr. Hall provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1988. He was also admitted to the North Carolina Bar in 1988.

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

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

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

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

Conference/CLE Name

Date

- | | | |
|-----|------------------------------------|------------------------|
| (a) | SC Public Defender's Conference | September 23-25, 2013; |
| (b) | SC Public Defender's Conference | September 24-26, 2012; |
| (c) | SC Public Defender's Conference | September 26-28, 2011; |
| (d) | Solicitor's Association Conference | September 27-29, 2010; |
| (e) | Solicitor's Association Conference | September 27-30, 2009. |

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

Mr. Hall reported that he has published the following book or article:

Clergy Confidentiality: A Time to Speak and a Time to Be Silent, by Lynn Buzzard and Dan Hall, 1988 Christian Management Association.

(4) Character:

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Hall was admitted to the South Carolina Bar in 1988.

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

- | | | |
|-----|--|--------------------|
| (a) | Asst Solicitor-16th Judicial Circuit Solicitor's Office | 1988-90; |
| (b) | Solo Practitioner | 1991-99; |
| (c) | General Practice with focus on personal injury, worker's compensation, and criminal defense; | |
| (d) | 16th Judicial Circuit Solicitor's Office, Asst. Solicitor's Office | 1999-June 2011; |
| (e) | 16th Judicial Circuit Public Defender's Office, Assistant Public Defender, | June 2011-Present. |

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

I am currently an Assistant Public Defender and represent indigent defendants in General Sessions court. I was an Assistant Solicitor from 1999 to 2011. I have prosecuted and defended most every type of General Sessions criminal cases. I have no experience in civil matters in the past five years. I was in private practice from 1991-1999 and had a limited experience in the court of common pleas. My practice included criminal defense, personal injury, probate and some limited litigation in common pleas. I took and passed the North Carolina and South Carolina Bar exams during the same week in 1988. I believe that I have the intellectual ability to quickly develop the necessary skills to preside in common pleas court.

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

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

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

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

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

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

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

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

- (a) State v. Bobby Hawkesworth 2013 GS 46 4160
Represented defendant charged with Armed Robbery and Use of Weapon During Violent Crime. This was two-day jury trial in which defendant was found not guilty;
- (b) State v. Russell Holley 2002 GS 46 0698
Murder trial in which boyfriend stabbed girlfriend to death in a rage of domestic violence. Defendant was sentenced to life without parole;
- (c) State v. Aaron Williams 2003 GS 46 2745
Burglary First Degree trial in which a seventy year old widow's home was invaded while she was alone. Victim was physically attacked. Defendant was sentenced to thirty year prison sentence;
- (d) State v. Edward Miller 2003 GS 46 0557
Defendant was charged with murder. The case was true billed by the grand jury. In preparing for trial and investigating this case evidence was discovered absolving this defendant of the murder. The defendant had been wrongfully charge. I dismissed the case;

- (e) State v. Penny Sue Price 1994 GS 462784
I defended at trial an indigent, mentally handicapped defendant charged with threatening public housing officials. The defendant was found not guilty at trial.

Mr. Hall reported he has not personally handled any civil or criminal appeals.

Mr. Hall reported that he has held the following judicial office:

Municipal Judge – City of York, SC – appointed by York City Council. January, 1993–May 1999. Signed criminal warrants, set bonds and held preliminary hearings for General Sessions criminal matters occurring in the city limits. Presided over plea court, bench trials and jury trials for criminal or traffic charges in the City of York in which the statutory penalty was no greater than 30 days in jail or the fine was not more than \$200.

Mr. Hall reported that following regarding his employment while serving as a judge:

Self employed attorney – sole practitioner 1991-99. My position as York Municipal Judge required 8-10 hours per week of municipal court duties in addition to my private practice.

Mr. Hall further reported the following regarding unsuccessful candidacies:

- (a) Republican Primary candidate for Solicitor, Sixteenth Judicial Circuit, June, 1996;
- (b) Candidate for Judge, Sixteenth Judicial Circuit Family Court, 1998, withdrew;
- (c) Candidate for Judge, Circuit Court At-Large, Seat 9, March, 2006, Qualified but not nominated;
- (d) Candidate for Judge, Circuit Court At-Large, Seat 6, January 2009, Qualified and nominated, withdrew prior to February election;
- (e) Candidate for Judge, Circuit Court At-Large, Seat 8, January, 2010, Qualified but not nominated;
- (f) Candidate for Judge, Circuit Court At-Large, Seat 9, January 2011, Qualified and nominated, withdrew prior to February election;
- (g) Candidate for Judge, Circuit Court At-Large, Seat 16, January 2012, Qualified and nominated, withdrew prior to February election.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Piedmont Citizens Committee found Mr. Hall "Well Qualified" for the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee found Mr. Hall "Qualified" for the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee stated in summary, "The committee was impressed by the extent of Mr. Hall's experience in the field of criminal law. He has worked as both a solicitor and public defender, and is thus thoroughly familiar with all issues and perspectives involved in a criminal law practice. Mr. Hall received high marks from those in his community for his integrity, practicality, and common sense."

Mr. Hall is married to Cathleen McCreight Hall. He has four children.

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

- (a) York County Bar Association, Treasurer, 1992;
- (b) South Carolina Bar Association;
- (c) North Carolina Bar Association.

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

- (a) Filbert Presbyterian Church Clerk of Session;
- (b) York County Beekeepers Association;
- (c) National Cutting Horse Association.

Mr. Hall further reported the following:

Having grown up in a rural environment learning farm work and land surveying from my father, I continued to do farm work, textile mill work and land surveying through high school and college. Prior to attending law school, I managed a cattle operation, worked in a meat processing business and operated a local credit reporting and collection business. In these years, I married my wife of now thirty-seven years and we had three small children. Having read and seen the need for attorneys with integrity to fill the ranks of our justice system, I then made the decision to attend law school. I began law school as a thirty year old father to three small children and my wife and I had our fourth child during the law school years. I took and passed the SC and North Carolina bar exams in July, 1988.

Since my time as a lawyer, my family has now grown to four married children, their spouses and ten grandchildren. I have deeply enjoyed my work as a public servant as a private attorney, municipal judge and an assistant solicitor in the Sixteenth Judicial Circuit Solicitor's office.

My life experiences give me a deep understanding and appreciation for people from all walks of life. I have been privileged to work with men and women from a broad variety of social and economic backgrounds. The courtrooms of this state belong to such people, and circuit court judges serve those as well the professionals that conduct the business of the courts. I believe I am prepared and have the ability to serve as a circuit court judge with both common sense and experienced knowledge of the law. My commitment to justice and serving the common man has well suited me to be a circuit court judge. I would be honored to serve.

(11) Commission Members' Comments:

The Commission commented that Mr. Hall is a tremendous candidate for the Circuit Court bench and that he has a lot of well-rounded experience from the Solicitor's and Public Defender's offices.

(12) Conclusion:

The Commission found Mr. Hall qualified and nominated him for election to the Circuit Court.

William A. McKinnon
Circuit Court, Sixteenth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Mr. McKinnon was born in 1973. He is 41 years old and a resident of Rock Hill, South Carolina. Mr. McKinnon provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2001. He was also admitted to the Washington, DC Bar in 2004.

(2) Ethical Fitness:

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

Mr. McKinnon 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. McKinnon reported that he made \$162.64 in campaign expenditures for nametags and printed biographical cards.

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) Ethical Considerations for the Criminal Lawyer	1/29/09;

(b)	Ethical Considerations in Marketing Your Law Firm	1/29/09;
(c)	SCAJ Annual Convention	08/06/09;
(d)	Ethical Considerations Surrounding Technology	2/23/10;
(e)	Richland County Bar Ethics Seminar	2/24/10;
(f)	Ethics and ADR Revisited	2/24/10;
(g)	New and Old DUI	2/25/10;
(h)	SCAJ Annual Convention	08/05/10;
(i)	Legal Ethics and Practice	2/17/11;
(j)	ADR: An Ethical Perspective	2/18/11;
(k)	Staying Out of E-Trouble	2/21/11;
(l)	The SC LLC	2/10/12;
(m)	Lawyer Depression	2/21/12;
(n)	Duke Lacrosse Case	2/21/12;
(o)	Criminal Practice Annual	2/24/12;
(p)	Tort Law Update	2/8/13;
(q)	Top Trial Lawyers Tackle Evidence	2/15/13;
(r)	Lions of the Bar	2/18/13;
(s)	Everything You Need About Ethics	1/17/14;
(t)	Richland County Bar Ethics	2/26/14;
(u)	International Child Adoption	2/26/14;
(v)	Tort Law Update	2/27/14.

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

I have lectured at the 2008 SCAJ Annual Convention about Email Subpoenas to Third-Party Internet Service Providers.

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

(4) Character:

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. McKinnon was admitted to the South Carolina Bar in 2001.

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

- (a) Law Clerk to the Hon. Joseph F. Anderson, Jr., Chief Judge of the United States District Court for the District of SC (2001-2002);
- (b) Law Clerk to the Hon. Andrew J. Kleinfeld, Circuit Judge, United States Court of Appeals for the Ninth Circuit (2002-2003);
- (c) Covington & Burling, Washington, DC, (2003-2004). 100% litigation with a nation-wide practice, split approximately 50/50 between complex corporate litigation (representing defendants) and white collar criminal defense, including defense of securities violations;
- (d) Lewis, Babcock & Hawkins, Columbia, SC (2004-2006). 100% civil litigation, including complex civil cases in the federal and state courts of SC, and appeals in both the federal and SC appellate courts. My practice included all aspects of civil litigation, and was approximately 2/3 plaintiff-side and 1/3 defense side;
- (e) Solo Private Practice, Columbia, SC (2006-2007). 100% civil litigation, almost entirely a single plaintiff-side trust litigation matter involving a prominent family and a significant amount of money;
- (f) McGowan, Hood & Felder, LLC, Rock Hill, SC (2007-Present). 80% civil litigation, which was entirely plaintiff-side, and 20% criminal defense. My civil practice consists of about 50% medical malpractice work and the remainder is complex civil litigation in the federal and state courts, including appeals. My criminal defense work is in the state court system only. I assist other lawyers with ethics issues on a pro-bono basis.

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

My civil litigation experience includes medical malpractice, insurance law, copyright law, general person injury, school liability, Federal §1983 claims, jail liability, employment law, motor vehicle accidents, and truck accidents with medical malpractice being my primary concentration. I have experience with all procedural aspects, including appeals, jury trials, motions practice, discovery practice, and have taken many, many depositions. My practice is currently 100% plaintiff, but I have represented defendants earlier in my career at Covington & Burling and Lewis, Babcock and Hawkins. I also assist other lawyers, on a pro-bono basis, who have ethical issues. My practice focuses on cases with significant damages and/or death cases.

My criminal experience is entirely within the Sixteenth Circuit General Sessions Court (other than a small handful in the York County Magistrates' Court). Approximately half of the cases I have handled involve drug charges of some sort, with the remainder ranging from armed robbery to grand larceny to assault and everything in between. I am not death penalty qualified. I am familiar with both PTI and Drug Court from assisting clients into those diversion programs.

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

- (a) federal: approx. 3-4/year;
- (b) state: approx. 15-20/year.

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

- (a) civil: 80%;
- (b) criminal: 20%;
- (c) domestic: 0%;
- (d) other: 0%.

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

- (a) jury: 95%;
- (b) non-jury: 5%.

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

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

- (a) White v. Palmetto Health Alliance, et al. Complex medical malpractice case involving three different doctors attending an expectant mother for a delivery lasting four days, with severe brain damage to the infant during delivery. Seven figure settlement;
- (b) Wise v. Doctor's Care, et al. Complex medical malpractice case involving four physician defendants, a hospital, an urgent care clinic, and allegations of comparative negligence on the part of the decedent. Seven figure settlement;
- (c) Mattel Lead Paint Class Action – Part of Plaintiff's leadership in national class action involving lead paint on toys, resulting in eight-figure national settlement;
- (d) Dash v. WWE and Floyd Mayweather. Copyright action against World Wrestling Entertainment and boxer Floyd Mayweather for unauthorized use of song in Wrestlemania pay per view. Issues of first impression regarding damages in copyright law, certiorari petition currently pending in US Supreme Court. Dash v. Mayweather, et al., 731 F.3d 303 (4th Cir. 2013) (cert. pet. pending);
- (e) Grier v. Amisub. Medical malpractice case originally dismissed because Notice of Intent to File Suit did not have causation opinion from physician. Dismissal reversed by SC Supreme Court, settling issue of whether causation opinion is necessary in physician affidavit. Case settled after remand. Grier v. Amisub, 397 S.C. 532 (2012).

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

- (a) Grier v. Amisub, SC Supreme Court, May 2, 2012, 397 S.C. 532 (2012);
- (b) Dash v. Mayweather, et al., US Court of Appeals for the Fourth Circuit, September 26, 2013, 731 F.3d 303 (4th Cir. 2013) (cert. pet. pending);

- (c) Hearn v. Lancaster County, US Court of Appeals for the Fourth Circuit, argued January 30, 2014 and awaiting decision;
- (d) Layman v. State, 368 S.C. 631 (2006) (I wrote the briefs, but did not argue this appeal);
- (e) Morris v. SC Workers' Comp. Comm'n, 370 S.C. 85 (2006) (I wrote the briefs, but did not argue this appeal).

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualification found Mr. McKinnon to be "Well Qualified" in the evaluative criteria for ethical fitness, professional and academic ability, character, reputation, experience and judicial temperament. The Committee found him "Qualified" in the evaluative criteria of constitutional qualifications, physical health and mental stability. The Committee stated in summary, "Mr. McKinnon has a first class intellect, having graduated from Princeton University and at the top of his class at USC Law School. Without question, he is extraordinarily bright and possessed of a sharp legal acumen." But he also "received accolades from those to whom we spoke concerning his modesty and approachability." As one of them put it, "Bill will be the smartest person in the room, but you'll never know it."

Mr. McKinnon is not married. He does not have any children.

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

- (a) SC Association for Justice (SCAJ);
- (b) American Association for Justice (AAJ).

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

- (a) National Rifle Association – Firearm Safety and Pistol Instructor;
- (b) Westminster Presbyterian Church – Formerly a Deacon and now an Elder.

Mr. McKinnon further reported:

Until this year, when I was elected an Elder, I served as a Deacon at Westminster Presbyterian Church in Rock Hill. My job in the diaconate was "emergency care" of congregational members. That is, if someone lost their job and couldn't pay their power bill, or their air conditioner broke in the summer and they couldn't pay to fix it, I would get that call. I spent a lot of time assisting, counseling, and praying with people struggling with some very difficult circumstances. I do think this experience changed me. I think that as a result of this work, I will be more able to put myself in the shoes of litigants, victims, and defendants. Additionally, I have significant experience with students, having been a teacher and currently a volunteer with the youth group at my church, experience which has given me significant insight into how children are impacted by difficult family situations.

Finally, I think my wide range of experience will help me be more effective as a judge. I have worked at a firm with over 300 lawyers in one office, and been a solo practitioner. I've appeared in Magistrate's Court a few times, and right now have a petition pending with the US Supreme Court. I've been a law clerk in a trial court and an appellate court. I've argued about every type of motion that exists. I've defended criminal clients. I think this breadth of experience will help me better relate to, and work with, all of the various lawyers we have in the Sixteenth Circuit, as well as the members of the public who come before me as litigants or defendants.

(11) Commission Members' Comments:

The Commission noted that Mr. McKinnon was first in his class at the University of South Carolina School of Law and that his diverse legal career will assist him as a jurist.

(12) Conclusion:

The Commission found Mr. McKinnon qualified and nominated him for election to the Circuit Court.

James M. Morton
Circuit Court, Sixteenth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Mr. Morton was born in 1954. He is 60 years old and a resident of Rock Hill, South Carolina. Mr. Morton provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1985.

(2) Ethical Fitness:

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

Mr. Morton demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges.

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

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) NACDL Capital Voir Dire Training	5/16/08;
(b) Commission on Lawyer Conduct Seminar	10/21/08;
(c) SC Conference on Lawyer & Judicial Conduct	10/22/09;
(d) A Look Back: Lessons of Trial Lawyers	11/20/09;
(e) York Co. Bar Assoc. Ethics Seminar	3/12/10;
(f) SC Traffic & DUI Updates	9/17/10;
(g) SC Conference on Lawyer Conduct	10/26/10;
(h) Powerful Advocacy Seminar	12/10/10;
(i) SC Conference on Lawyer Conduct	11/01/11;
(j) Symposium on Prosecutorial Ethics	3/15/12;
(k) DL-585: 2012 Criminal Law Seminar	6/08/12;
(l) United States Sentencing Guidelines	11/07/12;
(j) Top Trial Lawyers Tackle Evidence	2/15/13;
(k) Commission on Judicial & Lawyer Conduct Seminar	10/30/13;
(l) The Ethics of Innocence	11/12/13;
(m) Winning DUI Cases	2/14/14;
(n) Criminal Practice-SC	2/28/14.

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

- (a) I spoke at a Criminal Law CLE at the SC Bar Association Offices;
- (b) I have lectured at various classes at the USC Law School regarding wrongful convictions;
- (c) I served as a panelist at a Criminal Law CLE at the USC Law School;
- (d) I spoke to a psychology class regarding false confessions at Williams College, Williamstown, MA.

Mr. Morton reported that he has not published any books and/or articles.

(4) Character:

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

The Commission also noted that Mr. Morton 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. Morton reported that he is rated by a legal rating organization, Martindale-Hubbell, as AV.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Morton was admitted to the South Carolina Bar in 1985.

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

- | | | |
|-----|--|---------------|
| (a) | Public Defender-Richland County Public Defender's Office | 1985-1987; |
| (b) | Asst. Solicitor-Richland County Solicitor's Office | 1987-1991; |
| (c) | Private Practice | 1991-2001; |
| (d) | Partner-Morton & Gettys, LLC | 2001-Present. |

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

My career over 29 years has been in criminal law. I served as an assistant public defender for 1.5 years, and have prosecuted and defended thousands of cases. I prosecuted at least a dozen murder cases and hundreds of felonies. I have defended an equal number of murder cases, including two death penalty cases (one of them twice). I have handled two death penalty PCRs, and was hired (while in private practice) to prosecute two murder cases and a felony DUI in different circuits in state court. I have handled felony cases in federal court and tried three federal court cases. I have handled numerous felony and misdemeanor cases over the last five years. I have not had as much experience in civil matters, although I have handled numerous personal injury matters, cases involving complaints against police, including a current case involving a police shooting of an unarmed 70 year old man. I have handled workers compensation cases and an Unfair Trade Practice Act case. I am currently involved in a conversion case, and have handled numerous PCRs. All of these cases I acted as a plaintiff attorney. I have been co-counsel as plaintiff on a case that went to trial on a nuisance claim. Several of the above have been trials, but none in the last five years. I would research all statutes and most relevant issues involving as many areas/issues as possible. I would also consult others for advice.

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

- (a) Federal: Approximately 10 appearances;
- (b) State: 5-7 times/month;
- (c) Other: 0%.

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

- (a) Civil: 2%;
- (b) Criminal: 98%;
- (c) Domestic: 0%;
- (d) Other: 0%.

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

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

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

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

- (a) State v. Bobby Lee Holmes – 604 S.E.2d.19 (2004). This death penalty conviction was reversed by the U.S. Supreme Court (9-0) and set a precedent as to how judges are to evaluate third party guilt testimony and evidence;
- (b) State v. Jerry Evans – 316 S.C. 303 (1994). Was trial counsel, and argued before S.C. Supreme Court. This was a vehicle hit and run murder and felony DUI charges involving the deaths of two children in Richland County. The use of hypnotically enhanced testimony was affirmed by the S.C. Supreme Court;
- (c) State v. Billy Wayne Cope – 405 S.C. 317 (2013). Defendant and co-defendant were charged with the murder and rape of defendant's 12 year old daughter. The conviction for conspiracy was reversed, and later reinstated by S.C. Court of Appeals. Afterwards, it was affirmed by S.C. Supreme Court. Issues of Rule 404(b) evidence of other crimes, false confessions, and evidence of conspiracy, all currently on petition for cert to U.S. Supreme Court;
- (d) State v. Murray Adkins - 353 S.C. 12. Contract murder execution in Lancaster County. Appeal on jury charge that "failure" of defendant to testify language was violation of a defendant's Sixth Amendment right. Appeal was denied;
- (e) State v. Edward Cronell – (Was unable to find site) I was hired, while in private practice, to prosecute murder of 22 year old school teacher during a nighttime home invasion by a real estate agent. He was convicted and his conviction was affirmed. The S.C. Supreme Court ruled that search warrants for obtaining bodily fluids (DNA) was legal.

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

- (a) Richard Moore v. S.C. (04-CP-42-2715) Death Penalty PCR, Numerous issues including res gestae evidence;

- (b) Kenneth Simmons v. S.C. (03-CP-18-1192) Death Penalty PCR, Death Penalty set aside by Circuit Court Judge because defendant ruled mentally ill and thus ineligible for death per Atkins v. Virginia.

The following is Mr. Morton's account of the two criminal appeals he has personally handled:

- (a) State v. Jerry Evans 316 S.C.303, (1994);
- (b) State v. Billy Wayne Cope 405 S.C 317 (August 28, 2013).

Mr. Morton further reported that he has never run for an office or appointment.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualification found Mr. Morton to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health and mental stability. They found him to be "Well Qualified" in the evaluative criteria of constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, judicial temperament, and experience. The Committee stated in summary: "Mr. Morton has a deep and significant experience in the field of criminal law, having worked as both a prosecutor and defense lawyer on a range of challenging cases. A hard worker and fierce advocate in the courtroom, he was credited by members of the bench and bar for his integrity, fairness, and candor."

Mr. Morton is married to Mrs. Mary Frances Moses Morton. They have two children.

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

- (a) South Carolina Bar Association, Member;
- (b) York County Bar Association, Member;
- (c) South Carolina Association of Criminal Defense Lawyers, Member;
- (d) National Association of Criminal Defense Lawyers, Member.

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

- (a) ACLU, State of South Carolina, current Board Member;
- (b) MUSC, Board of Visitors, current Board Member.

Mr. Morton further reported:

I was born and raised in Rock Hill, SC, and attended Rock Hill public schools. My mother was from Fountain Inn, SC, and graduated from Winthrop College. My father grew up in Rock Hill, SC, served as a bombardier and was shot down during World War II, receiving a Purple Heart. After the war he graduated from the USC, and afterwards received his Masters in Journalism from Columbia University in New York City. My mother grew up on a farm, and my father was raised in the mill village during the Depression, and both

taught me the value of hard work. Another lesson learned from them was to always try to walk in another man's shoes, and only then can you pass judgment.

I began working summers at 14 years of age and throughout high school as an electrician's assistant. I worked every summer during college at Bowater Carolina Corporation, swinging shifts in a pulp mill.

At Rock Hill High School, where I graduated in 1972, I was the starting quarterback on the football team, and starting pitcher on the baseball team. I graduated from the USC with a B.A. in political science in 1976. After college I had the fortunate experience of working in the U.S. Senate from the beginning of 1978 until I started law school in 1982. I worked in the Senate chamber with much time on the floor of the U.S. Senate. I watched senators legislate and debate, often heatedly, and then walk off the floor together arm in arm. It taught me the lesson to always, no matter how passionately you believe in a cause or an issue, remain professional, never personal.

My experience as a prosecutor and criminal defense attorney has afforded me the unique opportunity to understand victims of crimes, as well as the accused. This background, I believe, benefits me greatly.

(11) Commission Members' Comments:

The Commission members stated Mr. Morton has a well-rounded legal practice based on his years as an assistant solicitor, an assistant public defender, and a private practitioner, and they noted his calming influence, which would serve him well as a judge.

(12) Conclusion:

The Commission found Mr. Morton qualified and nominated him for election to the Circuit Court.

FAMILY COURT QUALIFIED AND NOMINATED

Sara M. Bunge
Family Court, Eleventh Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Ms. Bunge was born in 1972. She is 41 years old and a resident of Lexington, South Carolina. Ms. Bunge provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1999. She was also admitted to the Georgia Bar in 2002.

(2) Ethical Fitness:

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

Ms. Bunge 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. Bunge reported that she has made \$441.57 in campaign expenditures for a legislative manual (\$15.22); name tag (\$5.96); business cards (\$38.87); resumes, cover letters, envelopes, postage, ink and stationary (\$296.81); and additional postage (\$84.71).

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) Forensic Science Series	5/29/09;
(b) Child Abuse & Sexual Assault Prosecution	7/24/09;
(c) Strategies for Justice	9/21/09;
(d) 7 th Annual SC Network of Children's Advocacy	4/13/10;
(e) Constitutional Limitations on Law	4/30/10;
(f) Competency Hearings and Mental Health Evaluations	5/21/10;
(g) Domestic Violence and the Criminal	11/18/10;
(h) Juveniles Who Sexually Offend	5/20/11;
(i) Prosecuting Cases in Family Court	8/19/11;
(j) 2011 S.C. Solicitors' Conference	9/25/11;
(k) Sexual Assault Prosecutions	7/20/12;
(l) Prosecuting Cases in Family Court	8/24/12;
(m) 2012 S.C. Solicitors' Conference	9/23/12;
(n) Competency to Stand Trial	10/26/12;
(o) Prosecuting in Family Court: Issues and Best Practices	8/23/13;
(p) 2013 S.C. Solicitors' Conference	9/22/13;
(q) Ethics for Government Attorneys	2/7/14.

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

- (a) I have made presentations to new Lexington County Arbitrators during their yearly training;
- (b) I have spoken to the Business Law Class at the Lexington Technology Center;
- (c) I have spoken to school administrators and guidance counselors regarding Truancy;
- (d) I have volunteered as a Judge for the Mock Trial program;
- (e) I have volunteered for the Kids in Court program through the Town of Lexington.

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

(4) Character:

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

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

Ms. Bunge reported that she has held the following public office:

I was appointed as a Municipal Judge for the Town of Lexington in August of 2006 and I held that position until February of 2008 when I left private practice to return to government service as an Assistant Solicitor. Jurisdiction was limited to criminal offenses which occurred in the Town of Lexington and for which the penalty was up to a fine of \$500 and/or up to 30 days in jail.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Ms. Bunge was admitted to the South Carolina Bar in 1999.

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

- (a) 8/1999 to 6/2000: Judicial Law Clerk to the late Honorable Marc H. Westbrook: As a law clerk, I researched legal issues, wrote draft orders, prepared jury instructions, attended hearings and trials, scheduled conferences, and interacted extensively with attorneys. I assisted Judge Westbrook in his day-to-day responsibilities as needed;
- (b) 6/2000 to 10/2000: Assistant Solicitor, 5th Judicial Circuit: I, along with one other Assistant Solicitor, prosecuted all adult and juvenile cases in the County of Kershaw;
- (c) 10/2000 to 2/2002: Associate, Turner, Padgett, Graham & Laney, Florence, SC: As an Associate, I was assigned to assist one of the Partners in defending medical malpractice and employment law cases. It was my responsibility to investigate cases, speak with witnesses, request and analyze medical records, and write memoranda to the Partner regarding my opinion of the cases. I attended status conferences, drafted motions and briefs, attended oral arguments and drafted discovery;
- (d) 2/2002 to 7/2002: Georgia Bar Exam Candidate (passed and admitted 2002): During this time, my ex-husband and I moved to Georgia and I studied for and passed the Georgia bar exam. I never practiced in Georgia because we made the decision to move back to SC;
- (e) 12/2002 to 1/2006: Assistant Solicitor, 9th Judicial Circuit: I prosecuted cases in Charleston County. My caseload was about 300-400 cases at any given time. I handled drug possession and distribution, assault and battery, property crimes, armed robbery, and criminal sexual conduct cases. I tried numerous cases both as lead counsel and co-counsel;
- (f) 3/2006 to 3/2008: Associate, Whetstone, Myers, Perkins & Young: I handled medical malpractice, personal injury, and criminal defense cases. I prepared for and conducted mediation presentations on numerous personal injury cases. During this time, I was also a part-time Municipal Judge for the Town of Lexington presiding over jury trials;

- (g) 8/2006 to 3/2008: Municipal Judge (part-time), Town of Lexington: I presided over jury trials for the Town of Lexington. Most of the cases that came before me were driving under the influence cases. I ruled on pre-trial Motions, conducted jury selection, heard witness testimony, charged the jury, and sentenced as the jury decided;
- (h) 3/2008 to present: Assistant Solicitor, 11th Judicial Circuit: In 2008, I decided to return to the public sector because of the financial instability of private practice. I prosecuted various cases in General Sessions, including criminal sexual conduct, property crimes, assault and battery, and drug case. I tried numerous cases both as lead and co-counsel. I transitioned to Family Court in 2009 handling cases in Lexington, Edgefield, Saluda and McCormick counties.

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

For the past four and a half years, I have handled juvenile cases for the 11th Circuit Solicitor's Office. I am assigned to all cases arising out of Edgefield, Saluda and McCormick Counties as well as half of the cases arising out of Lexington County. I have tried cases from shoplifting to criminal sexual conduct in Family Court, as well as in General Sessions. I have dealt with detention hearings, review hearings, adjudications, dispositions, and Form III interstate hearings. I requested to be assigned to Family Court from General Sessions temporarily in 2009 to gain experience in the juvenile justice area. My Supervisor indicated that if after two years I wanted to transfer back to General Sessions, I could. After the two year period, I wanted to stay in Family Court because I found an area of law where I feel like I make a difference.

DSS and DJJ matters overlap in many cases. Over the years, I have worked with DSS attorneys and case workers and have attended many DSS hearings regarding my juveniles. While in private practice with Turner, Padget, Graham & Laney, I was appointed as a Guardian Ad Litem and an attorney for GALs numerous times.

While I do not have experience representing others in divorce, equitable division of property and child custody, I have been through a divorce with those issues. I researched and studied the relevant statutes and case law at the time of my separation to the point that I could have represented myself pro se during my divorce; however, I chose not to represent myself only because of the inherent emotional factor in being a litigant in a divorce. There were property division issues, child custody issues, and child support issues. We were able to settle the case through mediation. Approximately three years after the finalization of my divorce, my ex-husband filed for a Modification of Child Support. I again had enough knowledge to represent myself, but chose not to because I was emotionally involved in the case. I know and can apply S.C. Code Section 20-3-620, et. seq. and applicable case law regarding apportionment of property. I am confident that I have the knowledge to preside over domestic issues competently and justly.

At the time that I was appointed as a Municipal Court Judge for the Town of Lexington, I had tried many criminal cases, but I had not tried any Driving Under the Influence cases. I was assigned to conduct trials, as another Judge heard the pleas. Most of the cases I heard as a Judge were DUIs which is a technical area. I was able to research and study the law to the point that I could preside over those cases with confidence and I know I can do the same with domestic issues.

The extent and variety of my experience as an attorney and a Judge should be considered. I have handled all of my cases with competence and diligence. In 2013, I won the Ernest F. Hollings Award for Excellence in State Prosecution for Family Court. I am an open, honest, courteous person with a demeanor suited for the bench.

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

- (a) Federal: 0;
- (b) State: 1 to 4 times a week, almost every week.

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

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

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

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

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

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

- (a) In re Don Michael G.: I handled this case when I was in private practice. At 18 years old, Don Michael started working for a trash collection business where his father worked. He was assigned to a truck and on his very first day, he was struck by a car which was attempting to pass the stopped trash truck. The car was travelling at an estimated 45 miles per hour. Don Michael suffered a devastating brain injury. We filed a Workers Compensation claim against the trash collection business. We also attempted an action against the manufacturer of the trash truck for its failure to have proper signaling devices/lights on the trash truck itself. I traveled to Durham, North Carolina during this action to meet with Don Michael who lived in an assisted living facility. He is a remarkable young man and meeting him made a significant impact on me. It was a tough case to handle as I knew that no matter the amount of money we could recover for him, he would never be the same.
- (b) State v. Christian Bryson: This was a murder case I sat as second chair while I was in General Sessions in Lexington. The victim and defendant were acquaintances. The State believed that the defendant frequently bought drugs from the victim. After the victim failed to answer his cell phone for a couple of days, his family reported him missing to law enforcement. As law enforcement investigated, they were led to the defendant. There were many issues in this case, including cell phone tower records, tire impressions, handwriting authentication, and DNA evidence. The defendant ultimately gave multiple confessions, changing his story somewhat each time. He led law enforcement to the victim's body where it was found with the

victim's hands and feet bound by duct tape. The defendant ultimately claimed that he killed the victim in self-defense; however, the State did not believe there was evidence of self-defense, especially with the body found the way it was. The jury found the defendant guilty. He was sentenced to 30 years for Murder, 10 years consecutive for Armed Robbery, and 5 years concurrent for Possession of a Weapon During a Crime of Violence.

- (c) State v. Curtis Charles Roosevelt Sims: This is another murder case I was involved in when I was with the 5th Circuit Solicitor's Office working in Kershaw County. At the same time, my father was a Deputy Solicitor for the 5th Circuit working in Richland County. This case was conflicted out of Newberry County. The defendant broke into the elderly victim's house to rob him of cash he was rumored to have from selling illegal moonshine. There was an eyewitness who saw the defendant running from the scene. There was no forensic evidence as the State believed the defendant wore socks on his hands during the robbery and murder because a small white fiber consistent with a white sock was found on the victim's neck and a pair of white socks was found on the ground outside of the victim's trailer. The defendant was caught on video burglarizing a nearby business shortly before the murder. The medical examiner was unable to pin point the victim's time of death which gave the jury reasonable doubt as to whether the defendant was there at the time of the murder because he was committing the burglary around the same time frame. He used one crime to give him an "alibi" so to speak for another more serious crime. Although it was a not guilty verdict, it was an honor to try a case with my father before he retired from being a prosecutor. The defendant pled to Burglary 2nd and Grand Larceny for burglarizing the business and received 7 years for the Burglary and 5 years concurrent for the Grand Larceny.
- (d) State v. Carl G.: This was a criminal sexual conduct with a minor 1st degree case in which I sat first chair. The allegations were that the defendant molested his 9 year old step daughter after showing her pornography on his computer. The victim did not want to testify and it took some time and effort to get her used to the courtroom and ready. When the time came for trial, she testified as best she could. The main issue in the case became when the computer was actually in the home as the defendant's defense was that the computer was out of the home being serviced during the time that the victim alleged the abuse occurred. Law enforcement did not confiscate the computer to be analyzed at the time the victim disclosed. The defendant had it analyzed, however, it had been "wiped clean" and reset to the manufacturer's settings. Unfortunately, the jury found a reasonable doubt and found the defendant not guilty. I was proud of the victim for standing up for herself and testifying as to what happened. The Department of Social Services became involved in the case for the mother's failure to protect the victim.
- (e) In re Joshua L.: Joshua was charged with Assault and Battery on a classmate. When he came into Court, he pled to the charge and received probation. As a part of that probation, he was to attend and complete the Wil Lou Gray Opportunity School which is a 3 month program for juveniles. During the program, the juveniles are able to study for and take a test for their General Equivalent Diploma. Before a juvenile can start the Wil Lou Gray program he or she must get a physical exam and pay \$175 to be on deposit at the school for incidentals. Joshua's mother did not

have the money to get him a physical exam or pay the deposit. His Department of Juvenile Justice caseworker paid for his physical exam. I along with his Public Defender and another Assistant Solicitor in Family Court donated money for his \$175 deposit. I drove the money to the Doctor's Care where he was waiting for his physical exam the day he was supposed to start. He did not seem pleased to be starting the program. I was concerned that he would not take advantage of the opportunity that he was given, but I hoped for the best. Six weeks later, I received a call from his DJJ caseworker informing me that Joshua requested that I, along with his probation officer, caseworker, and Public Defender, attend "Friends and Family Day" at Wil Lou Gray. Three of us were able to attend. The juveniles showed off their training and newly learned military skills. I never saw Joshua smile before that day. He finally had confidence in himself. He sat for and passed his GED test, and it was his intention to apply for Lander University.

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

Ms. Bunge reported that she has held the following judicial office:
Municipal Judge.

Ms. Bunge reported the following regarding her employment while serving as a judge:

During the time that I was a Municipal Court Judge for the Town of Lexington, I was also an Associate with the firm Whetstone, Myers, Perkins & Young (now Whetstone, Perkins & Fulda). I was considered a "joint venturer" and did not have a supervisor. I joined the Whetstone firm in March of 2006 and left in March of 2008 when I returned to government service with the Solicitor's Office. While I was an Associate, I handled criminal defense cases, medical malpractice cases, and personal injury cases.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee found Ms. Bunge to be "Well Qualified" in the evaluative criteria of constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, and judicial temperament. The Committee did not indicate a finding for mental stability. The Committee found her "Qualified" in the evaluative criterion of experience. The Committee commented, "Ms. Bunge has extensive experience in prosecuting juveniles in Family Court, but virtually no experience in other matters handled in the Family Court. She seems intelligent, engaging and eager to learn. We have some concerns over having a judge with no domestic law experience." The Committee stated in summary, "Ms. Bunge is very capable, respected by her colleagues, and she is generally well qualified."

Ms. Bunge is married to Ricardo Bunge. She has one child.

Ms. Bunge reported that she was a member of the following bar associations and professional associations:

- (a) SC Bar, Member, 1999;
- (b) Georgia Bar, Member, 2002;
- (c) Children's Law Committee, SC Bar, Member, 2010 to present.

Ms. Bunge provided that she was not a member of any civic, charitable, educational, social, or fraternal organizations in the past five years.

Ms. Bunge further reported:

I have always been a hard working person. I have had a job since I was 16 years old. I pride myself in having a reputation of being an honest, dedicated, and fair person. When my ex-husband and I were together, we made the decision for his career to come before mine, which left me changing jobs as he earned promotions within his field. I took advantage of those opportunities to learn different areas of the law and to work with different people to improve my knowledge and understanding of the law. I have been a criminal defense attorney, a civil defense attorney, a plaintiff's attorney, a prosecutor and a Municipal Judge. All of these experiences have led me to where I am today and I am grateful for them.

My son was 8 months old when I filed for divorce in January of 2006 after 11 years of marriage. It was a painful time in my life. I know first hand what it feels like to be before a Family Court Judge as a litigant. I know the feeling of standing before a stranger with your personal life being in his/her hands. It was not an experience I will ever forget. I feel this would help me as a Family Court Judge myself because I know what parties are going through. My ex-husband and I have been able to put aside negative feelings towards each other for the sake of our son who is our main focus. I am proud of the way we have been able to put Tyler first and not ourselves.

The time that I have been an Assistant Solicitor in Family Court has opened my eyes to different areas of our community and to the realization that not all families have the resources that others do. As an Assistant Solicitor, I have learned that, at least in the juvenile area, my job is not so much to prosecute cases as it is to be a social worker, working with DJJ, parents, teachers, administrators, and sometimes DSS, to come up with a plan for a family. Even though it is a juvenile who is before the Court for a criminal or status offense, the juvenile may need services to help with an addiction, anger management, family counseling, or other services. It is my job to help him/her get the services that he/she needs.

Working in Family Court requires the ability to work with many different people from many different agencies for the benefit of families. The cases are not only divorce and custody cases. The cases also involve the Department of Social Services, the Department of Juvenile Justice, the Department of Mental Health, among others. A Family Judge really has to be a social worker in many cases to figure out what the best plan is for a family, regardless of whether it is a domestic case, a juvenile case, or an abuse and neglect case. A Family Court Judge must be able to hear all parties and be part of the process of managing what is in the best interest of a family, not just a particular child. I know I have the temperament, compassion and skill to be an asset to the Family Court bench.

- (11) Commission Members' Comments:
The Commission commented positively on Ms. Bunge's committed public service as an Assistant Solicitor handling juvenile cases and her past service as a municipal court judge.
- (12) Conclusion:
The Commission found Ms. Bunge qualified and nominated her for election to the Family Court.

W. Greg Seigler
Family Court, Eleventh Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

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

Mr. Seigler was born in 1974. He is 39 years old and a resident of McCormick, South Carolina. Mr. Seigler provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2000.

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

Mr. Seigler 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. Seigler reported that he not made any campaign expenditures.

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) Annual Public Defender Conference	09/28/13;
(b) Annual Public Defender Conference	09/27/12;
(c) Annual Public Defender Conference	09/26/11;
(d) Annual Public Defender Conference	09/27/10;
(e) Annual Public Defender Conference	09/28/09;
(f) Title I	01/01/09;
(g) Personal Injury Clients	01/28/09;
(h) Title Insurance I	02/25/09.

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

Mr. Seigler reported that he has not published any books and/or articles.

(4) Character:

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

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

Mr. Seigler reported that he has held the following public office:
Tri-County Public Defender.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Seigler was admitted to the South Carolina Bar in 2000.

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

- (a) Law Offices of W. Greg Seigler, 2000-10, Solo Practitioner with a general practice that focused on Family Law, but included Criminal Law, Probate Law, Personal Injury, and Real Estate. During this time I was the attorney for the Town of Troy (Greenwood County), attorney for the Town of Plum Branch (McCormick County);
- (b) Chief Municipal Judge for the town of Calhoun Falls (Abbeville County), 2005-07;
- (c) Tri-County Public Defender (Edgefield, McCormick, Saluda Counties), 2007-10--designated as part time. I represent all defendants charged with crimes who are indigent in all three counties, in General Sessions Court, Family Court, and Magistrates/Municipal Court;
- (d) Eleventh Circuit Public Defender's Office/Lexington County as Tri-County Public Defender, 2010-current, full time. I represent all defendants charged with crimes who are indigent in all three counties, in General Sessions Court, Family Court, and Magistrates/Municipal Court.

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

I have represented domestic clients in every area of family law. While in private practice I handled hundreds of divorces with little or no assets with grounds of divorce being one year continuous separation, to long term marriages destroyed by adultery, substance abuse, or physical cruelty with assets valued in the millions. I have handled divorces, child custody cases, and other cases all pro bono for clients that were in abusive relationships or for whatever reason simply could not afford to pay me. I have also handled high profile divorces and custody cases where I earned a significant fee. I have many child custody cases, some of which were settled during the divorce proceedings, some that involved grandparent's rights, stepparent's rights, and some that stemmed from an action being filed due to a significant change in circumstances with the change ranging from income to residency issues, relocation issues, remarriage, exposing the children to an immoral environment, etc. I have been involved in many adoption cases, both as counsel for the adoptive parents, guardian ad litem of for the child, and even as counsel for the biological parent contesting the adoption. For many years I was attorney for the SC Guardian ad Litem Program. In that capacity I was involved in almost every abuse and neglect case in McCormick County. Prior to taking that position I was appointed to represent many clients who were defendants involved in abuse and neglect cases with the Department of Social Services (DSS) where DSS was pursuing the termination of parental rights, emergency protective custody, parenting plans, or child support. I have been involved in abuse and neglect cases, which ended in a wonderful manner with a child being adopted by a wonderful family, and I have been involved in cases that ended in tragedy. In private practice I was hired on a few cases that involved juveniles who were charged with crime or were otherwise delinquent, but it was not until I was appointed Tri-County Public Defender until I really became involved with juveniles. Since that time I have handled 99% of all juvenile cases in McCormick, Saluda, and

Edgefield Counties. I represent about 200 children per year who are charged with crimes ranging from shoplifting to murder. It is very rewarding when you feel like you were able to help a juvenile who is heading down the wrong path, but that is not always the case. So gain, with all humility, I have handled about every type of family court case imaginable.

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

- (a) Federal: None;
- (b) State: Almost every day between Family Court, General Sessions Court, and Magistrates Court.

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

- (a) Civil: 5%;
- (b) Criminal: 40%;
- (c) Domestic: 50%;
- (d) Other: 5%.

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

- (a) Jury: 30%;
- (b) Non-jury: 70%.

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

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

- (a) George and Connie Gable vs. David Kay - I represented the Gables, who are lifelong McCormick County residents, in a child custody case as grandparents of an eight year old boy whose mother had just died of brain cancer. The mother of course being their daughter. The biological father, Mr. Kay, had seen the child only a few times during the child's life. Upon the mother's death, Mr. Kay attempted to remove the child from the grandparent's home. I filed for an emergency hearing on behalf of the Gables and they were able to gain custody of the child. They still have custody today some 6 years later. Based on the law at that time it was a significant achievement.
- (b) Carl Thomas Wall vs. Jamie Wall - I represented Mr. Wall in a divorce action that involved on minor child, two stepchildren, and many assets. The couple was married for thirty plus years. Mr. Wall sought a divorce based on the grounds of habitual drunkenness. Mr. Wall was able to prove at trial that the wife had been abusing drugs and alcohol for many years, and that she had ultimately vacated the marital home leaving him with nothing but the biological child. My client was a lifelong friend of my father. I was able to secure a favorable result for him and his child. That was significant to me because I helped Mr. Wall, but also because I spent hundreds of hours on the case with being paid one penny. That is often the case in a small rural county in SC.

- (c) State vs Stephen Louis Barnes - Mr. Barnes was in Edgefield County Detention Center awaiting trial for murder where the state was seeking the death penalty. While in jail he was charged with throwing bodily fluids on a jail employee. I was appointed to represent him on that charge which he was ultimately convicted of after about 8 hours of jury deliberation. Prior to finding him guilty the jury declared on two occasions that they were unable to reach a verdict. I demanded the judge declare a mistrial but he refused and sent the jury to deliberate for a third time. I immediately filed a notice of intent to appeal the conviction. While the appeal was pending Mr. Barnes was tried and convicted of murder and received the death penalty. During the penalty phase the state used the conviction of throwing bodily fluids as part of the evidence that he needed to be put to death. Last year the conviction of throwing bodily fluids was overturned, and soon thereafter the murder conviction was as well. Mr. Barnes was granted a new trial on both charges.
- (d) State vs. John Doe - this pending case involves a male juvenile who was charged with murder last year after he allegedly stabbed his father to death soon after being returned to his parent's home after being in DSS custody for some time because of abuse and neglect. I had him evaluated by the Department of Mental Health which found him competent to stand trial. I totally disagreed with the finding and I have had an order signed by the family court to have him evaluated by a private physician. I am limited at this time to discuss the case, but even at this stage it has been a very significant case to me.
- (e) Estate of James Strom - James was my friend and a lifelong resident of McCormick County. He was a successful family man with a very bright future, a beautiful wife, and two teenage children. They were all 4 killed in a plane crash in Greenwood County. The plane was being operated by James when it went down. Investigations revealed that the crash was caused by pilot error. I represented the estates; it was tragic.

Mr. Seigler reported he has not personally handled any civil or criminal appeals.

Mr. Seigler reported that he has held the following judicial office:

Chief Municipal Court Judge for the Town of Calhoun Falls, 2005-07, and was appointed by the mayor and town council. I presided over traffic court, signed warrants, and presided over pleas and trials for minor criminal offenses within the magistrate's jurisdiction. I had no civil jurisdiction as a municipal court judge. I never issued any type of opinion or order except for sentencing.

Mr. Seigler reported the following regarding his employment while serving as a judge:
Law Offices of W. Greg Seigler from 2005-07.

Mr. Seigler further reported the following regarding an unsuccessful candidacy:

I ran as a judicial candidate for Family Court At-Large Seat, Number 2. Five people filed for the seat. I was screened out in the top three. After which one candidate withdrew, which only left me and Tony Miller Jones as the final candidates for the seat. I withdrew a few days prior to a vote, which took place in January 2013.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualification found found Mr. Seigler "Well-Qualified" for each of the nine evaluative criteria: constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, experience, and judicial temperament. The Committee did not indicate a finding for mental stability. The Committee noted, "Mr. Seigler is a well-qualified candidate with extensive experience in all aspects of Family Court practice. He is well liked and respected by the members of the Bar. He appears to be intelligent, have a good temperament, and is truly concerned about the Family Court. The Committee stated in summary, "Mr. Seigler has the tools to become a fine Family Court Judge."

Mr. Seigler is married to Jennifer Denise Price. He has three children.

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

- (a) SC Bar, past family and criminal law division;
- (b) McCormick County Bar President, 2003-present;
- (c) SC Trial Lawyers Association;
- (d) SC Summary Court Judges Association.

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

- (a) The Citadel Alumni Association;
- (b) Grand Lodge of Ancient Freemasons of SC, Worshipful Master-Mine Lodge 117, 2005;
- (c) Shriner-Jamil Temple, Red Fez Shrine Club;
- (d) NRA Life Member;
- (e) National Wild Turkey Federation member;
- (f) SC Wildlife Endowment;
- (g) McCormick Rotary Club past member;
- (h) Bethany Baptist Church member.

Mr. Seigler further reported:

As a child I was fortunate to have been reared in an environment that instilled moral values and demanded discipline. I applied that type of raising to each and every life goal and objective. At The Citadel the values and discipline that I learned as an adolescent were fine tuned. I have applied the lessons and values learned to my everyday life as well as my law practice. I feel that my experience in every aspect of family law provides me with the tools and knowledge necessary to be a family court judge. I also feel that as a husband and a father of three sons coupled with my legal experience, I have the skills to deal with the unique area of domestic law. I also believe that I possess the

appropriate perspective and temperament for the position. If given the opportunity I will serve the citizens of this great state with honor and integrity.

(11) Commission Members' Comments:

The Commission commented on Mr. Seigler's dedicated service as a Public Defender and his extensive experience in the family law arena.

(12) Conclusion:

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

**Rebecca B. West
Family Court, Eleventh Judicial Circuit, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Ms. West was born in 1975. She is 39 years old and a resident of Lexington, South Carolina. Ms. West provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2000.

(2) Ethical Fitness:

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

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

Ms. West reported that she has made \$94.00 in campaign expenditures for postage and a nametag.

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) Family Court Bench/Bar	12/06/13;
(b) Family Law Intensive (Twists and Turns of Child Custody in the Modern Age)	10/23/13;
(c) 2013 Hot Tips From the Coolest, Family Law Practitioners	09/27/13;
(d) American Academy of Matrimonial Lawyers: The Family Law Symposium	04/19/13;
(e) Family Court Bench/Bar	12/07/12;
(f) How to Understand & Analyze Financial Statements For Lawyers	11/02/12;
(g) 2012 Hot Tips From the Coolest, Family Law Practitioners	09/28/12;
(h) Legal Ethics & Practice Program, Trust Account School	02/15/15;
(i) Family Law Intensive Dollars & Sense in Family Court: Agreements, Experts & Getting the Information You Need	10/06/11;
(j) 2011 Hot Tips From the Coolest, Family Law Practitioners	09/16/11;
(k) Family Court Bench/Bar	12/03/10;
(l) 2010 Hot Tips from the Coolest, Family Law Practitioners	10/01/10;
(m) Family Court Bench/Bar	12/04/09;
(n) Family Court Bench/Bar	12/05/08;
(o) 2008 Hot Tips from the Coolest, Family Law Practitioners	09/19/08.

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

- (a) Family Law Essentials: Organizing and Presenting Your Case Scheduled for 03/21/14
SC Bar CLE, Authored materials and will present materials;
- (b) Attorney's Guide to Child Custody Evaluations
06/28/13
NBI CLE, Authored materials and presented;
- (c) Advanced Family Law: Special Issues in Military Divorce
02/02/12
NBI CLE, Authored materials and presented;
- (d) Hot Tips for the Coolest Domestic Law Practitioners:
09/16/11
Topic: Grandparent Visitation
SC Bar CLE, Authored materials and presented;
- (e) Divorce Litigation: From Start to Finish; Enforcement and Post-Trial
08/12/11
NBI CLE, Presented;
- (f) Law School for Non-Lawyers--Family Law
04/2011

- (g) SC Bar Sponsored Public Program, Presented;
Non-parent Rights to Children
03/2011
SC Bar CLE—Distance Learning, Authored materials and presented;
- (h) Advanced Family Law
02/2010
NBI CLE, Presented;
- (i) “What is your Expert Giving You?” Deposing Psychiatric and Psychological Professionals; Children’s Issues in Family Court
03/2007
SC Bar CLE, Authored materials and presented;
- (j) An Optimal View of 2005
12/2005
Co-moderator.

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

(4) Character:

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

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

(5) Reputation:

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Ms. West was admitted to the South Carolina Bar in 2000.

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

- (a) Oswald Law Firm, LLC
West Columbia, South Carolina
November 2000-May 2004

I worked as a law clerk for this general practice firm during my final year of law school and joined the firm after graduation. I represented clients in personal

injury actions, workers' compensation claims, family court actions, probate and federal bankruptcy court. I was sole trial counsel in many cases in the court of common pleas, magistrate's court and family court. I also regularly represented claimants before the South Carolina Workers' Compensation Commission;

- (b) Masella Law Firm, P.A.
Columbia, South Carolina
June 2004-June 2009
I was initially hired as an associate and later became a partner in the firm. Upon joining the firm, I immediately focused my practice on family law and transitioned completely away from my common pleas and bankruptcy practice. I ended my association with the firm upon receiving an offer to practice family law in Lexington, South Carolina;
- (c) Law Office of Richard Breibart, LLC
Lexington, South Carolina
July 1, 2009-May 31, 2012
I practiced solely in the family court during my time with the firm. I served as the family law group supervising attorney and was an employee of the firm. I supervised as many as three family law attorneys and three staff members. I resigned my position upon learning of Mr. Breibart's criminal activities. The firm dissolved upon Mr. Breibart's suspension from the practice on June 1, 2012;
- (d) Rebecca West, Attorney at Law, P.A.
Lexington, South Carolina
Formed May 31, 2012; Dissolved April 5, 2013
I formed this entity immediately upon resigning from my former firm. I practiced for approximately one week under this firm name until becoming partners with Jonathan Harling and forming my current firm, Harling & West, LLC;
- (e) Harling & West, LLC
Lexington, South Carolina
June 7, 2012-present
I continue to practice solely in the family court. I began developing a family law mediation practice and I currently mediate several times each month in addition to maintaining a full trial practice. Allison B. Bullard is of counsel with my firm and she practices solely in the family court and has a practice that focuses on adoption. My partner is Jonathan Harling.

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

I have practiced solely in the family court for ten years and I have been a certified family court mediator for eight years.

I have represented clients in divorce actions that involve fault based grounds and no fault grounds. Divorce and/or separate maintenance are typically alleged in cases I handle. I have proven and defended allegations of adultery, habitual drunkenness and physical cruelty.

The majority of cases I handle involve equitable division. I have litigated cases that involve marital estates with a wide range of size and complexity. Most of my clients have average to high average net worth, but I have also represented clients who have negative net worth or are simultaneously seeking bankruptcy protection. I have extensive

experience with division and valuation of military retirement, pensions, investment accounts, real estate and businesses. I have worked with certified public accountants, certified valuation analysts and appraisers as experts and consultants in divorce matters.

I have represented fathers, mothers, grandparents and non-relatives in contested custody and visitation matters. My cases regularly involve a Guardian *ad Litem* and many cases involve counselors and psychological experts. I have represented clients in initial custody determinations and custody/visitation modification actions. One of the most significant cases I litigated in my career involved an unwed mother's successful attempt to relocate with her child out of state.

Because of my experience in representing military service members, I developed a mastery of the Uniform Child Custody Jurisdiction Enforcement Act and the enforcement and modification of out of state custody and support orders. I have successfully registered, enforced and modified orders from other states. I have served as South Carolina counsel in cases where an out of state resident sought dismissal of a custody action brought in our state.

My experience in abuse and neglect cases includes representation of clients from the earliest stages of the department's investigation through merits hearings on the finding of abuse or neglect to permanency planning hearings and judicial review. I have intervened in Department cases on behalf of parents and non-parents, negotiated treatment plans on behalf of clients and helped clients navigate the social services system during an open case. I have occasionally represented clients before the foster care review board. Courts have appointed me as a guardian ad Litem in abuse and neglect matters and I have conducted investigations and reported my findings to the court.

I have been involved in several termination of parental rights matters, both in private actions and in the context of a Department of Social Services abuse and neglect case. I have served as co-counsel in adoption cases. I have not represented juvenile defendants in family court, though I have observed juvenile court proceedings.

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

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

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

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

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

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

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

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

(a) McComb v. Conrad

394 S.C. 416, 715 S.E.2d 662 (S.C.App. 2011)

The successful trial of this case was the most significant accomplishment of my legal career. I was sole trial counsel for an un-wed mother who sought to relocate to Florida with her child over the father's objection. Both parents were college students when they had their daughter. The chose not to marry, but shared in the child's upbringing. Father eventually moved near Charlotte for work, but maintained a home in Columbia. Neither party filed for custody until Mother indicated that she wanted to move to Florida upon graduation. Mother prevailed at trial and was permitted to relocate to Florida with the child. The court of appeals upheld the trial court's award of joint custody and permission for the mother to relocate with the child. This was one of the first cases where the appellate court applied the Latimer relocation factors to an initial custody determination. The father benefitted from a trust valued in excess of \$1,000,000. This case was significant for me for several reasons. The parties had a substantial income disparity and we were forced to build our case with modest resources. This case involved a psychological expert, extensive discovery, an experienced opposing attorney and a multi-day trial.

(b) Sanderson v. Sanderson

391 S.C. 249, 705 S.E.2d 65 (S.C.App. 2010)

I was appellate counsel for Mr. Sanderson. I was not involved in the trial of the underlying case. Mr. Sanderson lost his job due to a force reduction during divorce litigation. The trial court imputed a substantial income to him and set alimony and child support based on the imputed wage. I successfully challenged the amount of the imputed wage. The court of appeals reversed and remanded the case to the trial court. I continued my representation in the case on remand and was successful in reducing the imputed annual wage from \$64,000.00 to \$15,072.00. I did not have the advantage of having tried the divorce case and several issues had not been preserved for appeal by trial counsel. This case was significant because despite the significant limitations of the record, I was able to obtain substantial financial relief for my client.

(c) Mrs. W v. Mr. W

In 2011, I was retained by a wife who suspected that her husband was committing adultery. Husband operated a successful government contract procurement business and the couple had a net worth of more than \$7,000,000.00. I was able to prove adultery after a lengthy out-of-state investigation. Late in the litigation, husband challenged the tax treatment of the support payments he was making to wife and I successfully defended the motion which confirmed that the payments were non-taxable to my client. I employed a certified public accountant and certified valuation analyst to value husband's business and analyze wife's need for alimony. A consulting CPA attended mediation to assist me in analyzing the tax consequences of property division scenarios and support arrangements. This case was significant because of the size of the marital estate, the tax issues and the

business valuation. In addition to the property division, I negotiated an alimony award of \$8,500.00 per month for my client and full reimbursement of her attorney fees and costs.

(d) Mrs. T v. Mr. T

This was a highly contested divorce, custody, and alimony case that involved allegation of psychological abuse and the threat of sexual abuse of a young child. The parents were highly educated professionals that had been involved in a long-term relationship prior to marriage. Mother accused father of possessing child pornography and of taking inappropriate photographs of their young daughter. She also alleged that his professional writings were evidence of deviant sexual behavior. Prior to my taking over the father's representation from a colleague, father's computer had been seized by court order. Soon after I got involved in the case, father was required to submit to an extensive psycho-sexual assessment. His computer was analyzed by a computer forensics expert and the parties and the child underwent psychological evaluations. Father's contact with the child was initially suspended. When this restriction was lifted, his contact was supervised for an extensive period of time and he was not permitted to have overnight visitation until after the case concluded. The guardian ad Litem was heavily involved in the case and both parties conducted extensive discovery. After two days in mediation, father was named a joint custodial parent and the restrictions on his contact were lifted. This case was significant because mother sought to sever all of father's ties to his child through numerous serious and false allegations. My client and I persevered and were able to neutralize all of mother's allegations and succeed in Father's attempts to be an involved parent.

(e) Mr. M v. Mrs. M

I represented a husband in a divorce action. Husband worked and lived in Japan during my representation and he earned a substantial income. Wife was unemployed and lived in South Carolina. They had no children together. Husband filed for separate maintenance and support. Within a week of filing, husband discovered that wife liquidated a certificate of deposit of \$33,594.00 and took more than \$14,000.00 from a line of credit in his name. I immediately obtained an ex parte order restraining the use of the money wife took. Wife withdrew all of the money in cash two days after receiving notice of the order. This case involved issues of personal jurisdiction and whether wife had proper notice of the court's ex parte order. I successfully argued that the court had personal jurisdiction and that wife was in contempt for withdrawing the money. Later in the case wife was again held in contempt for her failure to pay attorney fees to me. The court issued a bench warrant for her arrest. My staff and I were able to ensure that the bench warrant was served on her despite the fact that she was actively evading service. Her arrest on this bench warrant created the leverage for us to settle the divorce action. My client was able to recover nearly all of the money wife took, he received the initial attorney fee award and wife agreed that she was barred from receiving alimony. This case was significant because of the many procedural challenges it posed and the fact that I had to prosecute multiple contempt actions without my client being present.

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

- (a) McComb v. Conrad, 394 S.C. 416, 715 S.E.2d 662 (S.C.App.2011);
- (b) Sanderson v. Sanderson, 391 S.C. 249, 705 S.E.2d 65 (S.C.App.2010);
- (c) Brandenburg v. Pysher, 2012-UP-151, March 7, 2012;
- (d) Walsh v. Walsh, 2007-UP-093, February 23, 2007;
- (e) Doe v. Doe, 2006-UP-248, May 18, 2006.

Ms. West reported that she has not personally handled any criminal appeals.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualification found Ms. West "Well Qualified" with respect to the evaluative criteria of constitutional qualifications, physical health, ethical fitness, character, professional and academic ability, reputation, experience, and judicial temperament. The Committee did not indicate a finding for mental stability. The Committee noted, "Ms. West is a Family Court expert in all areas except the area of juvenile law; however, she has already begun to study that area of law to become more familiar with it. She is smart, experienced, has a good temperament, and is well respected by her colleagues." The Committee stated in summary, "Ms. West is an outstanding candidate who has an impressive resume."

Ms. West is not married. She has two children.

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

- (a) SCBA, Member, Family Law Section 2000-Present;
- (b) ABA, Member, Family Law Section 2009-12;
- (c) LCBA, President (current), President-Elect 2013-14;
- (d) SCAJ, Member 2013-Present;
- (e) SCWLA, Member 2014-Present;
- (f) SC Bar Continuing Legal Education Committee, Member 2007-08;
- (g) SC Supreme Court Mentoring Program, Mentor 2011-12;
- (h) SC middle school and high school mock trial judge 2011.

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

- (a) SC ETV;
- (b) Columbia Running Club;
- (c) Midway Elementary School parent volunteer;
- (d) Kittiwake Baptist Church KidMin volunteer.

Ms. West further reported:

The sudden loss of my natural mother to injuries sustained in an automobile accident was an event that shaped my temperament and personality. When I was six

years old, my father began raising my younger brother and me on his own. We were taught to be independent and to persevere. My father managed to provide us with stability despite the devastation we experienced. When my father remarried, we formed a new family that proved to be as loving and stable as my first family. I have never considered my mother a “step” mother, but rather my “second” mother. She raised me as her own and modeled for me an exceptional work ethic. She taught me the art of how to have a successful professional career and simultaneously provide a nurturing home for my children.

Because of these experiences, I developed the desire to work hard and to be calm and resilient when faced with difficult circumstances. These personality traits have served me well in my professional practice and will undoubtedly be an asset to me if I am elected to serve in the judiciary.

(11) Commission Members’ Comments:

The Commission commented that Ms. West has great experience in the area of family law and also noted her dedicated involvement with the Bar.

(12) Conclusion:

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

QUALIFIED BUT NOT NOMINATED

COURT OF APPEALS

Rochelle Y. Conits
Court of Appeals, Seat 7

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

(1) Constitutional Qualifications:

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

Judge Conits was born in 1965. She is 49 years old and is a resident of Greenville, South Carolina. Judge Conits provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1992.

(2) Ethical Fitness:

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

Judge Conits 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 Conits reported that she has not made any expenditures in furtherance of her candidacy.

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(b) Family Court Judges' Conference	4/22/09;
(b) 2009 ANnual Judicial Conference	8/19/09;
(c) SC Bar Convention Family Law	1/22/10;
(d) Family Court Judges' Conference	4/22/10;
(e) 2010 Judicial Conference	8/18/10;
(f) Mini Summit on Justice for Children	12/2/10;
(g) SC Bar Family Court Bench/Bar	12/3/10;
(h) SC Bar Family Court Section	1/21/11;
(i) National Business Institute What Family Court Judges Want	2/18/11; 06/22/12;
(j) 2011 Annual Judicial Conference	8/18/11;
(k) Children's Center Abuse & Neglect	11/18/11;
(l) SC Bar Family Court Bench/Bar	12/2/11;
(m) SC Bar Convention Family Law	1/20/12;
(n) Family Court Judge's Conference	4/18/12;
(o) 2012 Annual Judicial Conference	8/22/12;
(p) Mandatory Family Court Judges	12/6/12;
(q) SC Bar Family Court Bench/Bar	12/7/12;
(r) SC Bar Convention Family Law	1/25/13;
(s) Family Court Judges' Conference	4/27/13;
(t) 2013 Judicial Conference	8/21/13;
(u) SC Bar Family Court Bench/Bar	12/6/13;
(v) SC Bar Convention Family Court	1/24/14.

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

- (a) I taught briefly at the South Carolina Court Administration Orientation for Family Court Judges on July 11, 2007.
- (b) I participated as a judge at the South Carolina Bar High School Mock Trial Competition on February 23, 2008 in Greenville, SC.
- (c) I participated as a judge at the Carol N. Ney National Mock Trial Tournament at Furman University on March 26, 2010.
- (d) I participated as a panel speaker at the National Business Institute Judicial Forum on February 18, 2011.
- (e) I participated as a speaker at the Greenville High School Law Week on April 5, 2011.
- (f) I participated as a speaker at the Children's Law Center Ethical Issues in Abuse and Neglect Cases on November 18, 2011.
- (g) I participated as a speaker at the South Carolina Bar Family Court Bench/Bar Seminar on December 2, 2011.
- (h) I participated as a speaker at the National Business Institute Judicial Forum on February 16, 2012.
- (i) I participated as a judge at the Carol N. Ney National Mock Trial Tournament at Furman University on March 23, 2012.
- (j) I have hosted a student intern each summer through the NMRS Center on Professionalism Judicial Observation and Experience Program.

- (k) I hosted a student from the Access to Justice Commission to observe court on October 2, 2012.
- (l) I participated as a panel member at the South Carolina Family Court Bench/Bar Seminar on December 7, 2012.
- (m) I participated as a speaker at the South Carolina's Women Lawyer's Meeting in Greenville on December 13, 2012.
- (n) I participated as a speaker at the Greenville County Bar Association Year End CLE on February 15, 2013.
- (o) I taught at the South Carolina Bar Bridge the Gap Seminar at the University of South Carolina on March 11, 2013.
- (p) I participated as a judge at the Carol N. Ney National Mock Trial Tournament at Furman University on March 15, 2013.
- (q) I taught at the South Carolina Bar Bridge the Gap Seminar at the University of South Carolina on August 5, 2013.
- (r) I spoke to the Legal Staff Professionals of Greenville on October 16, 2013.

Judge Conits reported that she has published the following book:

Marital Litigation in SC Substantive Law Third Edition

Roy T. Stuckey (S.C. Bar CLE 2001), Editorial Board.

(4) Character:

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

The Commission also noted that Judge Conits 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 Conits reported that she was rated by a legal rating organization, Martindale Hubbell, AV.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Conits was admitted to the South Carolina Bar in 1992.

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

After law school graduation, I worked part-time as a law clerk/paralegal at Harris & Graves, Columbia, South Carolina and the Law Offices of Betty Gambrell Cobb, Columbia, South Carolina. In January 1993, I accepted by first practicing position as an Associate Attorney at the Law Offices of King & Vernon, P.A., Columbia, South Carolina. I worked primarily for Kermit S. King, focusing on private family court litigation. In January 1997, my son and I relocated to Greenville, South Carolina, and I accepted a position at Wilkins & Madden, P.A., where I continued my family court practice. I was promoted to Partner at Wilkins & Madden, P.A., in March 2000. Wilkins & Madden, P.A. merged with Nelson Mullins Riley & Scarborough in February 2006. I was elected to the South Carolina Family Court Bench in February 2006, and stopped practicing law in May 2006, when I was sworn in. I took the bench to fill the unexpired term of Stephen S. Bartlett in September 2006, and started my own term in June 2007. I was re-elected for my second term in June 2013. I have devoted my entire legal career to the area family law.

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

- (a) federal: I have never practiced in the federal court system;
- (b) state: I appeared in Family Court, on average, 1 to 3 times per week during the 5 years prior to taking the Family Court bench.

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

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

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

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

Regarding whether she most often served as sole counsel, chief counsel, or associate counsel, Judge Conits stated:

During the five years prior to taking the Family Court bench, I most often served as chief counsel; and during the last 2 to 3 years prior to taking the bench, I most often served as sole counsel.

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

- (a) Rollins v. Rollins

I represented the Wife in this matter, and litigated this matter for two (2) days. Wife obtained a divorce on the ground of desertion, which often times is overlooked as a fault-based divorce ground. I believe the ground of desertion benefited by client in obtaining the best possible result on the issues of alimony, equitable division, and attorney fees. The public policy of this State is to preserve and protect marriage, and I believe by proving the divorce ground of desertion, we were able to impress upon

the Court the importance of preserving and protecting marriage and the harmful impact divorce had on this innocent spouse and the children of this marriage. This matter also involved valuation issues surrounding Husband's business interest, and both parties used the testimony of qualified experts on the business valuation issue.

(b) Leonard v. Leonard

I represented the Father in this custody action, and litigated this matter for three (3) days. This litigation commencing in mid 1995, and the final merits hearing occurred in mid 1998, three (3) years later. Father did not have *pendent lite* custody, but was awarded sole custody at the final merits hearing. I believe this case was significant because often times in private custody actions the litigant who receives *pendent lite* custody has a clear advantage at the final merits hearing, especially when that parent has retained *pendent lite* custody for three (3) years. This case involved issues relative to "parental alienation" type behavior from the opposing party, and we were able to impress upon the Court the impact that this conduct can have on children, even though such conduct often is extremely subtle and difficult to demonstrate.

(c) Zdunich v. Cortina

I represented the Mother in this post-divorce modification of custody action, and litigated this matter for five (5) days. Mother was successful in receiving an award of primary custody of her children, after having lost custody in the original divorce action. This matter involved the application of language from a prior court order defining "change in circumstance" as defined by the prior order, thereby allowing the Court to apply the applicable factors in making a custody determination. This trial involved the expert testimony of two (2) psychologists. This trial involved child support by using imputed income to Father, who was recently self-employed at the time of trial.

(d) Ebert v. Ebert, 320 S.C. 331, 465 S.E.2d 121 (1995 Ct.App.)

This case involved the application and interpretation of the parties' settlement agreement which was approved and adopted as the Order of the Court. I served as co-counsel with Mr. Kermit King during the trial and appeal of this matter. Although we were unsuccessful in having either the trial court or the appellate court accept our legal theory, we were successful in obtaining relief for our client. This matter was significant to me as a young attorney in learning to develop theories and themes for relief. Had the appellate court not remanded this matter to the lower court for a date certain by which the former marital residence as to be sold, my client could still be paying his former spouse contrary to the intent of the agreement.

(e) Thigpen v. Thigpen

I represented Wife in this matter, which involved Husband's claim that her pre-marital assets had been transmuted into marital assets (a home and business). We were successful in protecting the pre-marital character of both of these assets, with no transmutation or special equity. This case was significant because it involved substantial tracing of funds throughout the marriage to defendant Husband's allegations of transmutation and special equity.

The following is Judge Conits's account of a civil appeal she has personally handled:

Ebert v. Ebert, 320 S.C. 331, 465 S.E.2d 121 (November 6, 1995 Ct.App.)

Judge Conits reported that she has not handled any criminal appeals.

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

Since September 1, 2006, I have held Seat #1 South Carolina Family Court for Greenville County. I was elected by the South Carolina Legislature to this position in February 2006.

The Family Court is a court of limited, exclusive, and concurrent jurisdiction pursuant S.C. Code Sections 63-3-510; 63-3-520; 63-3-530; 62-5-201; 63-7-2520; 62-1-302; 63-7-1610; 63-9-40.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Upstate Citizens Committee found Judge Conits "Qualified" as to the evaluative criteria of constitutional qualifications, physical health, and mental stability. They found her overall "Well Qualified" and "Well Qualified" as to ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

Judge Conits is married to Spero John Conits. She has two children.

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

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

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

- (a) Recording Secretary Board Member St. George Greek Orthodox Troupe Adelpia Dance Group;
- (b) K-3 Sunday School Teacher St. George Greek Orthodox Cathedral;
- (c) K-2 Sunday School Teacher Grace Church, Greenville, SC;
- (d) Administrative Support Grace Church Sunday School Department;
- (e) South Carolina Family Court Judge Specialty License Plate Representative for SC Highway Department.

Judge Conits further reported:

There have been several life experiences which have affected the kind of judge I am. I strongly believe that a judge's personal life experiences come into play when exercising the wide discretion afforded a judge in making decisions and rulings.

I grew up in Lexington, South Carolina. I am 1 of 4 children. My father was a concrete finisher, and my mother was a physical therapist. I have two (2) older sisters and one (1) younger brother. My oldest sister, Barbara, died when she was in the 7th grade of cancer. My older sister, Tracy, is a 7th grade school teacher. My younger brother, Hayne, is a concrete finisher. I married the late Thomas H. Williamson, III, who died in November

1996 from cancer. I have one (1) son from this marriage, Capers, who is now 21 years old and a rising Junior at the Citadel Military College. Capers was 4 years old when his father passed away. I remarried in 2007, 11 years after Tom passed away. I was a single mother to Capers during the majority of his childhood. I remarried Spero Conits, and he and I have one daughter together, Heather, who is now 4 years old.

My father operated his own concrete finishing company, and he worked extremely hard. Although he did not have more than a high school education, his hard work provided us with a comfortable lifestyle. I learned from my father the value and reward of hard work. My father had an incredibly strong work ethic, and he did not let the fact that he did not attend college hold him back or affect his self-esteem in any manner. I gained self-esteem and confidence from my father.

My mother is a soft-spoken, kind person. She literally sees nothing but the good in every person, even those who were not always nice to her. She treats everyone as if they are wonderful, special, and deserving. I have learned the true value of every person from my mother, and the fact that every person is worthy of fair and decent treatment.

I have learned the hardship of being a single parent from the tragedy of Tom's death. I have a unique perspective of the impact being without a parent can have on a child, as I watched Capers grow up without a father. I have an understanding of the difficulties of single parenthood, and I believe this understanding helps me make good decisions for parents and children leaving Family Court. I also understand how critically important it is for children to have healthy relationships with both parents. I believe I am especially vigilant in promoting and protecting a child's relationship to a parent.

I have the experience of blending children and families from prior marriages. I have three (3) grown step-children from my first marriage, and 3 step-children from my current marriage. I have a real understanding of the challenges and issues facing families as they blend together and move forward as a new family unit.

As a Family Court judge, I understand the value of every person who comes before me. I try to look at the totality of the circumstances involving litigants and their situations. I believe in the basic goodness of people, and I believe most people generally do the best they can do. I am concerned with the long-term impact of my rulings; and I try to make sure that people leave my courtroom with a sense of being treated fairly and hope for their future. I know how short and unpredictable life can be, having lost a sister and a husband to cancer. These life experiences have afforded me a true appreciation of what is important and what ultimately doesn't matter at all. I have a special place in my heart for the parent/child relationship, having watched Capers miss Tom and learn to grow up without him.

Having served 7 ½ years on the Family Court, I am interested in pursuing a different arena in which to serve South Carolina. After devoting my entire legal career to the area of family law, I am excited about the opportunity to pursue other areas of the law in which to devote my time and talents. I have always enjoyed research and writing and believe I offer exceptional skills in this area. The children and families of this State, who bring their matters to the appellate court for review, will benefit from my expertise in family law as I enhance my legal knowledge in other areas of the law. I have an exceptional work ethic and will provide a thorough and thoughtful review of each and every appeal, applying the laws and statutes as promulgated by the South Carolina Legislature.

- (11) Commission Members' Comments:
The Commission commented on Judge Conits' impressive and dedicated service on the Family Court bench since 2007.
- (12) Conclusion:
The Commission found Judge Conits qualified, but not nominated, for election to the Court of Appeals.

Carmen T. Mullen
Court of Appeals, Seat 7

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

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

Judge Mullen was born in 1968. She is 46 years old and a resident of Hilton Head Island, South Carolina. Judge Mullen provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1995. She was also admitted to the Illinois Bar in 1996.

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

Judge Mullen 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 Mullen reported that she made \$344 in campaign expenditures for candidate announcement cards, \$161; postage, \$93; and assistance in stuffing envelopes, \$90.

Judge Mullen testified she has not:

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

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

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

<u>Date</u>	<u>Conference/CLE Name</u>
1/25/13	SC Bar Association – Trial & Appellate Advocacy Section;
1/25/13	SC Bar Association – Part 2: Criminal Law Section;
4/25/13	SC Bar Association – Spring Sporting Clays;
5/1/13	SCCJC – Spring Conference;
8/21/13	SCCA - 2013 Annual Judicial Conference;
9/24/13	Hilton Head – How to Win In Circuit Court;
9/23/13	Myrtle Beach - Public Defenders' Conference;
1/20/12	SC Bar Association – Part 2 Criminal Law Section;
1/20/12	SC Bar Association – Trial & Appellate Advocacy Section;
4/12/12	SC Bar Association – Spring Sporting Clays;
5/2/12	SCCJC – Annual Circuit Court Judges Conference;
8/22/12	SCCA – 2012 Annual Judicial Conference;
10/18/12	SC Bar Association – Spring Sporting Clays;
1/20/11	SC Bar Association – Criminal Law Section;
1/21/11	SC Bar Association – Trial & Appellate Advocacy Section;
4/14/11	SC Bar Association – Sporting Clays CLE Ethics w/Judges;
5/4/11	SCCJC – SC Circuit Court Judges' Conference;
8/17/11	SCCA – 2011 Annual Judicial Conference;
10/13/11	SC Bar Association – Sporting Clays CLE Ethics w/ Judges;
10/21/11	SCWLA – Women Lawyers and Leadership;
7/12/10	National Judicial Conference;
8/5/10	SCAJ – SCAJ 2010 Annual Convention;
8/18/10	SCCA - 2010 Judicial Conference;
11/5/10	USC Law School – Judging Judges;
11/12/10	SC Bar Association – 2010 SC Tort Law Update;
5/6/09	SCCJC – Judge's Conference;
8/19/09	SCCA – 2009 Annual Judicial Conference;
11/5/09	SCDTA – 42nd Annual Meeting.

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

- (a) Speaker, Solicitor's Association Fall Conference, September 2008;
- (b) Presenter, "On Judging Judges," USC School of Law Class of 1995 Reunion, November 5, 2010;
- (c) Speaker, SC Tort Law Update, November 12, 2010;
- (d) Speaker, Practice Basics for the New Lawyer, Charleston School of Law Women in Law, April 13, 2011;
- (e) Panel Member, "Sporting Clays: Ethics with the Judges," April 14, 2011;
- (f) Panel Member, "Sporting Clays: Ethics with the Judges," October 13, 2011;
- (g) Speaker, Senior Leadership of Beaufort, Spring 2012;

- (h) Panel Member, “Sporting Clays: Ethics with the Judges,” April 12, 2012;
- (i) Panel Member, “Sporting Clays: Ethics with the Judges,” October 18, 2012;
- (j) Panel Member, “Sporting Clays: Ethics with the Judges,” April 25, 2013;
- (k) Panel Member, Public Defender’s Conference, September 23, 2013;
- (l) Speaker, How to Win in Circuit Court, Hilton Head Bar Association CLE, September 27, 2013;
- (m) Speaker, Summary Jury Trials, Hilton Head Bar Association CLE, November 22, 2013;
- (n) Panel Member, Construction Law, SC Bar Convention, January 24, 2014;
- (o) Panel Member, Tips from the Trial Bench for Criminal Practitioners, 23rd Annual;
- (p) Criminal Practice in SC Seminar, February 28, 2014.

Judge Mullen reported that she has not published any books and/or articles.

(4) Character:

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Mullen was admitted to the South Carolina Bar in 1995.

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

- (a) Law Clerk to Honorable L. Casey Manning, Circuit Court Judge for the Fifth Judicial Circuit, April 1995–August 1996. Assisted Judge in all research, writing orders, scheduling, etc;
- (b) Charleston County Public Defender’s Office, Assistant Public Defender, August 1996–December 1997. Handled caseload of 250+ criminal defendants for

misdemeanor and felony crimes including Murder, CSC 1st, Burglary 1st, and ABHAN;

- (c) SC House of Representatives, Labor, Commerce & Industry Committee, Staff Attorney, December 1997–October 1998. Duties include researching legal affect of pending bills before legislature and instructing Members on law and drafting some legislation when requested by Members;
- (d) Uricchio, Howe, Krell, Jackson, Toporek & Theos, Associates, October 1998–April 2000. Criminal and civil litigation practice in state and federal courts. Case types: Plaintiffs tort actions, contract disputes, criminal defense;
- (e) Berry, Tevis & Jordan, Partner, April 2000–May 2001. Tort litigation including automobile accidents and some criminal defense;
- (f) Carmen M. Tevis, LLC, Solo Practitioner, May 200 –June 2006. Tort litigation, construction litigation, contract litigation, fraud litigation, and criminal defense in state and federal courts;
- (g) Resident Circuit Court Judge, 14th Judicial Circuit, June 2006-Present.

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

- (a) federal: approximately 50 times;
- (b) state: approximately 200+ times.

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

- (a) civil: 80%;
- (b) criminal: 20%;
- (c) domestic: 0%;
- (d) other: 0%.

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

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

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

The following is Judge Mullen’s account of her five most significant litigated matters:

- (a) Manuel and Gloria Peralta v. Shamsy Mandini and S. Ahmed Mandini, 2000-CP-07-1175, and Saunders, Inc. d/b/a Re Max Island Realty v. Shamsy Mandini and S. Ahmed Mandini, 2000-CP-07-907. These two cases derive out of a breach of contract regarding the sale of a million dollar home in Windmill Harbour, Hilton Head Island. One action was brought by the realtor and the other by a buyer in an effort to force Defendant to sell her home during a time Defendant was particularly vulnerable going through a divorce. I tried both of these cases and received defense verdicts for my clients.

- (b) Cambridge Building Corp. v. Dr. Joseph A. Borelli, 2002-CP-07-676. A breach of contract action I brought on behalf of a builder who was not paid by a homeowner. Significant in that the counterclaim by Defendant far exceeded the original claim. Case was tried to a jury and the builder received his money in full and no money was owed on the counterclaim.
- (c) “Hamlet Litigation” Thomas W. Knode, et al v. Southeastern Construction Co. of Summerville, Inc., Systems of South Carolina, Inc., Dryvit, Inc., Rogers Roofing Company, Inc., Willis & Jennings, Edward D. Scott, Kinco Ltd., Southeastern Design and Development, Inc., and John G. Dumas. 2004-CP-08-422; 2004-CP-08-424; 2004-CP-08-657; 2004-CP-08-427; 2004-CP-08-356; 2004-CP-08-645; 2004-CP-08-647. I represented a group of homeowners consisting of seven families against multiple defendants for faulty workmanship and construction defects in the building of their homes. All homeowners are older and had purchased homes to retire in and could not afford the cost to repair absent settlement paid.
- (d) Robert and Janice Varner, et al v. South Carolina Federal Credit Union, Docket No. 2:04-0164-18; Docket No. 2:04-22323-18; Docket No. 2:04-22324-18; Docket No. 2:05-0716-18. Four federal court cases against the South Carolina Federal Credit Union wherein a Credit Union employee performed transactions and drafted bank checks and embezzled funds in an attempt to defraud an elderly couple and others out of their life savings. Causes of action: fraud, breach of express and implied contract/breach of contract, negligent misrepresentation, breach of fiduciary duty, negligence/gross negligence/willful misconduct, constructive fraud, violation of SC Unfair Trade Practices Act, theft, embezzlement or misappropriation by bank officer or employee, conversion, civil conspiracy, violation of #12 U.S.C.A. § 17-51, *et. seq.*, Federal Credit Union Act, and accompanying regulations and libel and slander. Complexity of issues and extreme difficulty in ascertaining loss, even by forensic experts, make these cases significant.
- (e) U.S. v. Dominique Green, 9:01-00691. Defended in federal court by appointment a multi-court indictment, including conspiracy and trafficking crack cocaine and other narcotics with multiple levels of defendants wherein my client is charged at being on the top of the drug chain.

The following is Judge Mullen’s account of the civil appeal she has personally handled:
L-J, Inc. v. Bituminous Fire & Marine Insurance Company, 350 S.C. 549, 567 S.E. 2d 489 (Ct. App. 2002). L-J, Inc. v. Bituminous is an insurance coverage case. Wrote Amicus Brief for the rehearing before the South Carolina Supreme Court on behalf of SC Trial Lawyers Association, September 26, 2005.

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

Judge Mullen reported that she has held the following judicial office:
 July 17, 2006 to present – SC Circuit Court. Elected.
 General civil and criminal jurisdiction.

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

- (a) State of SC v. Ernest Daise – Death Penalty Case tried in October, 2013.
Double homicide of mother and child and also shooting of Defendant’s own 15 month old child. Significant for the heightened due process requirements of a death penalty case, significant pretrial publicity, multiple complex evidence issues, contested guilt stage, and lengthy explanation of juror bias issues;
 - (b) Ex Parte James A. Brown, Jr., Attorney/Appellant, In Re State of SC, Respondent, v. Alfonzo Howard, Defendant. 393 S.C. 214 (2011) Affirmed.
Significant due to the gruesome nature of the underlying criminal case (kidnapping, rape, armed robbery) combined with a defense lawyer using the trial to make a public statement about compensation for appointed attorneys. Required maintaining the decorum of the court while protecting the victims’ rights to conclude the trial (avoid a mistrial) and simultaneously protect Defendant’s rights to a fair trial and competent defense, while maintaining the ability to sanction the defense lawyer for his courtroom antics;
 - (c) Maureen T. Coffey v. Community Services Assoc., Inc., George F. Bread, Jr., Sea Pines Resort, LLC, Assoc. of Sea Pines Plantation Property Owners Inc., and the Advisory Board.
Involved slander and libel of a sitting judge, a public official. Substantial jury award given;
 - (d) Harbour Ridge Homeowners Association, Inv. V. North Harbour Development Corporation, Inc, et al. Horry County.
Non-jury trial involving condominium project. Homeowner’s Association suing Developer and General Contractor for negligent construction of 8 condominium buildings. Awarded \$1,908,354. Issues involved: statute of limitations and individual contractor liability. Significant as to the competing measure of damages and that all parties agreed to allow me to try it non-jury;
 - (e) Willie Homer Stephens, Guardian ad Litem for Lillian Colvin, a minor, Appellant v. CSX Transportation, Inc., and SC Department of Transportation, Respondents, Hampton County. 400 S.C. 503 Affirmed by the Court of Appeals. Car versus train wreck wherein a car collided with a train and a 12 year old passenger suffered traumatic brain injury. Significant in length of trial (3 weeks), extensive pre-trial matters, 60+ witnesses and a defense verdict in Hampton County!!
- (9) Judicial Temperament:
The Commission believes that Judge Mullen’s temperament has been and would continue to be excellent.

(10) Miscellaneous:

The Lowcountry Citizens Committee found Judge Mullen “Qualified” as to constitutional qualifications. They did not make a finding as to physical health and mental stability. They found Judge Mullen “Well Qualified” as to ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. They stated in summary, “Exceptional candidate. Committee is very impressed by her writing ability.”

Judge Mullen is married to George Edward Mullen. She has three step-children and one child.

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

- (a) SC Women Lawyers Association, Board Member 2010 – Present;
- (b) National Association of Women Judges;
- (c) American Bar Association;
- (d) Beaufort County Bar Association;
- (e) Hilton Head Bar Association;
- (f) SC Bar Association.

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

- (a) Sea Pines Montessori, Board Member 2010–Present; Board Chair 2012-13;
- (b) Hilton Head High School Booster Club;
- (c) Hilton Head Heroes;
- (d) Providence Presbyterian Church.

Judge Mullen further reported:

I firmly believe you cannot be an effective appellate court judge unless you have extensive experience in trying cases as a lawyer in front of a jury. With the exception of my time at the State House, my entire legal career has been in litigation. Further, my 8 years sitting on the Circuit Court bench having handled 5 death penalty cases, 2 statewide grand jury cases, class action construction cases, medical malpractice cases, products liability cases, railroad cases, easement disputes, have given me the education and experience to sit in review of the trial court. I am honored to have the opportunity to serve the people of SC and hope to continue to do so on the Appellate Court level.

(11) Commission Members’ Comments:

The Commission commented that Judge Mullen has strong writing skills and a great work ethic, which have served her well in her eight years as Circuit Court judge.

(12) Conclusion:

The Commission found Judge Mullen qualified, but not nominated, to serve as a Court of Appeals judge.

CIRCUIT COURT

Walter W. Thompson Circuit Court, Sixteenth Judicial Circuit, Seat 2

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

(1) Constitutional Qualifications:

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

Mr. Thompson was born in 1966. He is 47 years old and a resident of Rock Hill, South Carolina. Mr. Thompson provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1992.

(2) Ethical Fitness:

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

Mr. Thompson 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. Thompson reported that he not made any campaign expenditures.

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) Annual SC Solicitor's Conference	09/22/13;

(b)	Investigating & Prosecuting Child Homicides	06/14/13;
(c)	Annual SC Solicitor's Conference	09/23/12;
(d)	Forensic Evidence	09/18/12;
(e)	Annual SC Solicitor's Conference	09/25/11;
(f)	Prosecuting Child Homicides	06/24/11;
(g)	Capital Litigation for Prosecutors	05/02/11;
(h)	Experienced Prosecutor Course	04/10/11;
(i)	Prosecution Bootcamp	02/15/11;
(j)	2010 in Review	12/17/10;
(k)	Powerful Advocacy	12/10/10;
(l)	Annual SC Solicitor's Conference	09/26/10;
(m)	Investigation and Prosecution	06/18/10;
(n)	Capital Litigation for Prosecutors	06/01/10;
(o)	Ethics	03/12/10;
(p)	Prosecution Bootcamp	02/17/10;
(q)	Train the Trainer: The Art of Critiquing Trial Advocacy Skills	01/14/10;
(r)	Understanding Prison Sentences	11/20/09;
(s)	Annual SC Solicitor's Conference	09/28/09.

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

- (a) I have lectured at a capital litigation course on closing arguments;
- (b) I have taught trial advocacy and lectured on closing arguments at a week-long prosecutor bootcamp course on two different occasions;
- (c) I have taught a class to the Rock Hill Police Department Detectives on building cases with a focus on prosecution;
- (d) I have taught prosecutors at an annual ethics retreat on ethics for prosecutors on numerous occasions;
- (e) I have taught a course to local law enforcement on Felony DUI;
- (f) I have lectured at a Prosecution Coordination Commission program on the Omnibus Crime Bill;
- (g) I have taught a class on firearms violations to the York County Sheriff's Office Detectives;
- (h) I have lectured at the SC Solicitor's Conference on a Death Penalty Update;
- (i) I have lectured at a SC Solicitor's Conference on preliminary hearings;
- (j) I have taught a class to the Fort Mill Police Department on search and seizure.

Mr. Thompson reported that he has not published any books and/or articles.

(4) Character:

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

The Commission also noted that Mr. Thompson 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. Thompson reported that his rating by a legal rating organization, Martindale-Hubbell, is BV Distinguished (4.4 out of 5).

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Thompson was admitted to the South Carolina Bar in 1992.

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

Upon graduating from law school in 1992, I was employed by the 16th Circuit Solicitor's Office as an Assistant Solicitor. I have worked as a prosecutor in the 16th Circuit Solicitor's Office since that time.

My first assignment with the Solicitor's Office was the prosecution of juvenile offenders in Family Court. Within six months, the prosecution of General Sessions cases was added to my work load. By early 1993, my assignment was solely General Sessions cases. At that time, the Solicitor's Office was overwhelmed with the highest backlog of cases in the State. I was assigned all of the property crimes in York County, which totaled approximately 2,500 warrants. I tried a large number of cases and was able to greatly reduce my caseload. In 1994, I saw a great need in having an assistant solicitor assigned solely to the prosecution of defendants housed in our county detention center. The detention center was overcrowded and the system was slow in getting to those defendants. Defendants, whose cases could have been disposed in a matter of weeks, were languishing for far too long in the detention center. With the Solicitor's permission, I pursued and successfully obtained funding for a new prosecutor and a new public defender position to focus only on jailed defendants. The implementation of a new system to quickly dispose of jailed defendants was extremely successful in easing the overcrowded jail and in obtaining swift justice for jailed defendants.

During the mid-to-late 1990s, I assisted in the implementation of the first differentiated case management system in SC. As a result of this novel case management system and incredibly hard work, the 16th Circuit Solicitor's Office went from having the worst backlog in the state to being the most efficient docket manager in the state. We have continuously been the most efficient docket manager in the state since the year 2000.

In 1997, I was promoted to Assistant Deputy Solicitor. In addition to handling my caseload, I was entrusted to supervise and train other attorneys, as well as, plan and

run each court term. I was also assigned to handle Class A, B and C Felonies (felonies that carry sentences of 20 years or more), and I regularly prosecuted murder cases.

In 2002, I was assigned all of the unlawful homicide cases in York County. I was promoted to Deputy Solicitor in 2006. While my administrative duties have grown considerably due to that promotion, I continue to prosecute all of the unlawful homicide cases in York County.

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

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

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

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

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

- (a) Jury: 15%;
- (b) Non-jury: 85%.

Mr. Thompson provided with respect to whether he most often serve as sole counsel, chief counsel, or associate counsel:

All of my trials in the last 5 years have been major homicide cases with complicated legal issues and usually multiple defendants. Most often I am co-counsel in these cases. I take an equal role with the Solicitor at trial.

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

- (a) State v. Bobby Lee Holmes. 547 U.S. 319, 126 S.Ct. 1727 (2006), 361 S.C. 333, 605 S.E.2d 19 (2004). Holmes was a death penalty case. In 1993, Holmes was convicted at trial and sentenced to death for the brutal rape, burglary and murder of an elderly York woman. The case was later overturned. While I was not involved in the first trial, I was co-counsel in the second death penalty trial of Holmes in 2001. In the second trial the defense attempted to introduce evidence of third party guilt which was not used in the first trial. The crime occurred on December 31, 1989 and was one of the first cases in York County to use DNA evidence. While the DNA evidence was excluded in the first trial, it was admitted in the second trial. Despite a large talented anti-death penalty team defending Holmes, he was again convicted and sentenced to death. While the SC Supreme Court upheld his conviction, the US Supreme Court remanded the case back to the SC Supreme Court on the issue of third party guilt. The SC Supreme Court then reversed the conviction and sent Holmes back for a third trial. In 2008, I was once again co-counsel as the case was set for trial. With most of the pretrial

hearings complete, a plea deal was worked out that would require Holmes to serve life in prison without parole. Some of the significant matters in this case included, DNA evidence in its early years, third party guilt issues, and a case that was over 18 years old by the third trial date.

- (b) State v. Billy Wayne Cope and James Sanders. State v. Billy Cope, 405 S.C. 317, 748 S.E.2d 194 (2013); 385 S.C. 274, 684 S.E.2d 177 (Ct. App. 2009); State v. James Sanders, 388 S.C. 292, 696 S.E.2d 592 (Ct. App. 2009). Cope and Sanders were charged and convicted of the brutal rape and murder of Cope's 12 year old daughter in 2004. While this case was not tried as a death penalty case, the trial still took nearly 3 weeks. Both defendants were convicted and sentenced to life in prison without parole. The convictions were upheld by the SC Court of Appeals and Cope was reviewed by the SC Supreme Court and affirmed. The significant legal issues in this case included false confession claims by the defense and the law regarding conspiracy. This case was also significant to me because we were able to completely discredit the defense expert witnesses. Along with the Holmes case, this was one of the most difficult trials of my career.
- (c) State v. Sharon Jarrell, 350 S.C. 90, 564 S.E.2d 362 (Ct. App. 2002). Sharon Jarrell was convicted at trial in 1999 of homicide by child abuse, accessory before the fact to murder, accessory after the fact to murder and three counts of unlawful conduct toward a child. Jarrell received a sentence of life for her role in the death, rape and cover-up of her 10 month old son's murder by her husband, Donald Jarrell. This case was difficult to try because her husband, Donald, actually murdered their baby while Sharon was not in the home and Donald would not testify against Sharon. We were able to prove that Sharon had been complicit with Donald's sexual abuse of the baby and that they planned for Donald to smother the baby while she was away with the other children. We further proved that their motive was to prevent the discovery of the sexual abuse at a DSS required doctor appointment that was just days away. Initially, the defendants claimed the baby's death was SIDS related.
- (d) State v. Davontay Henson, 2014 WL 229891, SC Supreme Court decided this case on January 22, 2014. In this case we tried Davontay Henson and Donta Reid together for murder, armed robbery and various other charges. Henson was convicted as the shooter and sentenced to life. Reid was convicted of all charges but murder, and sentenced to 35 years. Two other co-defendants pled guilty to various charges and testified against Henson and Reid at trial. During the trial, we used several contradictory written statements given by Reid. Reid did not testify, so we redacted Reid's last statement wherever he mentioned Henson (Reid only mentioned Henson in his last statement). With the Court's permission, we replaced each reference to Henson with a pronoun. We also re-printed the redacted statement so there were no gaps and the jury would be unaware that the statement had been redacted. The SC Supreme Court reversed Henson's conviction saying the use of pronouns in the place of Henson's name clearly implicated Henson and violated Henson's right to confront the witnesses against him. This is significant because up until now this type of redaction was widely used and accepted across the state. This decision will have a great effect on how multiple defendant cases are tried. Cases that have non-testifying co-defendants

who have given confessions implicating other co-defendants will likely be severed. Each co-defendant will likely have to be tried separately, if the state wants to use the confession.

- (e) State v. Steven Spagnoli. This case is on appeal, but has not yet been reported. Spagnoli went to trial in April of 2012. I was co-counsel at the trial where Spagnoli was convicted of murdering Richard Leach and sentenced to life. The crime occurred in the middle of the night in Spagnoli's residence. It is significant that we were able to overcome a self-defense claim under the Protection of Persons and Property Act.

Mr. Thompson reported that he has not personally handled any civil or criminal appeals.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualification found Mr. Thompson to be "Well Qualified" in the areas of ethical fitness, professional and academic ability, character, reputation, and judicial temperament. They found him "Qualified" for constitutional qualifications, physical health, mental stability, and experience. The Committee stated in summary, "Mr. Thompson has spent his entire legal career as a prosecutor. For that reason alone, because his experience is limited to only one side of the criminal law, the Committee found him 'qualified' in that area. But that assessment should not take away from Mr. Thompson's significant legal ability in his field. All the references to whom we spoke said that Mr. Thompson has an intelligence and nimbleness of mind that will enable him to adapt quickly to areas of the law that are unfamiliar to him, and that he received numerous accolades for his character and temperament."

Mr. Thompson is married to Joanne Sakellaris Thompson. He has three children.

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

- (a) South Carolina Bar Association, Bar # 65118;
- (b) South Carolina Solicitor's Association;
- (c) South Carolina Law Enforcement Officers Association (SCLEOA).

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

Mr. Thompson further reported:

During the 21 years I have worked as a prosecutor in the 16th Circuit, I have earned the respect and confidence of the local defense bar. I am known as a man who will listen to both sides of an issue and make a fair and informed decision. My reputation as a strong and effective trial attorney, who is also level-headed and honest, has been consistently strong throughout my career. While I have tried a large number of major criminal cases, I have also made the tough, unpopular decisions to dismiss a number of

major criminal cases. I follow the law and strive to uphold the rights of defendants and victims in every case I prosecute. I have always taken my obligation to seek justice very seriously. As a Circuit Court Judge, I will continue to seek justice on each case just as I have for the past 21 years.

My ability to manage a docket is another valuable trait that is necessary for a Circuit Court Judge. As I mentioned earlier in this application, I helped implement the differentiated case management system in York County in the mid-1990s. It was the first of its kind in the state of South Carolina. During this time, our Circuit went from last to first in the speed in which cases were prosecuted. Not only do I move my cases quickly, but I supervise others and help train them to move their cases quickly. Since 2000, the 16th Circuit Solicitor's Office has been the leader in the state in case management. The SC Supreme Court made it clear in *State v. Langford*, 400 S.C. 421, 735 S.E.2d 471 (2012), that Circuit Court Judges will soon take on a more active role in managing criminal dockets. I already have significant experience in managing the most successful criminal docket in the state. I am well suited to be a Circuit Court Judge as the SC Supreme Court seeks to increase judicial responsibility in criminal case management.

My experience has also provided me with an in-depth understanding of how the entire judicial system works, especially in Circuit Court. Over the years, my interaction with courtroom personnel as I planned and ran terms of court gave me an insight into the roles, responsibilities, concerns and special pressures each person faces in the courtroom. In order for everything to run smoothly, the judge, defense, prosecution, court reporter, clerk of court, bailiffs, courthouse security, probation department, and detention center must be properly coordinated. For much of my career, I have been one of the people responsible for keeping these courtroom personnel informed and coordinating the court schedule. My experience has prepared me to be a competent and effective Circuit Court Judge.

(11) Commission Members' Comments:

The Commission noted Mr. Thompson's extensive public service in the Sixteenth Circuit Solicitor's office where he currently serves as the Deputy Solicitor.

(12) Conclusion:

The Commission found Mr. Thompson qualified, but not nominated, to serve as a Circuit Court judge.

FAMILY COURT

Huntley S. Crouch

Family Court, Eleventh Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

(1) Constitutional Qualifications:

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

Ms. Crouch was born in 1972. She is 41 years old and a resident of Lexington, South Carolina. Ms. Crouch provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1998.

(2) Ethical Fitness:

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

Ms. Crouch 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. Crouch reported that she has made campaign expenditures in the amount of \$150.40 for stationary, postage, and a nametag.

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

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

<u>Conference/CLE Name</u>	<u>Date</u>
(a) Advanced Family Law	02/10/10;
(b) Everything You Want to Know About Everything	02/19/10;
(c) Medical Malpractice from A-Z	02/25/10;
(d) Training for Attorneys Appointed in DSS cases	05/14/10;
(e) Social Security Disability	08/27/10;
(f) What Family Court Judges Want You to Know	11/12/10;
(g) In the Best Interests of the Child	01/28/10;
(h) Divorce Litigation from Start to Finish	08/12/11;
(i) Handling Abuse and Neglect Cases	11/18/11;
(j) Lawyer Mentoring Program	03/01/13;
(k) The 2013 Guardian ad Litem Training Update	03/11/13;
(l) 2013 Family Court Bench Bar	12/06/13;
(m) Attorney Ethics CLE	12/17/13;

- (n) Solo and Small Firm's Guide to Maximizing Cash Flow 01/10/14;
- (o) Solo and Small Firm's Guide to Staffing Problems 01/10/14;
- (p) 2014 Guardian ad Litem Training Update 01/31/14.

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

Ms. Crouch reported that she has not published any books or articles. She further stated, "I have not written any books or articles, but as a research assistant for David G. Owen, *Carolina Distinguished Professor of Law*, I assisted with research, writing chapters and editing Owen, Products Liability Law, West, 2005."

(4) Character:

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Ms. Crouch was admitted to the South Carolina Bar in 1998.

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

- 1998-1999 Law Clerk to the Honorable Wyatt T. Saunders, Circuit Court Judge, Eighth Judicial Circuit;
- 1999-2010 Brown, Jefferies & Boulware; contract attorney with general practice firm;
- 2010-2014 Cofield Law Firm: associate attorney hired to create Family Law division in general practice firm;
- 2014-present Cofield Law Firm: partner in five attorney general practice firm heading up Family Law division.

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

Divorce and Equitable Division of Property: I have had the opportunity to handle divorce actions involving simple divorces with very little property division to highly contested actions involving grounds for divorce and division of assets exceeding a million dollars. I have brought and defended actions involving military divorces and division of property in military divorces. I have handled divorces involving all statutory grounds except for the ground of desertion. Several of the divorce actions in which I have been involved have involved issues in Magistrate's Court, Probate Court, Bankruptcy Court, and Social Security Disability, and my background working in two general practice law firms has aided me in understanding the issues to be addressed in those legal arenas. Additionally, in multiple cases, I have been required to attend domestic abuse hearings and file for ex parte emergency or expedited relief.

Child Custody: Typically, a majority of the divorce cases that I have handled also involved issues of child custody and children's issues. I have represented clients whose children ranged from infants to teens, and I have represented parents of adult disabled children and special needs children. I have represented military parents in custody cases. Many of my cases have involved post-divorce modifications based on a substantial change in circumstances. In addition to bringing and defending cases, I also serve as a Guardian ad litem, and as such, I have addressed issues in private cases involving drug and alcohol abuse, parental alienation, mental health concerns, physical abuse and sexual abuse.

Adoption: With regard to adoption cases, I have served as Guardian ad litem and as counsel for a party in private adoption cases and step- parent adoption cases, involving termination of parental rights, both contested and uncontested. One of the more interesting cases that I handled was an adult adoption case in which a adult wished to be adopted by his former step-father and his former step-father's current wife. The case involved issues of notice and military issues.

Abuse and Neglect: I have been appointed in abuse and neglect cases and in those cases have addressed issues such as custody, visitation, child support, and termination of parental rights. Several interesting issues which have been raised and/or litigated in my representation of parties in abuse and neglect cases include: jurisdiction under the UCCJEA and the impact of emergency jurisdiction when South Carolina is not a home state; appointment of an attorney for the minor children when the recommendation/investigation of the Guardian ad litem does not track with the children's wishes under S.C. Code Ann Section 63-7-1620 (2); motion to remove the Guardian ad litem; and motions to return the children and dismiss the action for failure to prosecute and timely comply with statutory requirements in abuse and neglect cases.

Juvenile justice/juveniles: I have not had the opportunity to litigate or defend a case involving juveniles. On several cases, I have advised clients regarding truancy issues and hearings. Additionally, my experience and service as a Guardian ad litem in private cases and as representative for parents in abuse and neglect cases has given me insight into some of the concerns and issues arising under the Juvenile Justice Code, ranging from drug and alcohol use by a minor to reports and evaluations relating to the juvenile.

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

- (a) Federal: I have appeared for Administrative Hearings before a Federal Agency on average one to two times per year;
- (b) State: My appearance in state court varies, but on average, primarily with regard to my practice in Family Court, I appear anywhere from one to four times a week. There are weeks when I may not have a hearing and weeks where I may have up to six hearings scheduled.

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

- (a) Civil: 8%;
- (b) Criminal: 0%;
- (c) Domestic: 90%;
- (d) Other: 2%.

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

- (a) Jury: 1%;
- (b) Non-jury: 99%.

Ms. Crouch provided that in cases brought in Circuit Court, “I served as associate counsel. In cases brought in Family Court, I served as sole counsel and chief counsel.”

The following is Ms. Crouch’s account of her five most significant litigated matters:

- (a) Wilson v. Dyess
This was a post-divorce action in which I represented the Father. The case began as a contempt action which was tried in family court. Issues involved in the contempt portion of the case related to the adult disabled child’s social security benefits and accounting as required under the prior order. The father prevailed. It became clear that the adult disabled child’s needs were not met, and a separate action was brought in Probate Court. The results of the Probate action were also favorable to Father, requiring a third action in Family Court to modify custody of a second child and address issues of child support. This case is significant from a legal standpoint, because it spanned two courts and had issues of federal law involved in the contempt action. Without being able to represent the client fully in both family and probate court, I would not have been able to achieve the satisfactory results that were obtained. Interestingly, the Family Court judge in the contempt action refused to order that the Social Security disability benefits for the minor child be redirected to be paid to the Father, citing his inability to order a federal agency to take that action. As noted below in the Fink v. Fink case, a Family Court judge can issue such an order. From an emotional standpoint, this case will always hold a special meaning for me, because of the family and the special needs child. The result obtained was necessary and fulfilling.
- (b) Fink v. Fink

This case involved a divorce on grounds of adultery, equitable apportionment, custody of two small children, visitation, and child support. This case is significant, because the Husband/Father had a personal injury settlement and worker's compensation settlement that were at issue in the case. He also had Social Security disability benefits. Father failed to comply with the Court's orders, and a contempt action was tried in the midst of the divorce litigation. Father wasted assets. Ultimately, Mother received custody of the children, and Father was denied any contact or visitation with them after a contested hearing. This case is significant, because the only funds that were available to Mother for child support was Father's social security disability check. Father would not comply with the order of the court to pay child support through the Clerk of Court and was evading service for additional contempt charges. I filed a motion on behalf of Mother to have Father's disability check garnished and redirected to the Clerk of Court for payment of Father's child support and arrears. The sitting Family Court judge, who had been a judge for more than twenty years, stated he had never had an attorney ask for that relief. He was skeptical that the federal agency would comply with a state court judge's order; however, he issued an order that Social Security Administration redirect Father's disability check to the account established with the Clerk of Court for payment of child support. Social Security Administration accepted the order, and Mother began receiving the disability payments as child support.

(c) Godwin v. Godwin

This divorce action is still pending; however, I have tried a contempt portion of case, prevailed, and successfully argued against the Defendant's Motion for Reconsideration. The case is significant in that already there are eight orders issued. Issues have involved proper service and the effect of filing a Notice of Appearance without preserving 12(b) defenses, along with joinder of a paramour as a party-defendant to prevent the disposal of marital assets and property which were transferred to the paramour. The case is also significant in that the parties have appeared in Magistrate's court multiple times, Family Court in the divorce action and the domestic abuse action which preceded it, and the transfer and dismissal of a separate action filed by the Defendant in another county.

- (d) A significant Social Security case before the Office of Disability Adjudication and Review involved a 42 year old Mother and Wife who was denied benefits for a period of over three years while I prepared her file, met with doctors, and obtained opinion letters as to her disability. After the claimant's physician noted that the claimant was considering a procedure which would leave her paralyzed due to the extensive and debilitating pain, and after the claimant was admitted to a hospital for a suicide attempt, we were finally able to have a review on the record granted and given an expedited hearing. The claimant was successful in having her benefits granted. This case was significant for all of the reasons set forth, and because the claimant to this day, is still extremely appreciative and grateful. Even after more than three years of active representation, a fee petition was required, and a portion of the fees were erroneously sent to the claimant. The claimant did not hesitate in paying the remainder of the attorney fees. This was a life changing case, and arguably a life saving case, for the claimant.

- (e) A second significant Social Security case involved a young 23 year old man. He was diagnosed with schizophrenia. He had taken co-workers hostage, claiming he was God and his workers would bow down to him. After extensive interaction with his treating physicians and experts, I was able to successfully obtain disability benefits for him after multiple denials. This case is significant because he is the youngest claimant I have successfully assisted in receiving benefits. Additionally, it is significant in that, due to the nature of his illness, this case illustrates the importance of observing others and gauging their reactions and triggers.

Ms. Crouch reported she has not personally handled any civil or criminal appeals. She also stated, "I have assisted in writing briefs for multiple [civil] appeals."

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee found Ms. Crouch to be "Well Qualified" in the evaluative criteria of constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament. The Committee stated, "Ms. Crouch is an expert in all aspects of Family Court practice except juvenile cases. She has vast experience in Family Court and is well respected by her colleagues. We believe she has an above-average ability to analyze facts and discover what is important. She seems to think like a judge." The Committee stated in summary, "Ms. Crouch is an outstanding candidate with impressive qualifications, both personal and professional."

Ms. Crouch is married to Charles "Chuck" Martin Crouch, Jr. She has three children.

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

- (a) South Carolina Bar Association;
- (b) Lexington County Bar Association.

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

- (a) School Improvement Council, Lexington 1 School District; 3 years;
- (b) Lexington United Methodist Church, Snack Sacks program; nationally recognized in People Magazine's *Allstars Among Us* campaign. Also was the recipient of a grant to help expand the program after submitting a favorable application. Currently send home approximately 290 bags of healthy snacks each weekend for school aged children in need;
- (c) Lexington Life magazine's *Best In Lexington* Family Lawyer 2013;
- (d) South Carolina Bar, Judicial Qualifications Committee member.

Ms. Crouch further reported:

I grew up playing in the law library, back when there were such things, in my father's law firm. I would pull the books from the shelves, pretending that I was a great lawyer like my father, preparing to argue a landmark case. That was in the fifth grade. As a child, I thought my father was the greatest attorney. As an adult, I still believe that, but now I understand that it is not his skill at arguing a case before a jury which makes him great, but it is his approach to his practice and his treatment of his clients. Even after practicing for over forty years, he still approaches every case as if it is the most important case and every client as if he or she is the most important client. All of this is to say that as an attorney, I mimic the very best attributes that I learned from my father. I treat my clients with respect. I approach every case, no matter the size, no matter the issue, very seriously. I am sensitive to the fact that my clients have entrusted me with some of the most important aspects of their lives—children, homes, futures. Recently a judge informed my client that, as always, your attorney is well-prepared. That is one of the greatest compliments I could have. I am a planner. I planned on finishing college in three years. I planned on practicing law with my father, who as I stated above, is the greatest teacher and mentor, while I learned to be the kind of lawyer I am and while I raised my children. I planned on practicing law and establishing myself in the community. And, I planned on becoming a judge.

In addition to being influenced in my career by my father, I was also influenced by the late Honorable Wyatt T. Saunders. I served as his very first law clerk when he took the bench in Circuit Court. My employment with Judge Saunders created in me a great respect for the behind the scenes in a courthouse. I understand the importance of keeping a docket and being ever mindful of the Court's time and, likewise, the attorneys' and litigants' time. I understand taking matters under advisement and filing the MUA reports. I created a system of keeping up with due dates for orders. I know the organizational pitfalls to avoid.

Perhaps the lesson that will serve me best as a judge, though, is that one garners respect when one gives respect. As a judge, I want the litigants and their representatives to leave the courtroom knowing they were treated respectfully and fairly by an ethical and knowledgeable judge. I believe my experience as a researcher, writer, student, advocate, Guardian ad litem, and philanthropist lends itself to my being that judge.

(11) Commission Members' Comments:

The Commission commented that Ms. Crouch is very intelligent, self-assured, and has a wealth of Family Court experience.

(12) Conclusion:

The Commission found Ms. Crouch qualified, but not nominated, to serve as a Family Court judge.

CONCLUSION

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

COURT OF APPEALS

COURT OF APPEALS, SEAT 7	Blake A. Hewitt
COURT OF APPEALS, SEAT 7	The Honorable D. Garrison Hill
COURT OF APPEALS, SEAT 7	The Honorable Stephanie P. McDonald


CIRCUIT COURT

TENTH JUDICIAL CIRCUIT, SEAT 2	R. Scott Sprouse
SIXTEENTH JUDICIAL CIRCUIT, SEAT 2	Daniel D. Hall
SIXTEENTH JUDICIAL CIRCUIT, SEAT 2	William D. McKinnon
SIXTEENTH JUDICIAL CIRCUIT, SEAT 2	James M. Morton

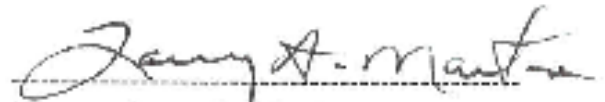
FAMILY COURT

ELEVENTH JUDICIAL CIRCUIT, SEAT 1	Sara M. Bunge
ELEVENTH JUDICIAL CIRCUIT, SEAT 1	W. Greg Seigler
ELEVENTH JUDICIAL CIRCUIT, SEAT 1	Rebecca B. West

Respectfully submitted,



Representative Alan D. Clemmons



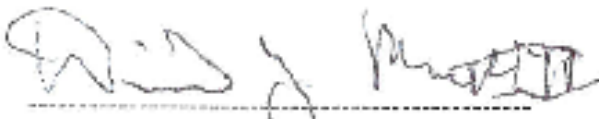
Senator Larry A. Martin



Representative Bruce W. Bannister



Senator George E. "Chip" Campsen, III



Representative David J. Mack, III



Senator Gerald Malloy



Mr. Joan Davis Harrell



Ms. Kristian C. Bell



Mr. H. Donald Sellers



Mr. Joseph Preston Strom, Jr.