

Judicial Merit Selection Commission

Report of Candidate Qualifications for Spring 2015

Date Draft Report Issued: Thursday, May 7, 2015

Date and Time
Final Report Issued: Noon, Tuesday, May 12, 2015

**Judicial candidates are not free to
seek or accept commitments until
Tuesday, May 12, 2015, at Noon.**

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Judicial Merit Selection Commission

Sen. Larry A. Martin, Chairman
Rep. Alan D. Clemmons, Vice-Chairman
Sen. George E. Campsen, III
Sen. Gerald Malloy
Rep. Bruce W. Bannister
Rep. David J. Mack, III
Kristian C. Bell
Joseph Preston Strom, Jr.
Susan T. Wall
Robert M. Wilcox

Elizabeth H. Brogdon, Chief Counsel
Patrick Dennis



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

May 7, 2015

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 Tuesday, May 12, 2015.** Further, members of the General Assembly are not permitted to issue letters of introduction, announcements of candidacy, statements detailing a candidate's qualifications, or commitments to vote for a candidate **until 12:00 Noon on Tuesday, May 12, 2015.** In summary, no member of the General Assembly should, orally or in writing, communicate about a candidate's candidacy until this designated time after release of the Judicial Merit Selection Commission's **Report of Candidate Qualifications**. If you find a candidate violating the pledging prohibitions or if you have questions about this report, please contact Elizabeth H. Brogdon, Chief Counsel to the Commission, at (803) 212-6629.

Thank you for your attention to this matter.

Sincerely,

Sen. Larry A. Martin, Chairman

Judicial Merit Selection Commission

Sen. Larry A. Martin, Chairman
Rep. Alan D. Clemmons, Vice-Chairman
Sen. George E. Campsen, III
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May 7, 2015

Dear Fellow Members of the General Assembly:

This letter is written to call your attention to issues raised during the December 2003 Judicial Merit Selection hearings concerning a judicial candidate's contact with members of the General Assembly, as well as third parties contacting members on a candidate's behalf. It is also to remind you of these issues for the Spring 2015 screening.

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

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

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

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

Sincerely,

Senator Larry A. Martin
Chairman

Representative Alan D. Clemmons
Vice-Chairman

INTRODUCTION

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

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

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

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

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

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

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

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

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

This report is the culmination of lengthy, detailed investigatory work and public hearings. The Commission takes its responsibilities seriously, believing that the quality of justice delivered in South Carolina's courtrooms is directly affected by the thoroughness of its screening process. Please carefully consider the contents of this report, which we believe will help you make a more informed decision.

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

SUPREME COURT QUALIFIED AND NOMINATED

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

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Justice Pleicones was born in 1944. He is 71 years old and a resident of Columbia, SC. Justice Pleicones provided in his application that he has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1968.

(2) Ethical Fitness:

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

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

Justice Pleicones reported that he has made \$136.55 in campaign expenditures for the following: postage of announcement letters (\$82.81), and stationary and envelopes (\$53.74).

Justice Pleicones testified that he has not:

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

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

(3) Professional and Academic Ability:

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

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

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

(ss)	SCAJ Annual Convention	08/07/14;
(tt)	Annual Judicial Conference	08/21/14;
(uu)	James Lee Otis Lecture (ABOTA)	09/19/14;
(vv)	SCDTAA Annual Meeting	11/06/14;
(ww)	SC Bar	01/23/15;
(xx)	SC Bar	01/24/15.

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

- (a) On 01/18/12, I spoke to the Richland County Paralegals Association;
- (b) On 01/22/12, I participated in a YLD breakfast meeting;
- (c) I judged a regional moot court competition at the CSOL on 02/04/12, and imparted appellate practice pointers to the participants;
- (d) On 06/30/12, I spoke to a national meeting of clerks of court;
- (e) On 09/12/12, I lectured to an ethics class at USC Law;
- (f) On 10/05/12, I lectured to the annual DNR CLE;
- (g) On 10/19/12, I made a presentation on social media to a national YLD conference;
- (h) On 03/16/13, I was the keynote speaker at the Charleston Hibernian Society banquet. While not strictly law related, a significant part of the address related to judicial selection;
- (i) On 04/01/13, I delivered a lecture to a USC law class on the Constitution;
- (j) From 04/12/13–04/20/13, I headed a US delegation under the sponsorship of the USDOJ and the Justice Academy of Turkey, in Ankara and Istanbul, to advise Turkish officials on American practices with regard to guilty pleas;
- (k) On 07/12/13, I lectured to the SC Criminal Lawyers Association on preservation of issues in appellate practice;
- (l) In July 2014, I appeared on a panel in Chicago with Judge Richard Posner and Judge Bernice Donald at the DRI Convention. The topic was effective brief writing;
- (m) On 03/04/14, I judged the USC Moot Court Competition;
- (n) On 01/23/15, I judged the Black Law Student Association Moot Court Competition;
- (o) Additionally, throughout my tenure as a trial and appellate judge, I have been called upon to speak before professional, school, and business groups almost every month. I do not keep specific records on those appearances, but of significance is my selection in June of 2006 for a USAID mission to the Republic of Azerbaijan to lecture 54 judicial candidates on western legal ethics.

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

(4) Character:

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

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

(5) Reputation:

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

Justice Pleicones reported the following military service:

November 25, 1968–March 1, 1973, Active Duty US Army; March 1, 1973–March 1, 1999, US Army Reserve; Colonel (0-6). Retired. Honorable.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Justice Pleicones was admitted to the SC Bar in 1968.

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

- (a) June 1968–November 1968: Preparation of course materials for proposed South Bar Review Course;
- (b) November 1968–March 1973: Active Duty United States Army. Legal experience included Chief of Military Justice, Trial Counsel (Prosecutor), and Deputy Staff Judge Advocate;
- (c) March 1973–February 1975: Assistant Public Defender for Richland County, SC. Duties entailed defense preparation for and trial of indigent persons accused of criminal offenses. Cases ranged from murder charges through Magistrate and Municipal Court offenses;
- (d) February 1975–February 1976: Private practice with law offices of N. Welch Morrisette, and Independent Contractor with Richland County Public Defender Agency. Private practice duties entailed preparation and trial of federal and state civil matters. Independent Contractor duties continued public defense duties, but limited to defense of major crimes;
- (e) February 1976–March 1977: Chief Deputy Public Defender, Richland County, South Carolina. Duties included supervision of personnel, in addition to the preparation and trial of major criminal charges such as murder, armed robbery, etc.;
- (f) March 1977–January 1981: Private practitioner in general civil and criminal practice with the firm of Harrison and Pleicones, Columbia, SC. Additionally served as Assistant County Attorney for Richland County (August 1977–December 1978) and as County Attorney for Richland County (January 1979–January 1981). Duties

- included representing Richland County in litigation matters, advising County Council, and supervising staff of twelve;
- (g) January 1981–June 1991: Sole General Practitioner (January 1981–October 1984). Partner in Lewis, Babcock, Pleicones & Hawkins (formerly Lewis, Babcock, Gregory & Pleicones) of Columbia, SC (October 1984–June 1991). The firm grew in that time from four to thirteen lawyers and engaged in major civil litigation (both plaintiff and defense litigation). Served as a member of three person executive committee of the firm. Other responsibilities included legislative monitoring and liaison work with the SC General Assembly for two large trade associations. Additional duties as Municipal Judge for the City of Columbia from September 1982–March 1988; At all times during my years as a lawyer, my emphasis was heavily on trial practice.
 - (h) July 1991–March 2000: Resident Circuit Court Judge for the Fifth Judicial Circuit of South Carolina;
 - (i) March 2000–Present: Associate Justice, Supreme Court of South Carolina, Seat 2.

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

- (a) Federal: 5 times per year on average;
- (b) State: 95 times per year on average.

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

- (a) Civil: 70% (including administrative practice);
- (b) Criminal: 10%;
- (c) Domestic: 20%.

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

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

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

* The five-year period is 1986–91. Justice Pleicones was elected to the bench in 1991 and he has not practiced since.

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

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

- (a) Southern Bell v. Steven W. Hamm, 306 S.C. 70, 409 S.E.2d 775 (1991) 60 USLW 2294, 126 P.U.R. 4th 535, 9 ALR 5th 1131.

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

- (b) Funderburk v. Funderburk, 281 S.C. 246, 315 S.E.2d 126 (Ct. App. 1984); on cert to SC Supreme Court 286 S.C. 129, 332 S.E.2d 205 (1985).
The Supreme Court reversed the trial court and the Court of Appeals in ruling that jurisdiction of a contractual agreement's voluntary nature was properly before the Family Court, and not the Circuit Court. I did not handle the trial, where my client did not prevail, but did handle the appellate stage, with co-counsel. Our client prevailed, and the decision was helpful to the bench and bar in clarifying jurisdictional matters;
- (c) Barnwell v. Barber-Coleman Co., 301 S.C. 534, 393 S.E.2d (1989).
The Supreme Court held that punitive damages are not recoverable in a cause of action based solely upon the theory of strict liability. This question was certified to the Court by the United States District Court. I was involved only at the State Court as the author and proponent of an amicus brief filed on behalf of my client, a trade association of property and casualty writers;
- (d) Russo v. Sutton, 310 S.C. 200, 422 S.E.2d 750 (1992).
In December of 1990, I tried this case in Common Pleas Court in Richland County and secured a large verdict for the plaintiff. The case is significant because on appeal the defendant's argument as to the non-viability of the cause of action (alienation of affections) was accepted by the Supreme Court, which prospectively did away with the cause of action. This did not affect my client's right to recovery;
- (e) State v. Motes, 264 S.C. 317, 215 S.E.2d 190 (1975).
I represented Mr. Motes at trial and on appeal. He was convicted of murder largely upon the testimony of his estranged wife, who was allowed to testify over our objection. The case is significant because in interpreting our statute on first impression, the Supreme Court (and of course the trial judge) ruled that the privilege belonged to the testifying spouse, not the one testified against.

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

- (a) Funderburk v. Funderburk, 281 S.C. 246, 315 S.E.2d 126, (Ct. App. 1984); quashed by South Carolina Supreme Court after grant of certiorari. 286 S.C. 129, 332 S.E.2d 205 (1985);
- (b) Hamm v. Southern Bell, 305 S.C. 1, 406 S.E.2d 157 (1991). Note: This is not the case referred to in 20(a) above;
- (c) Peoples Federal Savings and Loan Association v. Myrtle Beach Retirement Group, Inc. et al., 300 S.C. 277, 287 S.E.2d 672 (1989);
- (d) Dale v. South Carolina Tax Commission, et al., 276 S.C. 110, 276 S.E.2d 293 (1981).
I appeared on behalf of Richland County, another party to the suit;
- (e) Truett v. Georgeson, 273 S.C. 661, 258 S.E.2d 499 (1979).

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

- (a) State v. Monroe, 262 S.C. 346, 204 S.E.2d 433, (1974);
- (b) State v. Thomas, 264 S.C. 159, 213 S.E.2d 452 (1975);
- (c) State v. Motes, 264 S.C. 317, 215 S.E.2d 190 (1975);
- (d) State v. Sweet, 270 S.C. 97, 240 S.E.2d 648 (1978);

- (e) State v. Watson, 81-MO-232, S.C. Sup. Ct. (1981); cert denied 454 U.S. 1148, 71 L. Ed. 2d 301 (1982).

In regards to these matters Justice Pleicones noted:

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

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

- (a) March 2000–Present: Associate Justice, Supreme Court of South Carolina. Elected by the General Assembly of South Carolina. Appellate Jurisdiction, state court of last resort;
- (b) July 1991–March 2000: Circuit Court Judge, Fifth Judicial Circuit of South Carolina. Elected by the General Assembly of South Carolina. General civil and criminal jurisdiction;
- (c) March 1982–September 1988: Municipal Judge, City of Columbia, South Carolina. Criminal jurisdiction only up to a maximum of 30 days in jail, or a \$200 fine.

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

- (a) Colleton Prep Academy, Inc. v. Hoover, Universal, Inc., 379 S.C. 181, 666 S.E.2d (2008).
I wrote a dissent in this case explicating the “economic loss rule.” The significance is that the dissent was subsequently adopted as the majority opinion in Sapp v. Ford Motor Co., 386 S.C. 143, 687 S.E.2d 47 (2009);
- (b) Arthurs ex rel. Estate of Munn v. Aiken County, 346 S.C. 97, 551 S.E.2d 579 (2001).
Articulation of the “public duty rule” in SC.
- (c) State v. Downs, 361 S.C. 141, 604 S.E.2d 377 (2004).
Affirming death penalty holding no deprivation of right to jury on sentencing following entry of an unconditional guilty plea. Case involved interpretation of Ring v. Arizona, 536 U.S. 584, 122 S. Ct. 2428, 153 L. Ed. 2d 556 (2002);
- (d) Sweetser v. S.C. Dep’t of Ins. Reserve Fund, 390 S.C. 632, 703 S.E.2d 509 (2010)
Case involved the efficacy of policy language regarding offset of worker’s compensation benefits against UIM coverage;
- (e) State v. Jones, 343, S.C. 562, 541 S.E.2d 813 (2001).
Portion of opinion regarding the admissibility of scientific evidence.

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

Officer (Colonel), United States Army reserve, 1973–1999. Beginning in August 1993, I served as Emergency Preparedness Liaison Officer from 1st United States Army to the South Carolina National Guard and militia in South Carolina. Prior to that I was Commander of the 12th Military Law Center. The commanders of 1st Army and of the 120th ARCOM were my supervisors. All duties were military in nature.

Justice Pleicones further reported the following regarding unsuccessful candidacies:

1982 primary election for Richland County Council;

1994 and 1995 campaigns for Supreme Court;
2014 campaign for Chief Justice.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee found Justice Pleicones to be Qualified in the evaluative criteria of constitutional qualifications. The Committee found Justice Pleicones to be Well Qualified in the remaining evaluative criteria of physical health, mental stability, ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee stated in its summary, "The institution of Chief Justice of the Supreme Court of South Carolina will be well served by the election of Justice Pleicones."

A complaint was filed against Justice Pleicones by Dr. Marie-Therese H. Assa'ad-Faltas. After reviewing the complaint and hearing testimony from Dr. Faltas, the Judicial Merit Selection Commission found that neither the complaint nor her testimony provided a meritorious allegation related to Justice Pleicones' character, competency, or ethics.

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

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

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

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

- (a) Charter member John Belton O'Neill Chapter (Master of the Bench), American Inns of Court. Resigned 2003;
- (b) Order of AHEPA. An anti-discrimination and fraternal organization. Current member;
- (c) Honorary Doctorate, Wofford College, 2002;
- (d) Honorary Doctorate, University of South Carolina, 2005;
- (e) Kappa Alpha Order Court of Honor;
- (f) Palmetto Patriot Award, Adjutant General of SC;
- (g) Legion of Merit, Secretary of the Army;
- (h) Matthew Perry Civility Award, Richland County Bar Association;
- (i) Elected by SC Methodist Conference to Wofford College Board of Trustees for term 2013–2017.

Justice Pleicones further reported:

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

(11) Commission Members’ Comments:

The Commission noted that Justice Pleicones has a strong grasp on legal theory and possesses great intellect. The Commission also noted that Justice Pleicones constantly exhibits a respectful demeanor, has tremendous experience, and will be an excellent Chief Justice.

(12) Conclusion:

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

FAMILY COURT QUALIFIED AND NOMINATED

The Honorable Bryan W. Braddock
Family Court, Fourth Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Braddock was born in 1973. He is 42 years old and a resident of Hartsville, SC. Judge Braddock provided in his application that he has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1998.

(2) Ethical Fitness:

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

Judge Braddock 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 Braddock reported that he spent \$60 on stationary, \$19.60 on postage, and \$7 on a nametag.

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

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

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) SCSCJA Annual Legislative Seminar	3/25/15 (signed up);
(b) Annual Meeting and CLE Seminar (Municipal Association)	12/5/2014;
(c) 2014 SCAJ Annual Convention	8/7/2014;
(d) Lawyer Mentoring Program	7/15/2014;
(e) 2013 Hot Tips Domestic Seminar	9/27/2013;
(f) Nit, Grit, and Wit: Tales and Talk on Ethics, Substance Abuse	9/26/2013;
(g) 2013 SCAJ Annual Convention	8/2/2013;
(h) Family Court Mediation Training	7/11–15/2013;
(i) [Municipal Judge Training]	3/18/2013;
(j) 2012 SCAJ Annual Convention	8/2/2012;
(k) 2011 SCAJ Annual Convention	8/4/2011;
(l) 2010 SCAJ Annual Convention	8/5/2010;
(m) Sporting Clays CLE: Ethics with Judges	4/29/2010;
(n) Understanding/Defending DUI Cases	4/9/2010;
(o) Training for Attorneys Appointed in Abuse and Neglect Cases; Twelfth Judicial Circuit	1/15/2010.

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

- (a) Better Organize Divorce Cases for Trial, presented for NBI, 12/03/2007;
- (b) Use of Web-based software in family court practices; SCAJ Hilton Head Convention, August 2009;
- (c) Family Court Case Law Updates, SCAJ Hilton Head Convention, August 2010;
- (d) Family Court Case Law Updates, SCAJ Hilton Head Convention, August 2011;
- (e) Family Court Case Law Updates, SCAJ Hilton Head Convention, August 2012;
- (f) Family Law Essentials Program, SC Bar CLE, June 27, 2014;
- (g) Family Law Essentials Program, SC Bar CLE, June 26, 2015 (scheduled).

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

(4) Character:

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

The Commission's investigation of Judge Braddock did not indicate any evidence of disqualifying financial issues. The Commission noted a tax lien that was satisfied.

The Commission also noted that Judge Braddock 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 Braddock reported that his rating by a legal rating organization, Martindale-Hubbell, AV-rated 4.7 out of 5.0. Judge Braddock also reported that his rating by legal rating organization AVVO is 10.0.
- (6) Physical Health:
Judge Braddock appears to be physically capable of performing the duties of the office he seeks.
- (7) Mental Stability:
Judge Braddock appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Judge Braddock was admitted to the SC Bar in 1998.

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

- (a) Clerk for the Honorable Paul M. Burch, August 1998–August 1999; Circuit Court Clerk;
- (b) Saleeby & Cox, P.A., Associate Attorney, October 1999–August 2005; Practice Areas: Domestic: 50%; Personal Injury: 30%; Criminal/Traffic: 15%; Miscellaneous: 5%;
- (c) Darlington County Public Defender’s Office: Part-time Public Defender, 2000-2001;
- (d) Young, Miller, & Braddock, LLC, Full Partner, August 2005-March 2012; Practice Areas: Domestic: 80%; Personal Injury/Workers’ Compensation: 10%; Criminal/Traffic: 10%;
- (e) SC Department of Social Service: Contract DSS Abuse and Neglect Attorney for Lee County, 2011–June 30, 2013 (Contract ended);
- (f) Braddock Law Firm, LLC, Sole Partner, March 2012–Present. Practice Areas: Domestic: 90%; Personal Injury/Workers’ Compensation: 5%; Criminal/Traffic: 5%. As part of my practice, I am a certified Family Court mediator;
- (g) Municipal Judge, City of Hartsville, July 2012–Present;
- (h) Magistrate Judge, Darlington County, April 3, 2013–July 25, 2013 [Special Temporary Appointment by Supreme Court].

Judge Braddock reported the frequency of his court appearances during the past five years as follows:

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

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

- (a) Civil: 2%;
- (b) Criminal: 5%;
- (c) Domestic: 93%;
- (d) Other: 0%.

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

- (a) Jury: 2%;
- (b) Non-jury: 98%.

Judge Braddock provided that he most often served as sole counsel.

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

- (a) Windell Brown v. Cynthia Brown cases: During a series of separate cases between these parties, I argued for a termination of child support based upon the emancipation of the minor daughter, against a Risinger claim filed on behalf of that same child, for two transfers of the custody of another child of the parties, for child support and alimony modifications, and for the termination of permanent, periodic alimony based upon continued cohabitation of the Defendant with a paramour;
- (b) Wright Adoption: An adoption case in which I represented the adopting parties in involuntarily terminating the parental rights of the two parents, one of whom became psychologically incapacitated during the pendency of the case. During the pendency of the case, my clients also lost one of their biological children in an automobile accident and eventually separated while the adoption was still pending. I was able to complete the adoption despite these circumstances;
- (c) SC DSS v. Covington & McCullough: As attorney for the Department of Social Services in Lee County, I pursued the termination of the parental rights of the biological parents of a minor child who was the victim of sexual abuse. The mother was criminally charged as having committed the abuse against her daughter, and I was able to obtain a finding of sexual abuse against her through the DSS proceedings. The subsequent action for termination of parental rights culminated in an eight (8)-day trial, which included the presentation of multiple expert witnesses on behalf of the Department of Social Services, from which the Court issued an order terminating the parents' rights;
- (d) State v. Lawand Sellers: Charged with Assault and Battery, First Degree, and Armed Robbery, my client was facing a possibility of forty (40) years in prison, with a mandatory minimum of ten (10) years, violent, non-parole eligible. I was able to try the matter to a conclusion, and obtained not guilty verdicts from the jury on both counts;
- (e) Johnson Divorce: In this case, the other party's parents had built the marital home and sold it to the parties for about 30% of its fair market value. However, my client had also paid the proceeds from the sale of his pre-marital home to his in-laws. When they divorced, the other party tried to claim a special equity interest in the home, asserting a position that 70% of the equity in the home should be hers alone based upon the contribution of her family. I was able to defeat this claim. I also was able to get the Court to use my appraiser's value for the home and, after the other party tried to claim that there was only \$7,500 in marital personal property, I was able to use a personal property appraiser to show that the correct value was approximately \$25,000. In addition to this successful argument regarding the equitable distribution, I was able to gain enough visitation for my client as the secondary custodian of the minor

children that he actually received child support from the other party, the primary custodian, due to the discrepancy in incomes.

The following is Judge Braddock's account of the civil appeal he has personally handled: S.C. Dep't of Soc. Servs. v. Marggie Hutson, Eliseo Perez, and Landin Nuan Perez, from the Family Court; Unpublished Opinion No. 2006-UP-238; filed May 15, 2006.

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

Judge Braddock further reported the following regarding unsuccessful candidacies: I sought election as a Family Court Judge in the Spring of 2009 and the Spring of 2011.

(9) Judicial Temperament:

The Commission believes that Judge Braddock's temperament is excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Judge Braddock Qualified as to constitutional qualifications, physical health, and mental stability, and Well Qualified as to ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee has no concerns with Judge Braddock's legal knowledge or capability to perform well on the Family Court bench.

Judge Braddock is married to Dusy Renae Spring Braddock. He has three children.

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

- (a) SC Bar Association;
- (b) Darlington County Bar;
- (c) Florence County Bar;
- (d) SC Association for Justice: Board of Governors (2008–2014);
- (e) SC Association for Justice: Legislative Planning Steering Committee (Family Court Representative; 2008–2012);
- (f) SC Association for Justice: Family Law Division Chair (2012–Present);
- (g) SC Summary Court Judge's Association (January 2013–Present);
- (h) SC Bar, Resolution of Fee Dispute Board (2012–Present);
Chair of formal hearing panel, 2013;
- (i) SC Association for Justice: Executive Committee (2012–2014);
- (j) SC Bar Property Arbitration Panel list for Darlington County (2011; 2013–Present);
Chair of Arbitration Panel, 2014; and
- (k) Supreme Court Lawyer Mentoring Program (2014).

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

- (a) College of Charleston Alumni Association;
- (b) Northern League Baseball League (2012, 2013: baseball coach; Board Member, 2012–Present);

- (c) Hartsville Area Recreational Department (2011: assistant football coach);
- (d) Prospect United Methodist, Choir Director (1999–Present);
- (e) Prospect United Methodist, PPRC Member (including Chair) and Board of Trustees (including Chair) (multiple years);
- (f) Mock Trial Coach, SC Governor’s School for Math and Science (Multiple years);
- (g) Mock Trial Judge, SC Middle School Competition, November, 2012;
- (h) Hartsville Upward Basketball League, basketball league (9–10 year olds), 2013–2015;
- (i) University of SC School of Law, 20th Class Reunion Committee;
- (j) SC United Methodist Conference, Board of Trustees (2011–Present; Vice Chairman: 2011–2013; Chairman: 2013–Present).

Judge Braddock further reported:

I am running for the position of a SC Family Court Judge because I believe this would provide the greatest opportunity to have a positive impact on as many people as possible through the Family Court; because I believe my attitude and demeanor would have a positive effect on both the parties and practitioners appearing before me; because I believe that our Family Court system is the most equitable and just part of our judicial system.

I have spent over the last decade of my legal career attempting to gain as wide and varied experience as possible within the Family Court, including serving as a part-time attorney for DSS, volunteering as a guardian for minor Defendants in DJJ matters, mediating Family Court actions, and handling all kinds of Family Court actions. I desire to bring all this experience onto the bench as a Family Court Judge.

(11) Commission Members’ Comments:

The Commission commented that Judge Braddock has excellent experience and demeanor.

(12) Conclusion:

The Commission found Judge Braddock qualified and nominated him for election to the Family Court.

The Honorable Cely Ann Brigman
Family Court, Fourth Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Brigman was born in 1961. She is 54 years old and a resident of Darlington, SC. Judge Brigman provided in her application that she has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1986.

(2) Ethical Fitness:

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

Judge Brigman 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 Brigman reported that she has spend \$48 on postage as it relates to her campaign expenditures.

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

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

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Staff/Judges Annual Training	February 2, 2010;
(b) Mandatory School for Magistrates	November 5, 2011;
(c) Annual Legislative Seminar	March 9, 2011;
(d) The Trial of a Criminal Domestic Violence Case	July 1, 2011;
(e) Family Law Section Seminar	January 21, 2012;

(f)	Children's Law Committee Seminar	January 22, 2012;
(g)	Annual Magistrate Staff Seminar	February 8, 2012;
(h)	Avoiding 20 Ethics Traps	July 13, 2012;
(i)	2012 Hot Tips From the Coolest Practitioners	September 28, 2012;
(j)	Mandatory School for Magistrates	November 2, 2012;
(k)	Family Law Symposium	April 19, 2013;
(l)	Domestic Violence and Sexual Assault	May 17, 2013;
(m)	2012 Criminal Law: A View From the Bench	June 30, 2013;
(n)	For the DUI Practitioner	June 30, 2013;
(o)	Discovery: Problems and Solutions	July 8, 2013;
(p)	Unusual Issues Involving Service of Process	July 8, 2014;
(q)	Hot Tips From the Coolest Practitioners	September 26, 2014;
(r)	Mandatory School for Magistrates	November 7, 2014.

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

- (a) I made a presentation at a SC Women Lawyers Seminar on Criminal Domestic Violence in October 2006.
- (b) I lectured on the topic of Marriage Dissolution--Process and Procedure at a National Business Institute Seminar in October 2009.
- (c) I made a presentation at the SC Bar Hot Tips Seminar in September 2013, "Should the Child Speak to the Judge?"
- (d) I was on the Faculty for Law School for Non-Lawyers in April 2014. I taught the Family Law section.

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

(4) Character:

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

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

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

"I have never held public office other than my service as a Magistrate."

(6) Physical Health:

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

- (7) Mental Stability:
Judge Brigman appears to be mentally capable of performing the duties of the office she seeks.
- (8) Experience:
Judge Brigman was admitted to the SC Bar in 1986.

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

- a) From August 1986 until May 1990, I practiced as an associate with Greene, Lockemy and Bailey in Dillon, SC. My responsibilities involved Family Court litigation, civil litigation primarily representing plaintiffs in personal injury actions, and limited criminal defense I also performed real estate closings;
- b) From May 1990 until May 2004, I practiced as an associate with D. Kenneth Baker, P.A. in Darlington, SC. My responsibilities involved Family Court litigation, civil litigation primarily representing plaintiffs in personal injury actions, and residential real estate closings. I also handled cases in Probate Court;
- c) In March 2004, I was appointed to fill a position as a part-time Magistrate for Darlington County. I still hold this position and have been serving as Chief Magistrate in Darlington County since 2004;
- d) From May 2004 until November 2009, I practiced as an associate with McDougall and Self, LLP. in Florence, SC. My practice was limited to Family Court litigation;
- e) From November 2009 until present, I have practiced with the Jebaily Law Firm in Florence, SC. My practice is limited to Family Court litigation and some matters in probate court;
- f) From June 2010 until June 2011, I was a part-time attorney for the Clarendon County guardian ad litem program. I represented lay guardians in matters involving the Department of Social Services.

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

My professional practice as an attorney has been devoted primarily to Family Court litigation for the past fifteen years. I have tried divorce, equitable division of property, child custody, adoption, abuse and neglect and juvenile cases during that time. I have not only tried cases but have participated in mediations and settlement negotiations on behalf of clients involved in Family Court actions. I have served as a guardian ad litem and as the attorney for the guardian ad litem. I have also served as a part-time magistrate for the last eleven years. Both my private practice and my service as a magistrate have prepared me to preside over cases in Family Court.

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

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

Judge Brigman 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: 99%;
- (d) Other: 1%.

Judge Brigman 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%.

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

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

- (a) *Trey Gerald Smith v. Jennifer Erin Williamson*, 07-DR-16-0071
This was a custody/visitation action brought pursuant to the Uniform Child Custody Jurisdiction Act (UCCJA) and the Parental Kidnapping Prevention Act (PKPA). I represented the Defendant mother in this action. My client and the minor child lived in Mississippi. In a previous action between these parties it was established that Mississippi was the home state of the minor child. After the Family Court of Mississippi had issued an order regarding custody, the father filed a second action in SC seeking to modify the Mississippi order. After a full hearing on the merits, the Family Court in SC dismissed the father's complaint. I was able to demonstrate that pursuant to the PKPA the family court in SC lacked jurisdiction and the father would have to pursue his claim in Mississippi, my client's home state.
- (b) *James Dustin Carnell v. Jessica Marie Carnell', Tonja Renee Carnell and minor children Brittany Ann Camell and Tiffany Nichole Carnell*, 09-DR-161107
This was an action for termination of parental rights and adoption. I represented the biological father and potential adoptive step-mother. We were seeking to terminate the parental rights of the biological mother and allow the step-mother to adopt the minor children. The biological mother contested both the termination of parental rights and the adoption. I was able to establish that the biological mother had failed to visit or support the minor children and that pursuant to the statute, her parental rights to the children should be terminated. Upon terminating the parental rights of the biological mother, the Court allowed the step-mother to adopt the children, over the objections of the biological mother.
- (c) *Gerald v. Gerald*, 09-DR-21-1372, 09-DR-21-1372
This was a Rule to Show Cause action filed during the pendency of a divorce action. I represented the Plaintiff wife who alleged the Defendant had repeatedly violated a prior restraining order issued by the Court. There were numerous instances of unwanted and intrusive contact which the Defendant denied. Through testimony and the introduction of various exhibits I was able to demonstrate to the court that the Defendant had in fact violated the restraining

order on numerous occasions, despite his adamant denials. The Court found the Defendant to be in contempt of the prior order.

(d) Langston v. Langston, 2011-DR-21-758

This was an action for termination of alimony in which I represented the Plaintiff ex-husband. At the time of the parties' divorce, my client was ordered to pay permanent alimony. Several months after the divorce, the ex-wife began living with her paramour. The ex-wife denied that she and the paramour had cohabitated for the requisite 90 days as required by statute. Through extensive discovery, we were able to establish a time line demonstrating the 90 consecutive days. The case actually settled minutes before trial in my client's favor.

(e) McPhail v. McPhail, 2013-DR-16-0321

This was an action for divorce, alimony and attorney fees. I represented the Plaintiff wife in a long term marriage. The Defendant husband was uncooperative throughout the litigation which required the filing of two Rules to Show Cause before we got to the final hearing. The Defendant husband denied he had substantial income and alleged he was unable to pay alimony. I was able to prove through exhibits and testimony that the Defendant's income was significantly higher than he claimed. After a full hearing on the merits the Court awarded my client permanent periodic alimony and required the Defendant to reimburse a substantial portion of her attorney fees.

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

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

March 2004 to present: appointed to serve as part-time Magistrate for Darlington County. In 2004, I was appointed to serve as Chief Magistrate and still hold that position. I preside over civil matters in which the amount in controversy does not exceed 7,500.00, and criminal matters that fall within the Magistrate's Court jurisdiction. I also preside over preliminary hearings, all jury trials in the Hartsville area of Darlington County and I conduct bond hearings.

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

The cases I preside over in Magistrate's Court do not require written orders.

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

- a) From August 1986 until May 1990, I practiced as an associate with Greene, Lockemy and Bailey in Dillon, SC. My responsibilities involved family court litigation, civil litigation primarily representing plaintiffs in personal injury actions, and limited criminal defense. I also performed real estate closings.
- b) From May 1990 until May 2004, I practiced as an associate with D. Kenneth Baker, P.A. in Darlington, SC. My responsibilities involved family court litigation, civil litigation primarily representing plaintiffs in personal injury actions, and residential real estate closings. I also handled cases in Probate Court.
- c) In March 2004, I was appointed to fill a position as a part-time Magistrate for Darlington County. I still hold this position and have been serving as Chief Magistrate in Darlington County since 2004.

- d) From May 2004 until November 2009, I practiced as an associate with McDougall and Self, LLP, in Florence, SC. My practice was limited to Family Court litigation.
- e) From November 2009 until present, I have practiced with the Jebaily Law Firm in Florence, SC. My practice is limited to family court litigation and some matters in probate court.
- f) From June 2010 until June 2011, I was a part-time attorney for the Clarendon County guardian ad litem program. I represented lay guardians in matters involving the Department of Social Services.

Judge Brigman further reported the following regarding unsuccessful candidacies:

- a) In 2011, I was a candidate for a Family Court judgeship for the Fourth Judicial Circuit. I came out of screening but withdrew before the election. The seat was filled by Hon. Salley H. McIntyre.
- b) In the fall of 2012, I was a candidate for a family court judgeship At-Large Seat 4. I did not come out of screening.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Pee Dee Citizen's Committee on Judicial Qualification found Judge Brigman to be Qualified as to constitutional qualifications, physical health, and mental stability, and Well Qualified as to ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee found that based on the evaluative criteria, Judge Brigman meets and exceeds the requirements in each area.

Judge Brigman is married to Gregory Wendell Brigman. She has two children.

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

- (a) SC Bar Association;
Current Member, Family Law Council;
Past Member, House of Delegates;
Past Member, Board of Governors;
- (b) Darlington County Bar Association;
- (c) Florence County Bar Association;
- (d) SC Association for Justice;
- (e) SC Women Lawyers Association;
- (f) Summary Court Judges Association.

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

- (a) Award of Excellence, SC Coalition Against Domestic Violence, 2008;
- (b) American Heart Association.

Judge Brigman further reported:

For the past several years, my practice has been devoted primarily to the practice of family law. I have tried to increase my professional skills by attending educational family law seminars and by speaking at these seminars. My service as a Magistrate has taught me the importance of exercising patience, understanding and restraint with both litigants and attorneys. I believe I have the ability and temperament needed to serve on the Family Court bench.

(11) Commission Members' Comments:

The Commission believes that Judge Brigman would bring good experience to the Family Court bench.

(12) Conclusion:

The Commission found Judge Brigman qualified and nominated her for election to the Family Court.

CONCLUSION

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

SUPREME COURT

SUPREME COURT, CHIEF JUSTICE

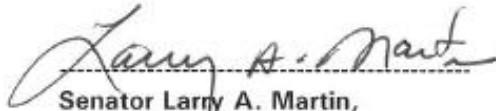
Costa M. Pleicones

FAMILY COURT

FOURTH JUDICIAL CIRCUIT, SEAT 1
FOURTH JUDICIAL CIRCUIT, SEAT 1

Bryan W. Braddock
Cely Anne Brigman

Respectfully submitted,



Senator Larry A. Martin,
Chairman



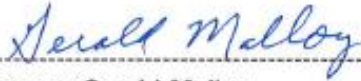
Representative Alan D. Clemmons,
Vice Chairman



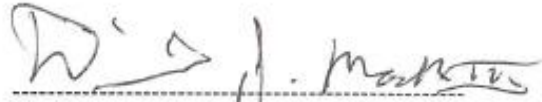
Senator George E. "Chip"
Campsen, III



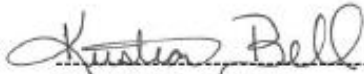
Representative Bruce W. Bannister



Senator Gerald Malloy



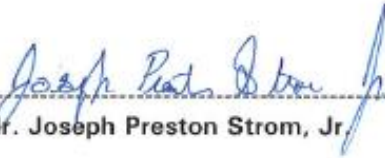
Representative David J. Mack, III



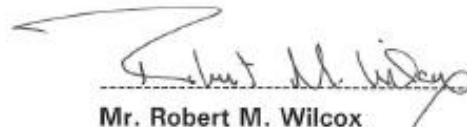
Ms. Kristian C. Bell



Ms. Susan T. Wall



Mr. Joseph Preston Strom, Jr.



Mr. Robert M. Wilcox