

Judicial Merit Selection Commission

Report of Candidate Qualifications for Fall 2011

Date Draft Report Issued: Thursday, January 12, 2012

Date and Time:

Final Report Issued: **Noon**, Tuesday, January 17, 2012

**Judicial candidates are not free to
seek or accept commitments until
Tuesday, January 17, 2012, at Noon.**

Judicial Merit Selection Commission

Rep. F. G. Delleney, Jr., Chairman
Sen. Glenn F. McConnell, Vice-Chairman

Rep. Alan D. Clemmons
John P. Freeman
John Davis Harrell

Sen. John M. "Jake" Knotts, Jr.

Rep. David J. Mack, III

Amy Johnson McLester

Sen. Floyd Nicholson

H. Donald Sellers



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

Jane O. Shuler, Chief Counsel
Patrick G. Dennis
Andy Fiffick
J.J. Gentry
Brad Wright

January 12, 2012

Dear Members of the General Assembly:

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

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

Judicial candidates are **prohibited** from asking for your commitment until **12:00 Noon on January 17, 2012.** **Members of the General Assembly are not permitted to issue letters of introduction, announcements of candidacy, statements detailing a candidate's qualifications, or commitments to vote for a candidate until Tuesday, January 17, 2012.** 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,

F. G. Delleney, Jr., Chairman
Glenn F. McConnell, Vice-Chairman

Judicial Merit Selection Commission

Rep. F. G. Delleney, Jr., Chairman
Sen. Glenn F. McConnell, Vice-Chairman

Rep. Alan D. Clemmons
John P. Freeman
John Davis Harrell
Sen. John M. "Jake" Knotts, Jr.
Rep. David J. Mack, III
Amy Johnson McLester
Sen. Floyd Nicholson
H. Donald Sellers



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

January 12, 2012

Jane O. Shuler, Chief Counsel
Patrick G. Dennis
Andy Fiffick
J.J. Gentry
Brad Wright

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

Dear Fellow Members:

This letter is written to call your attention to issues raised during the December 2003 Judicial Merit Selection hearings concerning a judicial candidate's contact with members of the General Assembly, as well as third parties contacting members on a candidate's behalf. It is also to remind you of these issues for the Fall 2011 screening.

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

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

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

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

Sincerely,

F.G. Delleney, Jr.
Chairman

Glenn F. McConnell
Vice-Chairman

TABLE OF CONTENTS

INTRODUCTION	1
 QUALIFIED AND NOMINATED		
Supreme Court, Seat 4	The Honorable Kaye G. Hearn	4
Court of Appeals, Seat 8	The Honorable Thomas E. Huff	13
 Circuit Court		
Third Judicial Circuit, Seat 2	The Honorable George C. James, Jr.	17
Fourth Judicial Circuit, Seat 2	The Honorable John Michael Baxley	22
Fifth Judicial Circuit, Seat 2	The Honorable Lee Casey Manning	27
Fifth Judicial Circuit, Seat 3	Robert Eldon Hood	31
Fifth Judicial Circuit, Seat 3	John P. Meadors	36
Fifth Judicial Circuit, Seat 3	Clifford Scott	45
Seventh Judicial Circuit, Seat 2	The Honorable Roger Lynn Couch	52
Eighth Judicial Circuit, Seat 2	The Honorable Eugene Cannon Griffith, Jr.	55
Ninth Judicial Circuit, Seat 2	The Honorable Kristi Lea Harrington	60
Tenth Judicial Circuit, Seat 2	The Honorable Alexander Stephens Macaulay	64
Eleventh Judicial Circuit, Seat 1	The Honorable William Paul Keesley	68
Eleventh Judicial Circuit, Seat 2	The Honorable R. Knox McMahon	73
Twelfth Judicial Circuit, Seat 1	The Honorable Michael G. Nettles	78
Fourteenth Judicial Circuit, Seat 1	The Honorable Perry M. Buckner, III	82
 Administrative Law Court		
Seat 2	The Honorable John Davis McLeod	88
 QUALIFIED, BUT NOT NOMINATED		
Fifth Judicial Circuit, Seat 3	Joey R. Floyd	91
Fifth Judicial Circuit, Seat 3	Robert L. Reibold	97
CONCLUSION	103

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 South Carolina and seeks to impart, through its questioning, the view of the public as to matters of legal knowledge and ability, judicial temperament, and the absoluteness of the Judicial Canons of Conduct as to recusal for conflict of interest, prohibition of ex parte communication, and the disallowance of the acceptance of gifts. However, the Commission is not a forum for reviewing the individual decisions of the state's judicial system absent credible allegations of a candidate's violations of the Judicial Canons of Conduct, the Rules of Professional Conduct, or any of the Commission's nine evaluative criteria that would impact a candidate's fitness for judicial service.

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

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

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

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

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

SUPREME COURT QUALIFIED AND NOMINATED

The Honorable Kaye G. Hearn
Seat 4

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Justice Hearn was born in 1950. She is 61 years old and a resident of Conway, SC. Justice Hearn 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 1977.

(2) Ethical Fitness:

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

Justice Hearn 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 Hearn reported that she not made any campaign expenditures.

Justice Hearn 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.

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

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

2006

- (a) Fourth Annual Civil Law Update 1/27/06;

(b)	Trial and Appellate Advocacy	1/28/06;
(c)	S.C. Family Court Summit	7/06;
(d)	Mini Summit on Justice for Children	8/22/06;
(e)	2006 Annual South Carolina Judicial Conference	8/23/06;
(f)	National Council of Chief Judges' Conference	11/06;
(g)	Family Court – Procedural	12/14/06;
<u>2007</u>		
(h)	22nd Annual Criminal Law Update	1/26/07;
(i)	5th Annual Civil Law Update	1/26/07;
(j)	NC/SC Appellate Judges' Conference	3/01/07;
(k)	2007 Annual South Carolina Judicial Conference	8/22/07;
(l)	Family Court – Procedural	10/11/2007;
(m)	National Council of Chief Judges' Conference	11/07;
<u>2008</u>		
(n)	Family Law Section	1/25/08;
(o)	S.C. Bar 6th Annual Civil Law Update	1/25/08;
(p)	2008 Annual South Carolina Judicial Conference	8/20/08;
(q)	2008 SC Family Court Bench/Bar	12/25/08;
<u>2009</u>		
(r)	State Constitutional Reform	1/15/09;
(s)	7th Annual Civil Law Update	1/23/09;
(t)	2009 Annual South Carolina Judicial Conference	8/19/09;
(u)	SCWLA / NCAWA Conference	9/30/09;
(v)	Defense Trial Lawyers Conference	11/09;
(w)	2009 S.C. Family Court Seminar	12/10/09;
<u>2010</u>		
(x)	Civil Law Update	1/22/10;
(y)	Criminal Law Update	1/22/10;
(z)	2010 Annual South Carolina Judicial Conference	8/18/10;
(aa)	S.C. Family Court Bench/Bar	12/9/10;
<u>2011</u>		
(bb)	2011 South Carolina Bar Convention	1/20/11;
(cc)	SC Supreme Court Historical Society, 2011 Colloquium	5/20/11.

Justice Hearn reported that she has taught the following law related courses:

(a)	Hearsay Rule in the Family Court, Columbia, SC	July 21, 1979;
(b)	Order Writing for Circuit Judges, Columbia, SC	Aug. 1979;
(c)	Order Writing for Family Court Judges, Columbia, SC	Nov. 16, 1979;
(d)	Moderator, Organizer, and Presenter at People's Law School, Horry Georgetown Tech	1980-1984;
(e)	Appellate Court Writs, Columbia, SC	June 19, 1980;
(f)	Order Writing for Law Clerks, Columbia, SC	SC Aug. 1980;
(g)	Order Writing for Law Clerks and Staff Attorneys, Columbia, SC	Aug. 1981;
(h)	Rules and Procedures of the Family Court, SC Trial Lawyers Convention, Hilton Head, SC	Aug. 20, 1981;

- (i) Appellate Advocacy Brief Writing, Greenville, SC Apr. 2, 1982;
- (j) Appellate Advocacy Brief Writing, Charleston, SC May 1982;
- (k) Appellate Advocacy Brief Writing, Florence, SC June 25, 1982;
- (l) Appellate Advocacy Preservation of the Record, Columbia, SC July 15, 1983;
- (m) Opinion Writing for Appellate Judges, Columbia, SC Oct. 1983;
- (n) Separation and Antenuptial Agreements, Columbia, SC, Oct. 12, 1984;
- (o) Effective Order Writing, Columbia, SC Dec. 6-7, 1984;
- (p) Order Writing, New Family Court Judges' School, Columbia, SC Feb. 28, 1985;
- (q) Order Writing, Bridge the Gap, Columbia, SC Mar. 1985;
- (r) Order Writing, Bridge the Gap, Columbia, SC August 1985;
- (s) Complex Issues in Family Court, Statutory Update, and Alimony Perspective–
Co-Moderator, Columbia, SC Nov. 19-20, 1987;
- (t) Practical Problems in Legal Ethics, Columbia, SC Dec. 1987;
- (u) Order Writing, New Family Court Judges' School, Columbia, SC July 21-22, 1988;
- (v) Children's Rights, SCDSS Family Violence Conference, Columbia, SC
Mar. 19-20, 1990;
- (w) Judge's Perspective on Adoption, Columbia, SC April 6, 1990;
- (x) Domestic Relations, Bridge the Gap, Columbia, SC Aug. 1990;
- (y) Domestic Relations, Bridge the Gap, Columbia, SC March 1991;
- (z) The Future of Families in the Courts, Greenville, SC Apr. 4, 1991;
- (aa) Domestic Relations, Bridge the Gap, Columbia, SC Aug. 1991;
- (bb) Order Writing, New Alimony Statute, Abuse and Neglect, and Contempt
Moderator, New Family Court Judges' School, Columbia, SC Aug. 27-28, 1991;
- (cc) Domestic Violence, Magistrate's JCLE, Columbia, SC November 8, 1991;
- (dd) Domestic Relations, Bridge the Gap, Columbia, SC March 1992;
- (ee) Adoption, Abuse and Neglect– Moderator,
New Family Court Judges' School, Columbia, SC July 28, 1992;
- (ff) Separation Agreements, Columbia, SC, Dec. 1992;
- (gg) Domestic Relations, Bridge the Gap, Columbia, SC, May 17, 1993;
- (hh) The Future of Family Court, SC Trial Lawyers Convention,
Hilton Head, SC August 18, 1993;
- (ii) Suppression Hearings in Family Court,
Solicitors' Conference, Myrtle Beach, SC Oct. 4, 1993;
- (jj) How the Family Court is Using ADR and Mediation in the Courtroom, SC Bar
Mid-Winter Meeting, Charleston, SC Jan. 21, 1994;
- (kk) Domestic Relations, Bridge the Gap, Columbia, SC February 28, 1994;
- (ll) Juvenile Delinquency, Family Court Judges' School, Columbia, SC June 24, 1994;
- (mm) Family Court Rules, Columbia, SC July 29, 1994;
- (nn) Waiver Hearings, Family Court Bench/Bar Seminar, Columbia, SC Aug. 19, 1994;
- (oo) Domestic Relations, Bridge the Gap, Columbia, SC March 6, 1995;
- (pp) Domestic Relations, Bridge the Gap, Columbia, SC May 16, 1995;
- (qq) The Hot Evidentiary Issues Under the New
Rules, The Judicial Conference, Columbia, SC Aug. 24, 1995;
- (rr) Judicial Perspective on Briefs and Oral
Arguments, Ethical Issues Facing Family

- Law Practitioners, Columbia, SC Dec. 19, 1995;
- (ss) Domestic Relations, Bridge the Gap, Columbia, SC March 5, 1996;
- (tt) The Future of Appellate Courts, Seminar for
New Appellate Court Judges, Columbia, SC May 1, 1996;
- (uu) Preserving the Trial Record, Circuit Court
Judges Seminar, Fripp Island, SC May 1996;
- (vv) Preserving the Trial Record, The Judicial Conference, Columbia, SC Aug. 22, 1996;
- (ww) Ethics: A View from the Bench, SC Public
Defenders' Conference, North Myrtle Beach, SC Sept. 30, 1996;
- (xx) A View from the Bench, Ethics for Family Law
Practitioners, Columbia, SC Dec. 10, 1996;
- (yy) Appellate Writs and Motions Practice, SC Bar
Mid-Winter Meeting, Charleston, SC Jan. 25, 1997;
- (zz) Family Law Update, The Judicial Conference Columbia, SC Aug. 22, 1997;
- (aaa) Perspectives on Judging, SC Student
Trial Lawyers Association, Columbia, SC Oct. 1, 1997;
- (bbb) The Rules of Evidence and The Dead Man's Statute,
SC Probate Judges Conference, Myrtle Beach, SC Oct. 13, 1997;
- (ccc) Automatic Stay, Petitions for Supersedeas,
Family Court Seminar, Conway, SC Oct. 21, 1997;
- (ddd) Appellate Ethics Update, Ethics Seminar, Columbia, SC Nov. 14, 1997;
- (eee) Order Writing, Probate Judges Conference Columbia, SC Feb. 26, 1998;
- (fff) Important Rules of Appellate Practice SC Practice and Procedure Update
Columbia, SC March 20, 1998;
- (ggg) Comparative Negligence Developments
SC Tort Law Update, Columbia, SC Sept. 25, 1998;
- (hhh) Preserving Evidentiary Matters on Appeal
Winning Evidence, Columbia, SC Feb. 19, 1999;
- (iii) Appellate Issues, Court of Appeals
Bench/Bar seminar, Columbia, SC October 22, 1999;
- (jjj) Appellate Issues, Bridge the Gap Columbia, SC May 2000;
- (kkk) Appellate Issues, Family Court Bench/Bar seminar, Columbia, SC Dec. 1, 2000;
- (lll) Appellate Issues, Bridge the Gap, Columbia, SC March 2001;
- (mmm) Issues in Comparative Negligence, 2001 South Carolina Tort Law Update,
Columbia, SC September 28, 2001;
- (nnn) Appellate Issues, Ring Out the Old, Ring In the New, Columbia, SC Dec. 21, 2001;
- (ooo) Appellate Issues: Bridge the Gap, Columbia, SC May 15, 2002;
- (ppp) Appellate Issues: Family Court Bench/Bar, Conway, SC Dec. 6, 2002;
- (qqq) Appellate Issues, Bridge the Gap Columbia, SC March 10, 2003;
- (rrr) Oral Argument, South Carolina Trial Lawyers' Association Convention 2003;
- (sss) Now we have Campbell, what do we do with it?
South Carolina Defense Trial Attorneys' Association, Sea Island, GA Nov. 7, 2003;
- (ttt) Appellate Issues, Family Court Bench/Bar, Conway, SC Dec. 5, 2003;
- (uuu) Appellate Issues, Bridge the Gap Columbia, SC March 8, 2004;
- (vvv) Using Electronic Evidence in Civil Litigation July 15, 2004;

- (www) Hot Tips from the Coolest Domestic Practitioners, Columbia, SC September 24, 2004;
- (xxx) Wofford and the Law, Panel Leader for Legal Symposium, Spartanburg, SC September 25, 2004;
- (yyy) Appellate Issues, SC Family Court Bench/Bar, Conway, SC December 3, 2004;
- (zzz) Appellate Issues, Bridge the Gap, Columbia, SC March 7, 2005;
- (aaaa) Professionalism, Forum on Professionalism at the Charleston School of Law, Charleston, SC 2006;
- (bbbb) Oral Arguments, SC Bar Convention, January 28, 2006;
- (cccc) Appellate Issues, Bridge the Gap, Columbia, SC March 6, 2006;
- (dddd) Expediting Appeals in Dependency Cases, SC, Family Court Summit, Columbia, SC July 2006;
- (eeee) Appellate Advocacy, Charleston School of Law, Visiting Adjunct Professor Fall 2006 semester;
- (ffff) Order Writing, 14th Annual Probate Bench/Bar, Columbia, SC Sept. 15, 2006;
- (gggg) Keeping Your Verdicts Without Compromising Your Ethics, Auto Torts Atlanta, GA December 2, 2006;
- (hhhh) Oral Argument, Family Court Bench/Bar, Conway, SC December 7, 2006;
- (iiii) Appellate Issues: Bridge the Gap Columbia, SC March 12, 2007;
- (jjjj) Appellate Advocacy, Charleston School of Law, Visiting Adjunct Professor Fall 2007 semester;
- (kkkk) Ethics, Summary Court Judges' Conference, Myrtle Beach, SC September 7, 2007;
- (llll) Panel on the Constitution, Wofford College, Spartanburg, SC September 26, 2007;
- (mmmm) Appellate Issues, Bridge the Gap Columbia, SC March 10, 2008;
- (nnnn) Appellate Issues, Bridge the Gap Columbia, SC May 12, 2008;
- (oooo) New Appellate Rules in Workers' Compensation Cases, Clarion Townhouse Columbia, SC May 2008;
- (pppp) Appellate Advocacy, Charleston School of Law, Visiting Adjunct Professor Fall 2008 semester;
- (qqqq) Family Court Bench Bar, Columbia, SC December 5, 2008;
- (rrrr) Appellate Issues: Bridge the Gap Columbia, SC March 9, 2010;
- (ssss) Professionalism Series, Lecturer, Thirty-five Years of Professionalism, Charleston School of Law, Charleston, SC March 18, 2010;
- (tttt) The Art of Appellate Advocacy, Lecturer How to Talk to and Write for Judges Charleston, SC April 30, 2010;
- (uuuu) Appellate Issues: Bridge the Gap Columbia, SC August 2, 2010;
- (vvvv) SC Legal Services Statewide Meeting View from the Bench: Judges' Panel November 19, 2010;
- (wwww) Appellate Responsibilities of GAL In the Interest of the Child, Columbia, SC January 28, 2011;
- (xxxx) Women's Leadership Conference – Women in the Judiciary, Conway, SC March 25, 2011;
- (yyyy) League of Women Voters Forum on the Judiciary, Lecturer, Myrtle Beach, SC May 16, 2011.

Justice Hearn reported that she has published the following:

- (a) SC Appellate Practice Handbook (SC Bar CLE 1985), Contributing Author.
- (b) Marital Litigation in S.C., Roy T. Stuckey and F. Glenn Smith (SC Bar CLE 1997), Editorial Board.
- (c) SC Damages, Terry E. Richardson, Jr., and Daniel S. Haltiwanger (SC Bar CLE 2004), authored chapter titled, “SC Modified Comparative Negligence.”
- (d) The Appellate Prosecutor: A Practical and Inspirational Guide to Appellate Advocacy, Ronald H. Clark (SC Bar CLE 2005), authored chapter on oral argument.

(4) Character:

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

The Commission also noted that Justice Hearn 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:

Justice Hearn reported that her last available rating by a legal rating organization, Martindale-Hubbell, was BV.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Justice Hearn was admitted to the SC Bar in 1977.

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

- (a) 1977-79: Law clerk to the Honorable Julius B. Ness, Associate Justice of the SC Supreme Court;
- (b) 1979-86: Associate and partner in firm which eventually became Stevens, Stevens, Thomas, Hearn & Hearn; Loris and Myrtle Beach, SC;
- (c) 1986-95: Family Court Judge for the Fifteenth Judicial Circuit (Chief Administrative Judge from 1987-95);
- (d) 1995-99: Judge, SC Court of Appeals;
- (e) 1999-2009: Chief Judge, SC Court of Appeals;
- (f) 2010-present: Justice, SC Supreme Court.

Justice Hearn reported that she has held the following judicial offices:

“I was elected Family Court Judge in 1986 and served until 1995. The family court has jurisdiction over matters involving domestic relationships, such as divorce, division of marital property, custody, visitation rights, adoptions, termination of parental rights, and juvenile criminal matters.”

“In 1995, I was elected to serve as a judge on the SC Court of Appeals, and in 1999, I was elected Chief Judge of the Court of Appeals. The court of appeals has jurisdiction over all appeals, with the following seven exceptions (see § 14-8-200 of the SC Code):

- (a) death penalty cases;
- (b) final decisions of the Public Service Commission setting public utility rates;
- (c) challenges to the constitutionality of a statute or ordinance (unless the Supreme Court deems the constitutional question raised insignificant);
- (d) final judgments from the circuit court involving the authorization, issuance, or proposed issuance of general obligation debt, revenue, institutional, industrial, or hospital bonds of the State, its agencies, political subdivisions, public service districts, counties, and municipalities, or any other indebtedness authorized by Article X of the Constitution of this State;
- (e) judgments dealing with elections or election procedures;
- (f) orders limiting the investigation of the state grand jury; and
- (g) orders dealing with an abortion by a minor.”

“In 2009, I was elected to the Supreme Court. I began to serve the remainder of Justice John Waller's un-expired term in January 2010.”

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

- “(a) Shaw v. Atlantic Coast Life Ins. Co., 322 S.C. 139, 470 S.E.2d 382 (Ct. App. 1996), cert. denied, 520 U.S. 1167 (1987) (holding that an employee seeking to recover benefits under ERISA was entitled to a jury trial);
- (b) In re Expediting Appeals from Termination of Parental Rights Proceedings, 366 S.C. 670, 623 S.E.2d 661 (Ct. App. 2005) (recognizing the need for stability in children's lives and implementing an expedited procedure for handling appeals from termination of parental rights proceedings, adoption proceedings, and/or DSS actions involving the custody of a minor child);
- (c) State v. Picklesimer, 388 S.C. 264, 695 S.E.2d 845 (2010) (holding a circuit court may sentence a defendant who violates probation for a term up to the end of his original unsuspended sentence);
- (d) Travelscape, LLC v. South Carolina Department of Revenue, 391 S.C. 89, 705 S.E.2d 28 (2011) (finding sales tax constitutionally and statutorily applied to the service and facilitation fees retained by an out-of-state internet travel company.
- (e) Oblachinski v. Reynolds, 391 S.C. 557, 706 S.E.2d 844 (2011) (declining to recognize a cause of action for negligent diagnosis of sexual abuse brought by alleged perpetrator of abuse against the doctor).”

Justice Hearn reported the following regarding her employment while serving as a judge:

“Adjunct Professor at the Charleston School of Law in appellate advocacy during the 2006, 2007, and 2008 fall semesters.”

Justice Hearn further reported the following regarding unsuccessful candidacies:

“In May of 2007, I unsuccessfully ran for Seat 5 on the SC Supreme Court. The Judicial Merit Selection Committee nominated Donald Beatty, H. Bruce Williams, and me for the seat. The Honorable Donald W. Beatty won the election. In February of 2008, I ran for Seat 3 on the South Carolina Supreme Court. The Judicial Merit Selection Committee nominated John Kittredge, John Few, and me for the seat. The Honorable John Kittredge won the election.”

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Pee Dee Citizens Committee found Justice Hearn “Qualified” in the areas of constitutional qualifications, physical health, and mental stability. The Committee found Justice Hearn “Well qualified” in the areas of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. They stated in summary, “Justice Hearn has an impressive legal background and is well-qualified to serve as a justice on the SC Supreme Court.”

Justice Hearn is married to George M. Hearn, Jr. She has one child.

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

- (a) SC Bar Association;
- (b) Council of Chief Judges
Immediate Past President, 2006-07;
President, 2005-06;
Chair, Education Committee, 2003;
Member, Executive Board, 2001-Present;
Member, Education Committee, 2000-02.
- (c) Conference of Family Court Judges
Treasurer, 1990;
Secretary, 1991;
President, 1992.

Justice Hearn further reported, “In 2004, I was the portrait honoree for the South Carolina Trial Lawyers’ Association. In 2010, I received the Jean Galloway Bissell Award from the S.C. Women Lawyer’s Association. In May, 2010, I received an Honorary Doctorate of Laws from the Charleston School of Law; and in May, 2011, I received an Honorary Doctorate of Humanities from Francis Marion University.”

(11) Commission Members' Comments:

The Commission commented that Justice Hearn has an outstanding reputation and strong work ethic as a jurist that serve her well in performing her responsibilities as a Supreme Court justice.

(12) Conclusion:

The Commission found Justice Hearn qualified and nominated her for re-election to the Supreme Court.

COURT OF APPEALS

QUALIFIED AND NOMINATED

The Honorable Thomas E. Huff

Seat 8

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Huff was born in 1949. He is 62 years old and a resident of North Augusta, SC. Judge Huff provided in his application that he has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1976.

(2) Ethical Fitness:

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

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

Judge Huff testified he has not:

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

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

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

- (a) Annual Judicial Conference: 8/06; 8/07; 8/08; 8/09; 8/10;
- (b) Workers Compensation CLE: 10/10;

- (c) SC Association for Justice Annual Convention: 8/09;
- (d) NC/SC Appellate Judges Conference: 8/07.

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

- (a) I have lectured at SC Bar CLE Programs covering the topics of appellate practice in criminal and civil appeals and matters concerning appeals from summary courts.
- (b) I participated as a faculty member for a week long program of training for U.S. Attorneys at the National Advocacy Center in Columbia. The course was entitled Appellate Advocacy, course number 01-01AA1.

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

(4) Character:

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

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

Judge Huff reported that he held the following public office:

"I was elected to the SC House of Representatives in 1978. I served from 1978 to 1996. I timely filed all required reports and disclosures."

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Huff was admitted to the SC Bar in 1976.

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

"1976-96: I started a solo law practice with an emphasis in domestic law, workers compensation, and civil/tort/personal injury matters. In 1990 I was selected by Aiken Electric Cooperative to serve as their corporate counsel. I represented them in the Circuit Court and Supreme Court until I was elected to the Court of Appeals."

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

“SC Court of Appeals, elected February 1996. This court has statewide jurisdiction over all courts, agencies, commissions and administrative law courts. It is an error correction court. We hear all matters other than those exclusively reserved to the Supreme Court.”

The following is Judge Huff’s account of his five most significant orders or opinions:

- (a) State v. Brayboy, 387 S.C. 174, 691 S.E.2d 482 (Ct. App. 2010);
- (b) State v. Ravenell, 387 S.C. 449, 692 S.E.2d 554 (Ct. App. 2010);
- (c) State v. Hill, Op. No. 4856 (S.C. Ct. App. Filed July 27, 2011) (Shearouse Adv. Sh. No. 25 at 61); 2011 WL 3273544;
- (d) Mozingo & Wallace Architects, LLP v. Patricia Grand, 379 S.C. 478, 666 S.E. 2d 267 (Ct. App. 2008), cert. denied (June 6, 2009);
- (e) State v. Bryant, 390 S.C. 638, 740 S.E.2d 344 (Ct. App. 2011).

Judge Huff further reported the following regarding an unsuccessful candidacy:

“I ran for the Court of Appeals in 1993 but lost to Judge Carol Conner by seven votes.”

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee found Judge Huff “Well qualified” for each of the nine evaluative criteria: constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament. The Committee stated in summary, “Judge Huff is truly an asset to our state and our judiciary. The Committee has the utmost appreciation for his honorable service on the Court of Appeals and in the community. We believe he is most eminently qualified to continue his service on the Court of Appeals and we are confident he would continue to serve in an outstanding manner.”

Judge Huff is married to Patricia Dale Tucker. He has one child.

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

- (a) SC Bar;
- (b) Aiken County Bar.

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

Judge Huff further reported:

“For the past 6+ years I have served as a Sunday school teacher in my church. It has been an experience that has constantly refreshed me and given me immeasurable perspective to deal with the stresses of life and my service on the court.”

(11) Commission Members' Comments

The Commission commented that Judge Huff is a well-respected and fair judge on the Court of Appeals where he has ably served for over fifteen years.

(12) Conclusion

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

CIRCUIT COURT QUALIFIED AND NOMINATED

**The Honorable George C. James, Jr.
Third Judicial Circuit, Seat 2**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge James was born in 1960. He is 51 years old and a resident of Sumter, SC. Judge James 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 1985.

(2) Ethical Fitness:

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

Judge James 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 James reported that he not made any campaign expenditures.

Judge James testified he has not:

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

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

Dr. Marie-Therese H. Assa'ad-Faltas filed a complaint against Judge James' candidacy for this judicial position, although she specifically stated that she did not wish to have Judge James disqualified, but wished that he "answer before this JMSC . . . why he failed to do anything when [she] presented him with irrefutable objective evidence that a ruling of his was procured by fraud upon the court". At the public hearing, Dr. Faltas testified that Judge James failed to review evidence that Dr. Faltas claimed as proof that the Fifth Circuit Solicitor's Office misled the circuit court in two bond hearings involving her. According to

Judge James' testimony, he agreed that it would be improper for him to knowingly rely upon false representations in making a decision, but testified that that did not occur in either of the two bond hearings as to Dr. Faltas' bond. Judge James further testified that he made his rulings based on the information provided at the bond hearings and that he believed that his decisions were factually and legally sound. After hearing and reviewing testimony provided by Dr. Faltas and Judge James, the Commission found that Dr. Faltas' complaint was not credible and was without merit.

(3) Professional and Academic Ability:

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

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

- | | | |
|-----|------------------------------------|-----------------|
| (a) | Orientation for New Circuit Judges | 7/9-7/10/06; |
| (b) | '06 Annual Judicial Conf. | 8/23/06; |
| (c) | 22nd Annual Criminal Law Update | 1/26/07; |
| (d) | 5th Annual Civil Law Update | 1/26/07; |
| (e) | '07 Annual Judicial Conf. | 8/22/07; |
| (f) | National Judicial College | 10/14-10/25/07; |
| (g) | 23rd Annual Crim Law Update | 1/25/08; |
| (h) | 6th Annual Civil Law Update | 1/25/08; |
| (i) | '08 Circuit Judges' Conf. | 5/16-5/18/08; |
| (j) | '08 Annual Judicial Conf. | 8/20/08; |
| (k) | 24th Annual Crim Law Update | 1/23/09; |
| (l) | 7th Annual Civil Law Update | 1/23/09; |
| (m) | '09 Circuit Judges' Conf. | 5/6-5/8/09; |
| (n) | '09 Annual Judicial Conf. | 8/19/09; |
| (o) | 25th Annual Crim Law Update | 1/22/10; |
| (p) | 8th Annual Civil Law Update | 1/22/10; |
| (q) | '10 Circuit Judges' Conf. | 5/5-5/7/10; |
| (r) | '10 Annual Judicial Conf. | 8/18/10; |
| (s) | 26th Annual Crim Law Update | 1/21/11; |
| (t) | 9th Annual Civil Law Update | 1/21/11; |
| (u) | "11 Circuit Judges" Conf. | 5/4-5/6/11. |

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

- (a) I have spoken to the 3rd Circuit solicitors and public defenders on evidence topics.
- (b) I have taught selected topics on evidence in the Advanced Evidence course at the National Judicial College in Reno, Nevada.
- (c) I have spoken to attorneys on the South Carolina Tort Claims Act.
- (d) I spoke to young prosecutors on recent case law at an annual Solicitors Conf.

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

(4) Character:

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge James was admitted to the SC Bar in 1985.

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

"After graduating from law school in 1985, I entered private practice with Richardson, James and Player in Sumter as an associate. I eventually became a partner. In 2000, the firm was known as Richardson and James, and that firm merged with another Sumter firm, Lee, Erter, Wilson, Holler and Smith, to become Lee, Wilson, Erter, James, Holler and Smith, LLC. I was a member of that firm until my election to the bench in 2006. During my years in private practice, I handled mostly civil cases in state and federal court, primarily state court. My practice was centered mostly upon representing defendants in civil litigation, and I handled a fair amount of insurance fraud cases for carriers. I also defended governmental entities and law enforcement officers in tort and civil rights cases. I also represented plaintiffs in personal injury matters. I also advised business entities and handled business transactions."

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

"I am currently a circuit judge, having been elected in 2006 by the General Assembly. This is a court of general jurisdiction."

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

- (a) Harris Teeter, Inc. v. Moore & Van Allen, PLLC, 390 S.C. 275, 701 SE 2d 742 (2010). This was a complex legal malpractice action in Charleston County. I granted summary judgment to the defendants on the issue of proximate cause, and further ruled that the plaintiff's summary judgment expert witness affidavits were

insufficient, and further ruled the plaintiff failed to establish that the defendants' conduct was unreasonable. The Supreme Court affirmed.

- (b) Rutland v. SCDOT, 390 S.C. 78, 700 SE2d 241(Ct. App. 2010). In this case, an Orangeburg County jury returned a verdict for the plaintiff in a wrongful death action against SCDOT. I granted SCDOT's post-trial motion to re-allocate the division of a wrongful death and survival settlement the plaintiff had reached with a former defendant, the effect of which was to render the verdict completely set off by the prior settlement. The Court of Appeals affirmed, concluding that I had properly re-allocated the prior settlement.
- (c) State v. James, 386 S.C. 650, 689 SE2d 643 (Ct. App. 2010). In this Distribution of Crack Cocaine case, the Court of Appeals affirmed my decision not to give the jury a mere presence charge. The Court reviewed the situations in which a mere presence charge would be warranted.
- (d) Pringle v. SLR, Inc. of Summerton, 382 S.C. 397, 675 SE2d 783 (Ct. App. 2009). The Court of Appeals affirmed my grant of summary judgment to a restaurant owner, finding that the owner was not negligent in placing residential grade chairs in a commercial establishment, and finding that the doctrine of spoliation of evidence did not preclude the grant of summary judgment, as any inference a jury could derive from the fact that the subject chair was lost or destroyed was that the chair was not defective.
- (e) Workman v. Krishna, LLC and America's Best Value Inns, Sumter County Court of Common Pleas, 2008-CP-43-1138. The plaintiff's decedent was shot to death in a room in a motel in Sumter. The plaintiff advanced theories centered upon the defendants' failure to maintain adequate security for its patrons. I granted summary judgment for the defendants on the ground that there was not a scintilla of evidence of negligence on the part of the defendants. I do not know if the order was appealed.

Judge James further reported the following regarding unsuccessful candidacy:

"In 1999, I ran for the circuit bench. I was not one of the three to make it out of screening."

- (9) Judicial Temperament:
The Commission believes that Judge James's temperament has been and would continue to be excellent.
- (10) Miscellaneous:
The Pee Dee Citizens Committee found Judge James "Qualified" with respect to the following evaluative criteria: constitutional qualifications, physical health, and mental stability. The Citizens Committee found Judge James "Well qualified" with respect to the following evaluative criteria: ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee stated in summary, "Judge James is known to come into the courtroom well prepared for the cases he is to hear and he expects the attorney on those cases to be prepared as well. We believe this to be a fine quality in a judge."

Judge James is married to Dena Owen James. He has two children.

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

- (a) SC Bar Association, 1985-present;
- (b) Sumter County Bar Association, 1985-present. I can't remember exactly when, but I was secretary-treasurer in the early to mid-1990s;
- (c) SC Circuit Judges' Association, 2006-present;
- (d) American Bar Association, Judicial Division, 2010-present.

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

- (a) Cotillion Club (Social Club);
- (b) Sumter Assembly (Social Club);
- (c) Les Trente (Social Club);
- (d) J. Matthew Perry Civility Award- presented to me by the Richland County Bar Association in 2009.

Judge James further reported:

"I was fortunate to grow up with parents who provided me with an enormous amount of love and direction. My late father was a consummate gentleman and was also my law partner when he died in 1999. I learned a great deal from him as a man and a lawyer. I have always tried to conduct myself in a way that would make him proud. I haven't always measured up, but even on the bench, I frequently consider how I think he would handle difficult situations. Many might think that judges who weren't exposed to financially and socially disadvantaged formative years could not possibly identify with or empathize with litigants who are in that category. However, I was taught to be gracious and courteous to everyone, and I have tried mightily as a judge to treat everyone accordingly. Also, when I was in private practice, I had an extremely busy practice. I still have not forgotten that attorneys in this day and age are under-appreciated and overworked. I remind myself that the lawyers who appear in front of me are likely burning the candle at both ends and are trying very hard to represent their clients to the best of their ability and that on occasion, they need some slack."

(11) Commission Members' Comments:

The Commission commented on Judge James' outstanding reputation and intellect on the Circuit Court bench, as well as his score on the Commission's Practice and Procedures test, which was the highest among all the Circuit Court candidates.

(12) Conclusion:

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

The Honorable John Michael Baxley
Fourth Judicial Circuit, Seat 2

Commission’s Findings:

QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Baxley was born in 1956. He is 55 years old and a resident of Hartsville, SC. Judge Baxley 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 1982.

(2) Ethical Fitness:

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

Judge Baxley 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 Baxley reported that he has made \$25.00 in campaign expenditures for clerical assistance and the costs of mailing his application to the Commission, estimated at less than \$3.00.

Judge Baxley testified he has not:

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

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

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

- (a) All Annual Civil and Criminal Law Updates;
SC Bar Convention (2006-2011);
- (b) All Annual Circuit Judges’ Conference Programs—
Various subjects (2006-2011);
- (c) All Annual Judiciary Conference Programs—

- Various subjects (2006-2011);
- (d) Instructor, S. C. New Circuit Judges School (2006 -2011);
- (e) National Judicial College --
“Mental Health & Substance Abuse Disorders (2007);
- (f) National Access to Justice Commission Conference
- (g) National Judicial College Course -- “When Justice Fails” (2011).

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

“Since being elected to the bench, I have conducted seminars on mental health issues at the Solicitors’ and Public Defenders’ annual conventions; have spoken to the circuit judges on mental health issues at our annual conferences; lectured on ethics and the case of In Re: Anonymous Member of the South Carolina Bar at the annual convention of the South Carolina Association for Justice; presented on the operations of the multi-week trial civil docket to the South Carolina Association of Defense Trial Attorneys; administered the new attorney’s oath and discussed ethics and professionalism at Bar meetings and/or group conferences; participated as a discussion panel member before several legal groups on various issues; and, as of this writing, am preparing a distance learning presentation for the South Carolina Bar CLE division on the topic of “When Justice Fails,” a study of the German justice system before and during World War II.”

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

(4) Character:

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

The Commission also noted that Judge Baxley 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 Baxley did not report a rating by any legal rating organization.

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

“It was my privilege to serve as a member of the SC House of Representatives, elected from District 65 (portions of Chesterfield, Darlington, Kershaw, Lee, and Sumter counties) from 1986-98. I did not seek re-election in 1998.”

(6) Physical Health:

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

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

(8) Experience:
Judge Baxley was admitted to the South Carolina Bar in 1982.

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

“I was employed with only one firm during my career as a practicing lawyer, Driggers, Baxley & Moyd of Hartsville, SC. This partnership was a small town, general practice firm. For the first four years (1982-1986), my practice involved numerous areas of law including real estate, probate, workers compensation, domestic, criminal, corporate and business, and civil claims. During this time, I participated as a referral attorney for the local legal services office, for two years I served as chairman of the Darlington County Public Defender Corporation, and for three years served as prosecutor for the city of McBee, SC municipal court.

It was my privilege to be elected to the SC House of Representatives in 1986, which significantly changed my practice. Time constraints required that I withdraw from the Family and General Sessions Courts, and all other practice areas were curtailed in favor of a civil practice. The nature of my civil practice also changed, switching from general administration of tort claims to handling matters in litigation. This further developed into litigation referrals from other attorneys of cases that involved claims against governmental entities, unusual liability theories, and/or atypical damages issues.

Since July 1, 2000, I have served continuously as a state circuit judge.”

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

“I have served as a Circuit Court judge continuously since June 25, 2000, having been elected by the General Assembly to the Fourth Judicial Circuit Residential Seat 2 position on February 8, 2000, and again on February 9, 2006. This is our state’s trial court of general jurisdiction.”

The following is Judge Baxley’s account of his five most significant orders or opinions:

(a) South Carolina Department of Mental Health Forensic Evaluation Cases

Statewide Jurisdiction commencing September 1, 2003

By Order of the Chief Justice, I was given oversight authority for operation of the forensic evaluation services of the Department of Mental Health with instructions to reduce and eliminate significant backlogs for criminal defendants awaiting mental evaluation for competency and criminal responsibility. S. C. Code Ann. § 44-23-410 allows thirty (30) days for a competency examination to be conducted and an additional five (5) days for a written report to be returned to the Court. At the commencement of the oversight period, some defendants were waiting in local jails over six months for evaluation. That period is now down to an average of less than thirty (30) days, and the Department is in statutory compliance. In the process of reducing the backlogs, new and more detailed evaluation commitment orders have been developed, new procedures for evaluation scheduling have been employed, and safeguards put in place to eliminate non-meritorious requests for evaluation that may

be attempted for delay, strategy, or some other tactic. The faster evaluation process has resulted in significant savings to county detention centers statewide and a timelier disposition of cases where the mental status of the defendant is at issue.

In May of 2011, the Chief Justice requested that this oversight process be expanded to develop a statewide uniform procedure for all circuit solicitors, the Department of Mental Health, and the Department of Disabilities and Special Needs to employ with regard to the monitoring and follow up for individuals who are found to be permanently not competent to stand trial or adjudged not guilty by reason of insanity. This process is currently ongoing.

(b) Waldrop vs. City of Greenville and Commissioners of Public Works
(Greenville, 02-CP-23-8070)

Trial date October 10, 2003. This civil claim involved the right of public access to lands owned by public entities. The defendants are owners of a large tract of pristine property that surrounds a watershed that provides drinking water for most of Greenville County. Previously no public access was allowed to the tract. The Defendants then entered into a use easement that allows hiker access to the mountainous property, connecting the Palmetto and Appalachian Trails. Plaintiffs were neighboring landowners who sought to use a previous conservation easement granted by Defendants to the Nature Conservancy to prevent public access to Defendants' property. Judgment was granted for the Defendants on the basis that the Plaintiffs had no standing to assert the Nature Conservancy easement as a bar to prevent public access; further, reasonable use by the public of this beautiful and publicly held property is appropriate. The decision was not appealed.

(c) State of South Carolina vs. David and Darry Hanna
(Florence, 04-GS-21-1078) Murder

Trial date August 8, 2005. Two brothers were charged and tried jointly for the murder of David Hanna's wife, the town administrator for the city of Johnsonville, SC. The case was entirely circumstantial, and presentation of the state's case took nine (9) days. The state's theory of prosecution was that Defendant Darry Hanna shot David Hanna's wife at the direction and request of David Hanna. Because it involved the murder of a public official, allegedly killed by family members, the case was significantly reported in the press. The trial was hotly contested and involved multiple issues including evidence admissible against one defendant but not the other, third party guilt, exclusion/inclusion of inconclusive forensic evidence, proof thresholds in purely circumstantial cases, discovery disputes and allegations of failure to disclose witnesses, and many others. At the close of the state's case, I dismissed all charges in favor of the Defendants because of a total failure of proof against Defendant Darry Hanna, and all other indicted charges were founded upon Darry Hanna being convicted of murder (conspiracy to commit murder, accessory before and after the fact of murder). Great controversy erupted over the dismissal of the charges; however, the law is clear—evidence that casts a mere suspicion and does not go to actual proof of murder is not sufficient to support a conviction, and if there is nothing more than suspicion at the conclusion of the state's case, the Court has a responsibility to dismiss the charges. See State v. Schrock, 283 S.C. 129, 322 S.E.2d 450 (1984). The decision was not appealable.

- (d) T.R., K.R., P.W., A.M., and the SC Protection and Advocacy for People with Disabilities vs. The State of SC and SC Department of Corrections (Richland, 05-CP-40-2925) Class Action Inmate Litigation
Currently scheduled for a 4-week non-jury trial in February, 2012. This case is brought on behalf of all current SCDC inmates who suffer from serious mental illness, approximately 2,500 individuals. Plaintiffs allege that the lack of mental health treatment within the Department of Corrections, the lack of crisis stabilization procedures, the use of excessive force, and the insufficient number of mental health professionals results in cruel and unusual punishment in violation of the Eighth Amendment to the United States Constitution and Article I, §15 (cruel and unusual punishment) and Article XII, §2 (providing for health and rehabilitation of inmates) of the SC Constitution. The State vigorously denies these claims. Plaintiffs are represented pro bono by the Nelson Mullins Law Firm, and the state is represented by in house counsel from SCDC, the office of the Attorney General, and the firm of Davidson & Lindemann of Columbia.
- (e) Estate of McBryde, et. al. vs William Frank Davidson and Lancaster Recovery Center, et. al.
(Marlboro, 09-CP-34-72, 73, 74, and 113) Multiple Wrongful Death.
Trial Date December 10, 2009. This case arose from an automobile accident near Bennettsville, SC, in which three children were killed and a fourth permanently brain-injured. The wreck resulted when Defendant Davidson's vehicle crossed the center line on a rural road and struck Plaintiffs' vehicle head-on. The collision occurred on a Sunday evening, and Defendant Davidson had been refused entry to a Lancaster substance abuse treatment center earlier that day, although he had been a patient as recently as two days before, and although he allegedly informed the staff he was actively using crack cocaine in the facility parking lot. This case involved substantial and unusual questions of superseding and intervening negligence, professional negligence, proximate causation, spoliation of evidence in the destruction of Defendant Lancaster's treatment files, and the disappearance of evidence during trial. Verdict for Plaintiffs in the amount of \$10.5 million actual and punitive damages against all Defendants, case settled post-trial.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Pee Dee Citizens Committee found Judge Baxley "Qualified" in the evaluative criteria areas of constitutional qualifications, physical health and mental stability. The Committee found Judge Baxley "Well qualified" in the areas of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee stated in summary, "Judge Baxley is an extremely conscientious judge who understands the law well and is willing to apply it fairly to all litigants appearing before him."

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

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

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

- (a) YMCA;
- (b) Butler Heritage Foundation—former member, Board of Directors;
- (c) Renofest sponsor (local bluegrass annual festival);
- (d) Hartsville Community Players sponsor;
- (e) Hartsville Civic Chorale sponsor;
- (f) Hartsville Museum sponsor;
- (g) Hartsville Community Concerts sponsor;
- (h) Brookgreen Gardens—member, President’s Council.

Judge Baxley further reported:

“Thank you for the opportunity to seek re-election to the South Carolina judiciary. I am humbled by the confidence shown by the Judicial Merit Selection Commission and the SC General Assembly in allowing me to serve two previous terms in this position.”

(11) Commission Members’ Comments:

The Commission commented on Judge Baxley’s outstanding service on the Circuit Court bench, noting that he is well respected and exhibits fine judicial temperament.

(12) Conclusion:

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

**The Honorable Lee Casey Manning
Fifth Judicial Circuit, Seat 2**

Commission’s Findings:

QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Manning was born in 1950. He is 61 years old and a resident of Columbia, SC. Judge Manning provided in his application that he has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1977.

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

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

Judge Manning testified he has not:

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

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

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

- (a) Annual Judicial Conference 08/23/06;
- (b) Annual Criminal Law Update 01-26-07;
- (c) Annual Civil Law Update 01-26-07;
- (d) Insurance Coverage Seminar 06-19-07;
- (e) Annual Judicial Conference 08-22-07;
- (f) Annual Civil Law Update 01-25-08;
- (g) Annual Judicial Conference 08-20-08;
- (h) Commission on Judicial Conduct 10-21-08;
- (i) Annual Criminal Law Update 01-23-09;
- (j) Annual Civil Law Update 01-23-09;
- (k) Circuit Court Judges Assn. 05-06-09;
- (l) New Judges’ Orientation School 07-08-09;
- (m) Conference on Lawyers & Judicial Discipline 10-22-09;
- (n) Circuit Judges Association 05-05-10;
- (o) SCAJ Annual Convention 08-05-10;
- (p) Conference on Lawyers & Judicial Discipline 10-26-10;
- (q) Annual Criminal Law Update 01-21-11;
- (r) Trial & Appellate Advocacy Section 01-21-11;
- (s) Annual Judicial Conference 05-05-11.

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

- (a) I have lectured at Joint SC Correction Assn. & Parole Agents' Conf.;
- (b) I have spoken at the National Youth Violence Prevention Seminar;
- (c) I have lectured at the SC Reserve Fund Seminar;
- (d) I have spoken at Magistrates Conferences;
- (e) I have spoken at the SC Bar Young Lawyers Division;
- (f) I have lectured at the Presbyterian Student Peace and Justice Institute;
- (g) I have spoken at the WLTX Player of the Year Banquet.

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

(4) Character:

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

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

Judge Manning reported that he held the following public offices:

- (a) SC Assistant Attorney General – Appointed 1983-89;
- (b) Bar Examiner – 1992.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Manning was admitted to the SC Bar in 1977.

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

- (a) 1979-83: Attorney and Counselor at Law, Dillon County, private practice;
- (b) 1980: Part-time instructor, Florence-Darlington Technical College;
- (c) 1983-89: South Carolina Assistant Attorney General;
- (d) 1988-89: Chief of Prosecutions;
- (e) 1989-94: Partner with Walker, Morgan & Manning, Lexington, SC;

- (f) 1994 – Present: Circuit Court Judge, Fifth Judicial Circuit.

Judge Manning reported that he has held the following judicial office:
Elected Circuit Court Judge, Fifth Judicial Circuit, 2-21-94.

The following is Judge Manning’s account of his five most significant orders or opinions:

- (a) State v. Tamika Grooms, 343 S.C. 248,540 S.E.2d 99. Verbal Order from the bench regarding the burden of proof by which a defendant must establish a ‘credible history of criminal domestic violence’ in order to obtain earlier parole eligibility date provided by §16-25-90 (Supp 1999);
- (b) Kathy Gibson v. Spartanburg School District #3. Ct. of Appeals No. 3102;
- (c) State v. William Ernest Downs, Jr. (Death Penalty Sentencing Order);
- (d) City of Columbia v. Pic-A-Flic Video, Inc., Supreme Court Opinion No. 25113;
- (e) State v. Cutro. Routine (Bail Order).

Judge Manning further reported the following regarding an unsuccessful candidacy:
Unsuccessful candidate for Court of Appeals – 2006.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee found Judge Manning “Well qualified” for each of the nine evaluative criteria: constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament. The Committee stated in summary that they were “honored to interview Judge Manning, and we enjoyed our interview with him. We believe he is truly an asset to our State and our Judiciary. We are grateful for his continued service on the Circuit Court, and we believe he is most eminently qualified to continue his legacy of outstanding service and leadership on our Circuit Court.”

Judge Manning is divorced and has three children.

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

- (a) SC Bar Association – 1977 to present – Criminal Law Secretary 1987-88;
- (b) SC Association for Justice – National Minority Delegate;
- (c) Greater Columbia Chamber of Commerce, Sports Committee 1973-74;
- (d) SC Bar Board of Law Examiners 1992;
- (e) SC Bar Special Committee on the Judiciary 1991-92;
- (f) Hearing Masters, Rules on Judicial Discipline & Standards 1994-98;
- (g) SC Commission on Judicial Conduct 1996 to present;
- (h) Investigative Panel – 1998 to present;
- (i) SC Sentencing Guidelines Commission 1999 to present;

- (j) United States Court of Appeals;
- (k) United States District Court, District of SC.

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

- (a) Recipient of the S.C. Trial Lawyers Association Award Aug. 2006;
- (b) Recipient of the American Board of Trial Advocates Award Feb. 2011.

(11) Commission Member's Comments

The Commission commented that Judge Manning has very ably served on the Circuit Court bench for seventeen years and noted his continuing service on the Commission on Judicial Conduct.

(12) Conclusion

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

Robert Eldon Hood
Fifth Judicial Circuit, Seat 3

Commission's Findings:

QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Mr. Hood was born in 1975. He is 36 years old and a resident of Columbia, South Carolina. Mr. Hood 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.

(2) Ethical Fitness:

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

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

Mr. Hood testified he has not:

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

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

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

- | | | |
|-----|---------------------------------------|-------|
| (a) | SCAJ – | 2011; |
| (b) | Sporting Clays Ethics with the Judges | 2011; |
| (c) | Sporting Clays Ethics with the Judges | 2010; |
| (d) | SCAJ | 2009; |
| (e) | Bridging the Gap – Defending DUI | 2009; |
| (f) | SCTLA | 2008; |
| (g) | Beginning Westlaw | 2008; |
| (h) | Guideline Seminar | 2008; |
| (i) | Federal Criminal Practice | 2008; |
| (j) | Sporting Clays/Skeet Shoot | 2008; |
| (k) | Fighting to Win your DUI | 2008; |
| (l) | Skeet Shoot | 2007; |
| (m) | Criminal Law Update | 2006. |

Mr. Hood reported that he has not taught any law-related courses.

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

(4) Character:

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

The Commission also noted that Mr. Hood 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. Hood reported the following rating by a legal rating organization, "Rated 2.9 out of 5, and I have met the very high criteria of General Ethical Standing."

(6) Physical Health:

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

(7) Mental Stability:
Mr. Hood appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Mr. Hood was admitted to the South Carolina Bar in 2001.

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

“(a) Fifth Judicial Circuit Solicitor’s Office – Fall of 2001 to 2003

I handled prosecution cases in General Sessions Court as an Assistant Solicitor including violent crimes, property crimes, white collar crimes, drug related crimes and misdemeanors.

(b) South Carolina Attorney General’s Office – 2003 to 2005

I served as an Assistant Attorney General for the Statewide Grand Jury. I handled multi-county drug trafficking cases, large scale securities fraud cases, and white collar/public corruption cases throughout the state in General Sessions Court.

(c) Strom Law Firm, LLC 2005 – Present

Our law firm handles criminal and civil complex litigation cases. I primarily work in the area of criminal defense including all levels of criminal cases from magistrate’s court to general sessions court to federal court. I practice extensively in all levels of state and federal court on almost a daily basis. I also handle all levels of civil litigation mainly focused on representation of plaintiffs.”

Mr. Hood further reported:

Experience in Criminal Matters

“I have extensive experience in handling criminal matters both as a prosecutor and as a criminal defense attorney. I began my practice by serving as an Assistant Solicitor in Richland County and then moved on to an Assistant Attorney General in the Statewide Grand Jury Division. While serving in these positions I have handled jury trials, bench trials, and hundreds of motions and guilty pleas in Magistrate’s Court, General Sessions Court, and Federal Court. I have tried Murder cases both as a prosecutor and as a criminal defense attorney. Further as an Assistant Solicitor, I helped prepare a capital murder trial. I have handled violent crimes, property crimes, drug crimes, and misdemeanors both as a prosecutor and as a criminal defense attorney.

I practice almost daily in federal, state, magistrate, or local criminal court. I have represented victims as a prosecutor and as a defense attorney. I have represented defendants charged with all levels of crime in South Carolina. I have also practiced extensively in federal criminal court handling large scale white collar cases and complex drug trafficking conspiracy cases.

I have worked on legal issues involving securities law, change of venue in high profile cases, complex plea negotiations with corporations, search and seizure, and admissibility of statements.

While at the Attorney General’s office I successfully tried the largest securities fraud case in South Carolina history. I also successfully tried the largest methamphetamine dealer in the

state (at that time) whose case was affirmed on appeal. I have also handled multiple PCR cases from basic guilty plea PCRs to murder cases that went through a full trial.”

Experience in Civil Matters

“All of my dealings in civil matter have been on the plaintiff’s side of the case. I have drafted and argued motions, taken depositions, and prepared multiple cases for trial. I have also been involved in settlement negotiations on multiple cases and have a strong understanding of the civil system in South Carolina. I have handled cases from the pleadings and discovery stages to preparation for jury trial. I continue to research and study civil cases and authoritative sources concerning procedure and substantive aspects of civil law. I also have handled cases in federal civil court.”

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

- (a) federal: weekly to monthly;
- (b) state: three to five days a week.

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

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

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

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

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

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

- (a) State v. Larry C. Owen – In this trial in Greenville County General Sessions Court I was an Assistant Attorney General for the statewide grand jury. The case was a large scale securities fraud trial. After week one of a three week trial, Mr. Owen pled guilty to all charges pending against him. This was the first ever securities fraud criminal trial in South Carolina and the largest criminal fraud case ever in South Carolina.
- (b) State v. Earle Morris – In this trial in Greenville County General Sessions Court I was an assistant attorney general for the statewide grand jury. Mr. Morris maintained his innocence throughout a three week long trial. During this trial I handled complicated legal issues that had never before been handled in South Carolina. Mr. Morris was convicted and his conviction was upheld on appeal.
- (c) State v. Denise Hagan – In this trial in Abbeville County General Sessions Court, I was an assistant attorney general for the statewide grand jury. Ms. Hagan was the

largest methamphetamine dealer in South Carolina. Hagan was represented by Jack Swerling and the trial went to jury verdict where Ms. Hagan was convicted. The case had complicated search issues, admissibility of statements issues, co-conspirator hearsay issues, and confrontation clause issues. Ms. Hagan's conviction was affirmed on appeal.

- (d) State v. Eugene King – In this trial in Orangeburg County, I was appointed by the Court to represent Mr. King in his then pending Murder case. Mr. King had previously been represented by the public defender's office when just weeks before trial I was appointed to represent him. There were complicated legal issues involving admissibility of statements, mental health issues, and evidence preservation. Based on legal arguments presented at trial, the Court decided to give an involuntary manslaughter charge to the jury to which the state objected. Mr. King was convicted and his conviction was upheld on appeal and his PCR was denied.
- (e) Campbell Soup Company v. Mehder – In this civil case, our firm was retained by Campbell Soup Company to bring a civil action against Ms. Mehder for taking in excess of one million dollars from Campbell's illegally. I have handled all of the pleadings, motions, settlement negotiations and hearings in this case. This case is in York County Common Pleas and is still pending.

Mr. Hood stated that he has not personally handled any civil appeals.

The following is Mr. Hood's account of the criminal appeal he has personally handled:

United States of America v. Jamar Robinson

4th Circuit Court of Appeals

No. 05-5276

Unpublished

January 11, 2007.

Mr. Hood further reported the following regarding unsuccessful candidacies:

“(a) Candidate for 5th Judicial Circuit, Seat 1, Election February 2011;

(b) The Citadel Board of Visitors, Spring 2010.”

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Mr. Hood “Well-qualified” for all nine evaluative criteria: constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament. The Committee stated in summary: “The Committee was honored to interview Mr. Hood, and we enjoyed our time with him. His energy and enthusiasm is contagious. We feel certain that he has the character, work ethic, and experience to be an outstanding Circuit Court Judge. We believe he is eminently qualified to serve on the Circuit Court.”

Mr. Hood is married to Kristina Kirk Hood. He has two children.

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

- (a) SCAJ;
- (b) Richland County Bar Association;
- (c) SCACDL.

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

The Citadel Alumni Association.

Mr. Hood further reported:

“I believe that my unique experiences in handling both criminal and civil cases throughout my legal career provide me with the skill set necessary to be a competent, courteous, compassionate, and concerned judge. This broad and balanced perspective of the legal system gives me the unique ability to serve humbly and fairly to all lawyers, litigants, jurors, and court staff.”

(11) Commission Members’ Comments:

The Commission noted that Mr. Hood possesses an outstanding reputation as an attorney. They commented that his intellect and wealth of trial experiences would ably serve him in discharging his responsibilities as a Circuit Court judge.

(12) Conclusion:

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

John P. Meadors
Fifth Judicial Circuit, Seat 3

Commission’s Findings:

QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Mr. Meadors was born in 1961. He is 50 years old and a resident of Columbia, SC. Mr. Meadors 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 1988.

(2) Ethical Fitness:

The Commission’s investigation did not reveal any evidence of unethical conduct by Mr. Meadors.

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

Mr. Meadors testified he has not:

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

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

A complaint was filed by Dr. Marie-Therese H. Assa'ad-Faltas against Mr. Meadors' candidacy for this judicial position. In summary, Dr. Faltas reasserted her claims against Mr. Meadors from a November 11, 2010 public hearing in which she contended that Mr. Meadors refused to review evidence that Dr. Faltas said was proof that attorneys in Mr. Meadors' office had misled the circuit court in a criminal matter involving Dr. Faltas. After, the Commission heard testimony from and reviewed documents provided by Dr. Faltas, as well as heard testimony from Mr. Meadors in response to Dr. Faltas' allegations at the November 11, 2010 public hearing, the Commission determined that her complaint was without merit. The Commission determined not to rehear Dr. Faltas' prior allegation at the most recent public hearing. However, at the November 15, 2011 hearing, the Commission heard limited testimony related to a new, additional allegation made by Dr. Faltas, that is, Mr. Meadors was culpable for doing nothing when he allegedly knew after the November 11, 2010 hearing that perjury had occurred. The Commission also heard Mr. Meadors' testimony regarding this newest allegation and reviewed the transcript from the November 11, 2010 public hearing. The Commission found Dr. Faltas' new, additional allegation completely without merit.

(3) Professional and Academic Ability:

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

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

- (a) 2011 Solicitor's Conference 9/28/2010;
- (b) 2010 Solicitor's Conference 9/27/2010;
- (c) A Civil Trial From Start to Finish 9/21/2010;
- (d) A Civil Trial From Start to Finish 9/7/2010;
- (e) 2010 Mid-Year Bar Association 1/21/2010;
- (f) 2009 SC Solicitors' Conference 9/27/2009;
- (g) 2008 SC Solicitors' Conference 9/28/2008;

- (h) Capital Litigation Prosecution 9/11/2008;
- (l) Prosecution the Impaired Driver 7/17/2008;
- (j) 2007 Solicitors' Conference 9/23/2007;
- (k) 2006 Solicitors' Conference 9/27/2006;
- (l) 21st Annual Criminal Law Update 1/27/2006;
- (m) 2005 Solicitors' Conference 9/25/2005.

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

- (a) 20th Annual Criminal Practice in South Carolina- Speaker- Grab Bag of Procedure and Process Issues 2/2011.
- (b) SC Solicitors' Association 1997 Annual Conference-Taught “Back to the Basics.”
- (b) Boot Camp for New Prosecutors 2/18/2009-Taught and instructed new attorneys in criminal prosecution.

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

(4) Character:

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Meadors was admitted to the SC Bar in 1988.

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

“I started my legal career in the Fifth Judicial Circuit Solicitor's Office as an assistant solicitor. From 1988-91, I prosecuted everything from magistrate court offenses to rapes, armed robberies and murders.

From 1991-95, I worked for the SC Attorney General's Office in the State Grand Jury Division. Under the supervision of (now) Judge Cameron Currie, I was part of a team that prosecuted major drug conspiracies statewide. In addition to presenting evidence to the State

Grand Jury and prosecuting the cases, we also handled the civil forfeiture aspect of the cases. During this time, I personally prosecuted numerous cases around the state; including a multi-county drug conspiracy case involving 8 defendants that culminated in a conviction after a three week jury trial in Kershaw County. I also was the lead prosecutor in the second child pornography prosecution and the first money laundering case for the State Grand Jury. In addition, I was also appointed a Special Assistant US Attorney and worked with the US Attorney's Office in the presentation of evidence to the Federal Grand Jury and preparation of a joint federal/state drug conspiracy prosecution.

From 1995 to 2003, I was the First Assistant Solicitor in charge of the Kershaw County Solicitor's office in the Fifth Judicial Circuit. I was responsible for the prosecution of all General Sessions Court and Family Court cases in Kershaw County.

From 2003 to 2011, I was the Deputy Solicitor for the Fifth Judicial Circuit (Richland and Kershaw). I have been responsible for the supervision of over 30 attorneys and the prosecution of criminal cases in the fifth Judicial Circuit. As Deputy Solicitor, I have primarily tried murder cases.

Since April of 2011, I have been employed as a part time Assistant Solicitor for Solicitor Ernest Finney, III, in the 3rd Judicial Circuit. I have also been employed with the law firm of McWhirter, Bellinger and Associates. I have been involved in several civil cases at the law firm, and will continue to work on criminal and civil cases prior to this position becoming available. This will further prepare me for Common Pleas Court.”

Mr. Meadors further reported:

“I have been involved in the prosecution of hundreds of jury trials including non-violent and violent felonies. In the past five years, I have primarily prosecuted murder cases including Homicide by Child Abuse and Felony DUI Resulting in Death cases.

Cases I have tried in the past year:

State v. Charles Gambell: The defendant killed his ex-girlfriend and two other individuals at the Colony Apartments in Columbia. The defendant then called a friend who helped him dispose of the bodies in a nearby drainage ditch. The defendant was also charged with Burglary 1st and received four consecutive life sentences.

State v. Maurice Abrams: This was a Sumter County case and was tried in June 2011. The jury convicted the defendant for murder, armed robbery, and possession of a fire arm during the commission of a felony. The case involved co-defendant testimony and the defendant received a sentence of life plus 35 years.

State v. Andrea Pearson: The defendant worked as a daycare worker and was convicted of killing on of the babies in her car (Homicide by Child Abuse). The victim died in 1998 and two other babies in her care died in the ten years following. She was tried and convicted for the first death. In this case I cross-examined an expert in false confessions who was presented by the defense.

State v. Johnny Gaskins: The defendant shot and killed a bouncer and customer at a Super Bowl party at Club 360 in Richland County after being asked to leave the bar. He was also charged with three counts of Assault and Battery with Intent to Kill (ABID) for wounding three other individuals at the establishment.

State v. John Portee: The defendant, an employee at Wendy's restaurant on Two Notch Road in Richland County, killed his supervisor and another employee after a dispute earlier that week regarding working at the drive through window.

State v. Christopher Arant: The defendant slammed his wife's head into his truck window the morning after her son had beaten him for previously assaulting the victim (his mother). The victim died as a result of her injuries.

State v. Rafael Goodwin, State v. Timark Hammonds, State v. Isiah Smith, State v. Terran Clark: This case involved a gang related retaliation which resulted in homicide. All Defendants pled guilty.

State v. William Jenkins: The defendant killed three people at Wellesly Place Condominiums in Richland County.

I have handled a case in Kershaw County juvenile court where a child shot and killed his brother.

Some of the cases I have tried over the past five years:

State v. Oliver, State v. Gallman, State v. Joy: A triple homicide case involving three co-defendants and statements which had to be redacted according to Bruton v. United States, 391 U.S. 123, 88 S. Ct. 1620 (1968).

State v. Whitehead, State v. Robert Cannon, State v. Derreck McDonald:

Three co-defendants beat a young man to death in his home in Kershaw County. This case had numerous legal issues including redaction of defendants' statements pursuant to Bruton and voice identification.

State v. Tobias Lee: A Georgia man killed an elderly victim and stole his car. The defendant was wanted for several armed robberies in Columbia and also wanted in Georgia for murder and rape. The defendant was ultimately captured in Monroe, LA after being featured on America's Most Wanted.

State v. Christopher Caldwell: The defendant was a young man who pled guilty to murder; he decapitated his mother with a medieval ax.

State v. Jaime Marrero: The defendant killed the clerk at a Kangarooconvenience store on Garners Ferry Road. This case went unsolved for years. Co-defendants and the defendant's ex-girlfriend testified at his trial, which resulted in a murder conviction.

State v. Christopher Pittman: The defendant, a twelve year old boy, killed his grandparents in Chester county. His defense counsel unsuccessfully attempted to blame the killings on the anti-depressant Zoloft.

State v. Dwaine Herring: The defendant, a local attorney, killed a bouncer at a night club in Richland County. The defense unsuccessfully attempted an involuntary intoxication defense.

State v. Jason Dickey: The defendant was a night watchman at Cornell Arms Apartments in downtown Columbia who killed an unruly young man who was visiting a resident. The case involved issues surrounding the Castle Doctrine and its application. The defendant shot the victim on the sidewalk in front of Cornell Arms and presented expert testimony regarding the difference between public and private property. The defendant was convicted of voluntary manslaughter.

State v. Kevin Goodwin: The defendant killed a Forest Acres physician who came home while the defendant was burglarizing his house. The defendant was identified through a C.O.D.I.S. Hit by KNA left on a cigar butt which was discarded at the scene.

State v. John Moore: This case involved road rage; the defendant shot and killed a passenger in a vehicle on I-20. This case went unsolved for years but was resolved by a witness' cooperation and defendant's statements.

State v. Timothy Green, State v. Curtis Harris: Two teenagers killed an elderly store owner in Hopkins. One of the defendants stated he wanted to rob the store for his birthday.

State v. Lawrence Crawford: The defendant killed his child by beating her to death. He would not allow his family to leave their home without him and initially coerced another child to claim she had committed the act. He was ultimately convicted of murder for killing his daughter.

State v. Vincent Filyaw: The defendant kept a young girl in an underground bunker for ten days and raped her repeatedly. The young victim escaped after law enforcement tracked the text messages that she sent to her mother. The defendant received 421 years imprisonment.

State v. Dennis Kirk: The victim had asked the defendant for directions to the post office and the defendant offered to ride with him. The defendant pulled a gun on him, ordered him to drive to a remote area, shot him in the head, and later burned his truck.

State v. Carmen Rice: A female defendant shot the victim five times in a remote area of Richland County. The defendant planned on robbing the victim; the case involved a female accomplice's testimony.

State v. Sharon Smith: Female defendant stabbed her husband to death and unsuccessfully argued that she did not intend to kill him.

State v. June Harris: Three children testified as eyewitnesses against their mother's ex-boyfriend who shot their mother and killed her new boyfriend.

State v. Christopher Commander: The defendant suffocated his wife and for over a month led her family to believe she was still alive. Several weeks after he had killed her mother, the defendant sent the daughter a text message from the victim's phone saying "I'm alive" He was ultimately captured by the New Orleans Police Department and was brought back to Richland County for trial, where he was convicted of murder.

State v. Keith Sims: Richland county defendant killed a victim and then dumped the body in Molly's Rock Park in Newberry County and then disposed of the victim's clothes in Charleston. Defendant unsuccessfully claimed self-defense.

I have also prosecuted five Capital Murder cases, two of which went to trial. In one of these cases, I conducted the first hearing in the state on the applicability of Capital Punishment to a defendant claiming mental retardation.

My significant experience trying cases in General Sessions Court has provided me a solid foundation to become a circuit court judge. As a result of my trial experience, I have dealt with all aspects of criminal law including evidentiary issues such as eyewitness identification, DNA evidence, competency of defendants, search and seizure, and other related issues. I have presented and cross-examined experts in forensic psychiatry, forensic pathology, statistics, bloodhounds, eyewitness identification, fingerprints, crime scenes, firearms and ballistics, gun-shot residue and other fields of expertise.

My experience in civil matter includes assisting in handling asset forfeitures in drug cases, driving offenses, and judicial commitment proceedings. Because the rules of evidence are the same in both criminal and civil trials, my trial experience in General Sessions Court provides me with a good foundation which I can build upon to become proficient in Common

Pleas Court. Furthermore, I have studied the rules of civil procedure and have followed the changes in the law by reading the Advance Sheets.”

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

- (a) Federal: minimal--have appeared in Federal Court to inform Judge of state defendant's cooperation for downward departure sentencing;
- (b) State: extensive.

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

- (a) Civil: 10%;
- (b) Criminal: 80%;
- (c) Domestic:
- (d) Other: 10% Family Court – helped prosecute juveniles in Kershaw County this past year.

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

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

Mr. Meadors provided that he most often served as lead counsel.

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

- (a) State V. Pittman, 373 S.C. 527, 647 S.E.2d 144 (2007) – This case drew national attention because the defendant was twelve years old at the time of the murders and the anti-depressant Zoloft was a potential issue. The defense had argued that the drug had caused the defendant to lose control and that he was not responsible for the death of his grandparents. Legally this case was significant because the opinion held that lay testimony may be used to rebut the presumption of incapacity regarding children under fourteen years of age. Court held that the M'Naughten test is the correct standard for determining criminal responsibility at the time of the offense. This includes the defense of involuntary intoxication.
- (b) State v. Herring, 387 S.C. 291, 692 S.E.2d 490 (2009) – An attorney shot and killed a bouncer in a local nightclub. Police responded to the defendant's residence and peeked into his garage where they saw the defendant's vehicle that was seen earlier on a videotape. The South Carolina Supreme Court discussed the Fourth Amendment and its exceptions. Held that the officer's minimal intrusion was objectively reasonable and did not constitute a Fourth Amendment violation. Held it was objectively reasonable for the officer to take precautions to protect his own safety, and the safety of the other officers by looking in the garage to see if suspect was present. After seeing no one in the garage, police knocked on the front door and waited to get a search warrant. Looking in garage yielded no evidence, in as much as the police already knew the make and model and license tag of the car, as well as the address of the suspect.

- (c) State v. Goodwin, 384 S.C. 588, 683 S.E.2d 500 (2009) – The victim, a retired Forest Acres physician, was shot in the head inside his home after he surprised the intruder. The defendant was linked to the crime by a cigar butt he left outside of the window of the residence which was determined to be the point of entry. This was the first case in this jurisdiction where a suspect was identified from the SLED DNA database, C.O.D.I.S. Held that probable cause was established at least for the burglary from the fact that the defendant's DNA was on the cigar butt outside the point of entry. The court further held that the statement of defendant was freely and voluntarily given.
- (d) State v. Childers, 33 S.C. 367, 645 S.E.2d 244 (2007) – the opinion discussed the difference between murder and voluntary manslaughter. The opinion held that an overt act from a third party is not sufficient legal provocation to entitle a defendant who is charged with murder to a voluntary manslaughter charge. The provocation must come from some act of or related to the victim in order to constitute sufficient legal provocation.
- (e) State v Adams, 319 S.C. 509, 462 S.E.2d 308 (1995). Edward Gray, IV, was arrested and began cooperating with law enforcement in the investigation of an active cocaine conspiracy. This organization was bringing drugs from New York, New Jersey and Georgia into South Carolina for distribution to third parties. The conspiracy continued after Gray's arrest. Gray made a purchase of drugs from the Atlanta source while working undercover for the police. Gray and the defendant had dealt with this source on numerous occasions prior to Gray's arrest. The Court of Appeals held that even though Gray was working for the police during the transaction in question, the act of purchasing cocaine from the source, a co-conspirator, was an act in furtherance of the conspiracy and admissible to prove the existence of the conspiracy.

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

Mr. Meadors further reported the following regarding unsuccessful candidacies:

- (a) Fifth Circuit Solicitor – 1994;
- (b) Circuit Court Judge 2002 – found qualified;
- (c) Fifth Circuit Solicitor – 2010 – lost in run-off;
- (d) Circuit Court Judge 2011 – found qualified and screened.

(9) Judicial Temperament:

The Commission believes that Mr. Meadors' temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee found Mr. Meadors to be “Well qualified” in each of the nine evaluative criteria: constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament. The Committee further stated in summary, “The Committee was honored to interview Mr. Meadors again. He is by far the most experienced and well-rounded candidate we interviewed. We strongly believe that Mr. Meadors is most eminently qualified to serve on the Circuit Court. We are most confident he would serve our state in an outstanding manner.”

Mr. Meadors is married to Patricia Ann (Rogers) Meadors. He has four children.

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

- (a) Richland County Bar;
- (b) Kershaw County Bar;
- (c) SC Bar.

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

- (a) Camden Rotary Club:
 - Board of Directors, July 1999-2002;
 - Chair of the Club Service Committee, July 1999-2002;
 - Health and Happiness committee, 2007-present;
 - Paul Harris Fellow;
- (b) Columbia Classical Ballet Company:
 - Board of Directors – January 2009 - present;
- (c) Kershaw County Board of Disabilities and Special Needs:
 - Prior Board member.

Mr. Meadors further reported:

The biggest influence on my life has been my father and mother, Bishop Jack Meadors and the late Hannah Meadors. My siblings and I were raised to treat people with fairness and respect. My parents instilled in all of us the value of service to others. These values have shaped my personal life and professional career. We were also taught that there are rules and that there are consequences when the rules are not followed. I learned early in life that my greatest power was my power to choose. After 22 years as a prosecutor, dealing with victims, law enforcement, attorneys and judges, I have the temperament, experience and judgment to be an effective Circuit Court Judge.

As an assistant solicitor, I was named “Victim/Witness Assistant of the Year” in the State of Maryland in 1989. I was nominated by the parents of a murder victim in a case I prosecuted in Richland County. The family was from Baltimore and their son was attending Columbia Bible College.

I was appointed by the Governor to the State Child Fatality Review Board – 2007 – present.

In 2005, I was the recipient of the Ernest F. Hollings Award for excellence in State Court prosecution. I received this award for my work on six murder cases in 2005.

I am a member of Shandon United Methodist Church in Columbia and periodically teach Sunday School. In addition, I have coached the girls’ basketball team for over twenty years. I am currently chairperson of the Staff-Parish Relations committee at my church.

(11) Commission Members’ Comments:

The Commission commented that Mr. Meadors has an outstanding reputation as a prosecutor. They especially noted the Midlands Citizen’s Committee’s comments that Mr. Meadors was

by far the most experienced and well-rounded candidate they interviewed for this seat which would assist him in serving on the Circuit Court.

(12) Conclusion:

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

Clifford Scott
Fifth Judicial Circuit, Seat 3

Commission's Findings:

QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Mr. Scott was born in 1954. He is 57 years old and a resident of Columbia, South Carolina. Mr. Scott 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 1981. He was also admitted to the Georgia Bar in 1993, though he has since resigned.

(2) Ethical Fitness:

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

Mr. Scott 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. Scott reported that he has made \$262.85 in campaign expenditures for mailing services, copies, and postage to send an introductory letter and a resume to members of the General Assembly.

Mr. Scott testified he has not:

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

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

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

- | | | |
|-----|--|--------------------------|
| (a) | Public Defender Conference | 09/26/2005; |
| (b) | SC Black Lawyers Assn Retreat | 09/28/2006; |
| (c) | Lawyers Computers and Cable News | 11/03/2006; |
| (d) | Show me the Money: Military Family Support | 01/10/2007; |
| (e) | Law Office Technology | 01/24/2008; |
| (f) | Civil Law Update | 01/25/2008; |
| (g) | Day in Discovery | 01/25/2008 & 01/26/2008; |
| (h) | Breakfast Ethics Seminar | 01/27/2008; |
| (i) | Select Issues in SC Procurement | 06/04/2008; |
| (j) | SC Black Lawyers Annual Summit & Retreat | 10/30/2008; |
| (k) | Ethics Judicial Family Seminar | 12/05/2008; |
| (l) | Non-citizens in the Family Court Proceedings | 02/28/2009; |
| (m) | Veterans Disability Benefits | 03/24/2009; |
| (n) | SC Black Lawyers Annual Retreat | 10/01/2009; |
| (o) | SC Black Lawyers Retreat | 10/01/2010; |
| (p) | Staying Out Of Trouble | 02/26/2011; |
| (q) | Intellectual Property and the General Practitioner | 02/27/2011; |
| (r) | Digital Law Office | 02/27/2011; |
| (s) | The Virtual Office | 02/27/2011; |
| (t) | SC Association of Justice Convention | 08/ 04-06/2011. |

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

"I taught a graduate school level course titled the Legal Aspects of Higher Education, in the USC College of Education, during the fall of 1993, and the spring of 1994."

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

(4) Character:

The Commission's investigation of Mr. Scott did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Mr. Scott indicated some concerns regarding his finances.

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

Mr. Scott reported the following military service:

- (a) 19 September 1973 -- 2 February 1974; US Air Force; E-2; XXXXXXXXXX; Honorably Discharged.
- (b) 10 January 1982 -- 30 June 1987; US Army; 0-3; XXX-XX-XXXX; Honorably Discharged.”

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Scott was admitted to the SC Bar in 1981.

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

- (a) Member of the US Army Judge Advocate General's (JAG) Corps, from January 1982 through May 1987, during which I served as:
 - (1) Trial Defense Counsel assigned to the 24th Infantry Division (now known as the 3rd Infantry Division) and Fort Stewart Georgia, from April 1982 until August 1984. In this position, I appeared in over 100 courts martial proceedings in which I represented members of the US military accused of criminal offenses. I also represented military service members in administrative proceedings.
 - (2) Claims Judge Advocate with the US Army Claims Service, from August 1984 through June 1987. In this position, I was responsible for investigating, and assisting in the supervision, management and resolution of federal tort claims at military installations and involving US Army Corps of Engineer activities. I investigated and resolved claims which included: property damage claims, personal injury claims resulting from motor vehicle collisions, and Corp of Engineer activities; medical malpractice claims, involving catastrophic injuries such as brain damage and wrongful death.
This position required me to prepare detailed legal memoranda for consideration of the Judge Advocate General of the Army, the Secretary of the Army and the US Department of Justice.
- (b) Associate with the law firm of Johnson, Toal & Battiste, P. A., June 1987 until November 1988.
I represented parties in civil, criminal, and administrative matters, and appeared in summary courts, Probate Court, Family Court, the Court of Common Pleas and the Court of General Sessions. I also represented parties in appellate matters and appeared, during my tenure with this law firm, before the SC Court of Appeals, the SC Supreme Court and the US Court of Appeals for the Fourth Circuit. During my association with this firm, I was entrusted to handle, on my own, professional liability matters and serious criminal cases.

- (c) Legal Counsel with the SC Department of Mental Retardation (now known as the Department of Disabilities and Special Needs) from November 1988 through August 1989.
In this position, I provided legal representation to departmental officers and employees, and represented the agency in administrative hearings, such as intra agency employee grievance matters, and at the Budget and Control Board level, before the State Employee Grievance Committee.
- (d) Associate General Counsel, USC, from Sep. 1989- Jan. 1994.
In this position, I provided representation to USC officers and employees, to include members of the President's Office and deans and departmental chair persons. I prepared presentations for consideration by the Board of Trustees and other Officers of the University, and for state and federal agencies. I provided counsel and representation regarding issues involving first amendment freedoms, intellectual property, academic freedom, real property, federal and state labor and employment law, and state and federal regulatory issues. I also represented the University in administrative proceedings and in civil matters in the state courts.
- (e) Private Practice of Law Since January 31, 1994.
Since reentering private practice in 1994, I have represented clients in civil, criminal and administrative matters, to include:
State and federal tort claims and other personal injury matters; state employee grievances and other state administrative matters; workers compensation; probate court matters; domestic relations; adoptions; juvenile matters; military criminal and administrative matters; representation of veterans in veterans benefits matters; represent clients in federal administrative matters, including EEOC, Merit Systems Protection Board, DOD administrative matters and social security cases.
- (1) From May 1996 through December 1998, I was a member of a partnership known as Gibbs, Scott and Redmond (the main office of which was in Florence). I operated primarily out of the Columbia Office.
 - (2) From April 2000 through August 2004, I served as a part-time contract employee with the Newberry County Public Defender's Office. I appeared in court in at least two hundred cases while serving as a part time employee with the Newberry County Public Defender's Office between April 2000 through August 2004. I participated in four General Sessions jury trials as a part time public defender during that period.
 - (3) In addition to maintaining a private practice, since the spring of 2006, I have served as a special contract employee of the USC, Office of General Counsel. In that role, I provide legal advice and representation to University officials regarding various legal matters, including contractual matters, investigations, representation of the University in employee and student grievances, EEO complaints, and litigation.

Mr. Scott further stated:

"I have been in private practice continuously since January 31, 1994, when I left the full-time employ of the University of South Carolina. This includes the periods during which I served as a contract part-time public defender of the Newberry County Public Defender's

Office, and during my service as a part-time contract employee of the Office of General Counsel of the University of South Carolina. With the exception of the period during which I was a part of Gibbes, Scott and Redmond (May 1996 through December 1998), my law office has operated under the name Clifford Scott, Attorney at Law.”

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

- (a) Federal:
I filed two actions in federal court during the past five years: One was a federal tort claim action, which settled at mediation, and no court appearance was required. The other action was a petition to quash a subpoena issued by the Department of Defense Office of the Inspector General. The Court ruled on the motion based upon the pleadings and memoranda filed with the court. No court appearance was required. I appeared in Federal Court in the fall of 2010 in a criminal matter before a federal Magistrate. The matter involved a citation issued to an immigrant working on Fort Jackson without a work permit.
- (b) State:
General Sessions: Approximately 6 (including trial; guilty pleas, bond Hearings).
Common Pleas: Approximately 15 (including trial, motions, appeal from summary court).
Summary Court: Approximately 15 (including trial, preliminary hearings, bond hearings).

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

- (a) civil: 50%;
- (b) criminal: 5%;
- (c) domestic: 5%;
- (d) other: 40% Administrative; VA; Military; wills/probate; business counseling; agency representation.”

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

- (a) jury: Of the five Common Pleas jury trial cases in which I have been involved during the last five years, I tried one of those cases. The other 4 cases were settled during or after the discovery period.
- (b) non-jury: During the last five years, I tried three non jury Common Pleas cases.

Mr. Scott provided that he most often served as Sole Counsel.

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

- (a) United States vs. Charles Ragins, 840 F.2d 1184 (4th Cir. 1988)
This case was an appeal from the Federal District Court of SC to the US Court of Appeals for the Fourth Circuit, and involved issues of double jeopardy. I prepared the brief and argued the case. The case was argued on December 4, 1987 and decided

on March 8, 1988. In the version of the case which appears online, the case erroneously indicates I am/was from New York.

- (b) Unfortunately I do not remember the case name, and my call to the US Court of Appeals for the Armed Forces (which, at the time, was the US Court of Military Appeals) did not prove fruitful. The case occurred in 1983 or 1984, while I was a member of the US Army Judge Advocate General's Corps, stationed at Fort Stewart, Georgia. The Army brought a discharged soldier back on active duty to court-martial him for an offense which occurred prior to his discharge. I challenged the Army's right to do so and filed a petition and brief with the US Court of Military Appeals. The case was significant, because, as I recall, this was an issue which was unsettled at the time. Additionally, as I recall, the court issued an order staying the court-martial proceedings. As a result, we were able to resolve the case through a negotiated resolution.
- (c) State vs. Magwood; tried in Charleston County Court of General Sessions in June 2011. The case was significant, because it involved a prominent member of the Charleston County Sheriff's Office who was charged with misconduct in office.
- (d) State vs. Lynch ; tried in Lee County in mid 2000s. The case was significant, because it involved two defendants who were charged with starting a riot and taking hostages at the Lee County Correctional Institution. The case received prominent media coverage throughout the state at the time of the prison riot.
- (e) Easaw vs. Dept. of the Army; tried in 2009, before an EEOC administrative law judge and involved allegations of race discrimination in hiring of a motor vehicle operator at Fort Jackson. I consider the case to be significant, because, as of that time, as I understand it, this was one of few cases of this type in which an EEOC administrative judge ruled against Fort Jackson.

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

- (a) The last time I handled a civil case in the SC Court of Appeals was in the Late 1980s, and I do not recall the name of the case.
- (b) Sara Davis v. University of South Carolina; (Employee Grievance Matter) Appealed from Budget and Control Board to Administrative Law Court Docket Number: 2008-ALJ-30-0389-AP. I represented the Respondent, USC.
- (c) Singleton v. Bland; 2007-CP-40-3944; appeal from Magistrate Court to Court of Common Pleas.
- (d) Sara Leonard v. Standard Corporation; 2005-CP-28-113; Appeal from Workers' Compensation Commission to Court of Common Pleas.
- (e) Mary F. Young v. SC Budget and Control Board Employee Insurance Program; 2004-CP-40-4291; Appeal to Court of Common Pleas.

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

- (a) United States vs. Ragins, 840 F.2d 1184 (4th Cir. 1988);
- (b) State vs. Moody. This was an appeal I handled in the SC Supreme Court in 1987 or 1988

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizen's Committee on Judicial Qualification found Mr. Scott to be "Well qualified" for each of the nine evaluative criteria: constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament. The Committee stated in summary that the "Committee believes that Mr. Scott is a highly regarded and eminently qualified candidate. We are confident that he would serve on the Circuit Court in a most outstanding manner."

Mr. Scott is married to Malvina G. Scott. He has two children.

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

- (a) SC Bar;
- (b) For several years, beginning in approximately 1998, I served on the SC Bar Foundation Board;
- (c) I was also a member of the Introduction Subcommittee of the SC Bar's Task Force on Diversity and Inclusiveness during the above time period;
- (d) Former member of the SC Bar's House of Delegates;
- (e) During the mid 1990s, I was vice president and president of the SC Black Lawyers Association, and I currently serve as assistant treasurer of that organization.

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

Pee Dee Area Veterans Advisory Council (former member).

Mr. Scott further reported:

"I come from a humble background. In fact, I am not ashamed to say that for most of my upbringing, I was very poor. However, my economic status during my formative years did not cause me to believe that I was less than anyone else, or that, conversely, others were better than me.

I graduated from a segregated Williamsburg County high school in 1973 (St. Mark Elementary and High School). While our school did not possess the resources of schools in more affluent communities, our teachers and our principal tried to instill in each of us qualities which would enable us to go into the world and make a positive contribution.

I would like to think that I have contributed something positive to society, although probably not as much as I could have contributed at this point in my life. I hope, if I am given the privilege and honor of serving as a member of the SC judiciary, that I will be able to make an even more meaningful contribution to our society, by upholding the laws that preserve the freedoms which still cause so many to flock to the shores of the US.

Since becoming an attorney, my background has been quite varied. I believe the variety of my experiences, and the length of time I have practiced law will aid me

tremendously in deciding matters that come before me, and in dispensing justice impartially and evenhandedly.

I have read the letters of recommendation which have been provided in my behalf. I am truly humbled by those letters.

When I was a very young adult, perhaps not more than 19 or 20 years old, my great aunt (the sister of my maternal grandmother) told me that I was “one in a hundred.” She obviously saw something in me that caused her to believe that I had the potential to do great things in life. The extent to which I have done anything great, I leave for others to decide.

Service as a judge is an honor and a privilege. I can think of no better way to live up to the potential which my great aunt saw in me. I recognize some readers of this statement may think this is a bit sappy, but it’s truly how I feel. Therefore, to the extent this statement aids those who will determine my qualifications to sit as a member of the Circuit Court, I would like each reader to know that the sentiments expressed in this statement are sincere and reflect my true feelings.”

(11) Commission Members’ Comments:

The Commission commented that Mr. Scott made a good presentation at the Public Hearing. They noted his diverse legal background would equip him well for service on the Circuit Court bench.

(12) Conclusion:

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

**The Honorable Roger Lynn Couch
Seventh Judicial Circuit, Seat 2**

Commission’s Findings:

QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Couch was born in 1950. He is 61 years old and a resident of Spartanburg, SC. Judge Couch 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 1975.

(2) Ethical Fitness:

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

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

Judge Couch testified he has not:

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

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

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

- (a) Annual Judicial Conference All of the last five years;
- (b) Circuit Judges Assn. Meeting All of the last five years;
- (c) SC Bar Annual Convention Civil and Criminal Updates All of the past five years.

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

- (a) I have made presentations at CLE Programs offered by the SC Bar on a couple of occasions;
- (b) I taught a Business Law Course at Spartanburg Methodist College in the late 1970s;
- (c) I assisted Mathew Henderson as a lecturer in Business Law at Wofford College in the 1980s.
- (d) I have been invited to lecture next year at Converse College.

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

(4) Character:

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

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

Judge Couch reported that he held the following public office:

“I served as an elected School Board Member in Spartanburg County School District 6 from March 1976 until June 1997. During that time I timely filed all necessary reports with the State Ethics Commission and was never subject to a penalty.”

- (6) Physical Health:
Judge Couch appears to be physically capable of performing the duties of the office he seeks.
- (7) Mental Stability:
Judge Couch appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Judge Couch was admitted to the SC Bar in 1975.

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

- (a) 1975-77 Henderson & Lister;
- (b) 1977-80 Henderson, Lister Couch Brandt & Ackerman;
- (c) 1980-85 Henderson, Lister Couch & Brandt;
- (d) 1985-89 Lister and Couch;
- (e) 1989-97 Lister, Couch & Courtney.

I was always involved in the general practice of law with particular focus on real estate transactions, family court litigation, wills, estates and trusts and general litigation.

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

- (a) 1985-89 Town Judge in Cowpens, SC, jurisdiction limited to enforcing town ordinances and traffic laws;
- (b) 1997-2004 Master-in-Equity for Spartanburg County, Non-jury Civil Circuit Court issues;
- (c) 2004-Present Circuit Court Judge Seventh Circuit, Seat #2.

The following is Judge Couch’s account of his five most significant orders or opinions:

- (a) State v. Torres; 390 S.C. 618; 701 S.E.2d 226 (2010);
- (b) Mathis v. Brown and Brown of South Carolina, Inc., 389 S.C. 299, 698 S.E. 2d 773, (2010)
- (c) McMaster, ex rel. v. Eli Lilly & Co, Inc. Pre-trial Motions Order, 07-CP-42-1855;
- (d) New York Times Co. v. Sptg. Co. School District No. 7, 274 S.C. 307; 649 S.E. 2d 28 (2007);
- (e) Wilson el rel. v. Janssen Pharmaceuticals Pre Trial Order, 07-CP-42-1438.

Judge Couch reported the following as to his unsuccessful candidacy for elective, judicial, or other public office:

“I ran unsuccessfully for the S.C. House of Representatives in 1988.”

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

(10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualifications found Judge Couch to be "Qualified" in the criteria of constitutional qualifications, physical health, and mental stability. The Committee found Judge Couch to be "Well-qualified" for the remaining evaluative criteria: ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

Judge Couch is married to Joy A. Couch. He has two children and a step-child.

Judge Couch reported that he is a member of the following bar associations and professional associations:

- (a) Spartanburg County Bar Assn. 1975 to present;
- (b) SC Bar Assn. 1975 to present;
- (c) American Bar Assn. 2011 to present.

Judge Couch reported that he is a member of the following civic, charitable, educational, social, and fraternal organizations:

- (a) Spartanburg Rotary Club;
- (b) The Piedmont Club;
- (c) The Group of 100.

(11) Commission Members' Comments
The Commission commented that they were impressed by Judge Couch's excellent temperament and thoughtful demeanor which have assisted him in his service as a Circuit Court judge for seven years.

(12) Conclusion
The Commission found Judge Couch qualified and nominated him for re-election to the Circuit Court.

The Honorable Eugene Cannon Griffith, Jr.
Eighth Judicial Circuit, Seat 2

Commission's Findings:

QUALIFIED AND NOMINATED

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

Judge Griffith was born in 1964. He is 47 years old and a resident of Newberry, SC. Judge Griffith provided in his application that he has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1991.

(2) Ethical Fitness:

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

Judge Griffith 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 Griffith reported that he not made any campaign expenditures.

Judge Griffith testified he has not:

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

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

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

- (a) SC Solicitors Conf.: Prosecution Accountability 09/24/2006;
- (b) SC Solicitors Conf.: Partners in Prosecution 09/24/2007;
- (c) SC Association for Justice Annual Convention 08/09/2008;
- (d) Circuit Court Judges Conference 05/06/2009;
- (e) New Judges Orientation 07/08/2009;
- (f) SC Association for Justice Annual Convention 08/06/2009;
- (g) Annual Judicial Conference 08/19/2009;
- (h) SC Defense Lawyers' Convention 11/2009;
- (i) Annual Civil Law Update 01/22/2010;
- (j) Annual Criminal Law Update 01/22/2010;
- (k) Circuit Court Judges Conference 05/05/2010;
- (l) SC Association for Justice: Annual Convention 08/09/2010;
- (m) Annual Judicial Conference 08/19/2010;
- (n) General Jurisdiction National Judicial College 10/10-21/2010;
- (o) Ethics: National Judicial College 10/10-21/2010;
- (p) Annual Civil Law Update SC Bar Annual Meeting 01/21/11;
- (q) Annual Criminal Law Update SC Bar Annual Meeting 01/21/11;

(r) SC Circuit Court Judges' Conference

05/05/11.

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

- (a) I taught the legal section in Newberry County to students who enrolled in the Reserve Police Officer Certification Classes. Over the past ten years, I have taught four or five groups of candidates.
- (b) In 1999, I taught the Legal unit to the Volunteers for the Newberry County Guardian *ad litem* program.
- (c) Panel Member for Case Law Updates at SC Public Defenders Annual Conference. September 2009.
- (d) Panel Member for Case Law Updates at SC Solicitors Association Annual Conference. September 2010.

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

(4) Character:

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Griffith was admitted to the SC Bar in 1991.

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

- (a) March 1991-July 1991: Clerk to the Honorable James E. Moore, Circuit Court.
- (b) July 1991-June 1992: Clerk to the Honorable John P. Gardner, S.C. Ct. of App.
- (c) July 1992-February 1997: solo practice as Griffith Law Firm – general practice of law. My office handled real estate transactions, mortgage closings, magistrate's trial work,

criminal trial defense, civil trial work, domestic relations trial work, and estate and probate matters.

- (d) February 1997-February 2009: In February 1997, Rushing and Griffith, P.C. was formed by Eugene C. Griffith, Jr. and Elizabeth R. Griffith. The scope and type of law practice did not change significantly and was operated as a general practice. Don S. Rushing bought into the corporation and opened an office in Lancaster, SC. Don S. Rushing has operated a limited practice in the Lancaster office. Towards the end of my practice the type of work performed in the Newberry office changed slightly. In January 2005, I agreed to work as a special prosecutor for the Eighth Judicial Circuit for the terms of General Sessions Court held in Newberry County. After agreeing to act as special prosecutor, I was unable to accept cases as a criminal defense attorney. I also handled numerous condemnation actions on behalf of the SCDOT. I was also appointed under Circuit Court rules in numerous civil cases to act as special referee for non-jury matters, such as partitions and foreclosures.
- (e) February 27, 2009 – present: Resident Circuit Court Judge for the Eighth Judicial Circuit, Seat 2.
- (f) May 2010 – present: Chief Administrative Judge for the Eighth Judicial Circuit.

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

“I was elected to the SC Circuit Court for the Eighth Judicial Circuit, Seat 2 on February 11, 2009 and was qualified on February 27, 2009.”

Judge Griffith provided the following regarding his most significant orders or opinions:

Since I have only been on the bench for 29 months, I have only had one of my decisions complete the appeal process. I have listed other cases which I consider significant:

- (a) State v. Bobby Lee Burdine 2011- UP – 285 Appeal affirmed decision to allow a resisting arrest conviction be based upon an arrest for disorderly conduct episode which occurred on private property but within the purview of public.
- (b) Dr. Richard Taylor, Dr. Parker Young, J. David Chestnut and the Erskine Alumni Association v. General Synod of the Associated Reformed Presbyterian Church, Inc. - This case involved a conflict among Members of the ARP General Synod and several displaced Board Members regarding the reduction of the number of Board of Directors to Erskine College.
- (c) Fay v. County of Laurens, City of Clinton, et alius. This case involved a pro se litigant challenging the issuance of a bond by the County of Laurens to construct infrastructure in the City of Clinton.
- (d) Farrow v. Darby - This case involved a novel issue of law dealing with the inferred negligence of improperly maintaining domestic livestock when the wayward steer was never found after the accident.
- (e) Dent v. Executive Relocations Service – This case involved an issue dealing with the assignment of a third-party cause of action by an at-fault party to a plaintiff after the settlement of the first party cause of action.”

Judge Griffith further reported the following regarding unsuccessful candidacies:

“I was an unsuccessful candidate for House of Representatives District 40 in November 2002. I lost the general election to Walton J. McLeod. And, I was a candidate for the Circuit Court At-Large Seat No. 13 in February 2008. I withdrew to allow the Honorable Larry Hyman to be elected unopposed to that seat.”

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Piedmont Citizens Committee found Judge Griffith “Qualified” with respect to the following evaluative criteria: constitutional qualifications, physical health, and professional and academic ability. The Committee found Judge Griffith “Well qualified” with respect to the following evaluative criteria: ethical fitness, character, reputation, experience, and judicial temperament. The Committee stated in summary, “Judge Griffith is eminently qualified to be re-elected a circuit judge.”

Judge Griffith is married to Elizabeth Rushing Griffith. He has three children.

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

- (a) Newberry County Bar Association: Secretary/Treasurer 1992-93; Vice-President 1994-1995; President 1996-98;
- (b) SC Bar Association, Member: 1991-present;
- (c) SC Association for Justice (formerly SCTLTA), Member: 1993-2009;
- (d) American Association for Justice (formerly ATLA), Member: 1995-2009;
- (e) American Bar Association, Member: 1991-2009; Judicial Division 2009-present;
- (f) Newberry County Public Defender Corporation Board: 1994-2004.

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

- (a) Central United Methodist Church: Administrative Board Chair- 2001-03, Treasurer 2006-08; MYF Youth Parent 2008-present;
- (b) Prosperity Recreation Department, Dixie Youth Baseball: Assistant Coach 2000-2011; Head Coach 2008;
- (c) Newberry County Chamber of Commerce: Member 2006-February 2009;
- (d) Newberry County Tax Advisory Committee: 2006-February 2009.

Judge Griffith further reported:

“I do not know of any information which would negatively affect my candidacy. I do believe that the patience taught to me by my parents is a positive attribute which helps me every day in performing my duties as a judge. I also believe that practicing in a small town in a one-lawyer office provided me with a breadth of experience in dealing with legal issues but more particularly dealing with people which helps in my duties as a judge.”

(11) Commission Members' Comments:

The Commission noted that Judge Griffith is known for his good judicial temperament and great work ethic in the almost three years he has served on the Circuit Court bench.

(12) Conclusion:

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

**The Honorable Kristi Lea Harrington
Ninth Judicial Circuit, Seat 2**

Commission's Findings:

QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Harrington was born in 1969. She is 42 years old and a resident of Hanahan, SC. Judge Harrington 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 2001. Also, she has been a licensed attorney in Oklahoma since 1996.

(2) Ethical Fitness:

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

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

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

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

(a)	Trial Advocacy I	06/19/06;
(b)	Jessie's Law	06/30/06;
(c)	Child Sex Abuse Investigation	04/04/07;
(d)	Confronting the Challenge of	09/12/07;
(e)	Annual Solicitors Conference	09/23/07;
(f)	Orientation School	07/09/08;
(g)	Judicial Conference	08/20/08;
(h)	Civil Law Update	01/23/09;
(i)	Judicial Conference	08/19/09;
(j)	Civil Law Update	01/22/10;
(k)	Criminal Law Update, part 2	01/22/10;
(l)	General Jurisdiction -- NJC	05/16/10;
(m)	Inns of Court	11/10/10;
(n)	Criminal Law Section	01/21/11;
(o)	Trial and Appellate Advocacy Section	01/21/11;
(p)	A little bit of this and a little	02/11/11.

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

- (a) Trial Advocacy. Charleston School of Law. April 21, 2011. Presided over a mock trial.
- (b) iCivics Training. April 8, 2011. Spoke on Constitutional Law.
- (c) Charleston Lawyers Club CLE. February 25, 2011. Spoke on courtroom decorum and docketing procedures.
- (d) "Perspectives from the Bench." Charleston School of Law. March 23, 2011. Discussed several issues concerning courtroom etiquette and decorum with law students.
- (e) Professionalism Series Lecture. Charleston School of Law. March 3, 2011. Spoke on various topics of the law and how to relate with the judiciary.

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

(4) Character:

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

The Commission also noted that Judge Harrington 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 Harrington reported that she is not rated by any legal rating organization.
- (6) Physical Health:
Judge Harrington appears to be physically capable of performing the duties of the office she seeks.
- (7) Mental Stability:
Judge Harrington appears to be mentally capable of performing the duties of the office she seeks.
- (8) Experience:
Judge Harrington was admitted to the SC Bar in 2001.

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

- (a) September 1996-February 2001. Tulsa County District Attorney's Office. Staff attorney. Prosecuted juvenile, misdemeanor and felony cases.
- (b) February 2001-February 2002. Law office of Carter D. Harrington. Assisted in preparing legal documents and preparing attorney for court.
- (c) February 2002-February 2008. Ninth Judicial Circuit Solicitors Office. Staff attorney. Prosecuted felony cases.

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

"I was elected to the Circuit Court, Ninth Judicial Circuit, Seat 2, on February 6, 2008."

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

- (a) State v. Jacobs;
- (b) State v. Goss;
- (c) Singleton v. Allied;
- (d) State v. Goodwin;
- (e) Geddings v. D&L.

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

"I currently am an adjunct instructor at Strayer University. I have been employed there since 2008. I currently teach Business Law and Criminal Justice. My supervisor is Dean Rufus Robinson."

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

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications found Judge Harrington to be “Well qualified” for all nine evaluative criteria: constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament. The Committee stated in summary: “Judge Harrington is an outstanding candidate. The Committee received very favorable comments on this candidate. Judge Harrington has done an outstanding job for the Ninth Circuit.”

Judge Harrington is divorced. She has one child.

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

- (a) SC Bar Association;
- (b) Oklahoma Bar Association;
- (c) Petigru Inn of Court (Charter Member);
- (d) American Bar Association;
- (e) Berkeley County Bar Association;
- (f) Charleston County Bar Association;
- (g) SC Women Lawyers Association.

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

- (a) Howe Hall PTA;
- (b) Liberty Fellowship;
- (c) Berkeley County Youth Court;
- (d) Eastern Star.

Judge Harrington further reported:

“My current term has been the most professionally and personally rewarding part of my legal career. I have had the opportunity to preside over many trials and hearings. As such, I have realized the important role that my decisions make in people’s personal and professional lives.”

(11) Commission Members’ Comments

The Commission noted that Judge Harrington is committed to excellence on the Circuit Court bench based on her comments she made at the public hearing.

(12) Conclusion

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

**The Honorable Alexander Stephens Macaulay
Tenth Judicial Circuit, Seat 2**

Commission's Findings:

QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Macaulay was born in 1942. He is 69 years old and a resident of West Union, SC. Judge Macaulay 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 1970.

(2) Ethical Fitness:

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

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

Judge Macaulay testified he has not:

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

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

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

- (a) Trial & Appellate Advocacy 01/21/11;
- (b) Criminal Law Section 01/21/11;
- (c) SCDTAA Convention 11/11/10;
- (d) Judicial Conference 08/18/10;
- (e) SCAJ Convention 08/05/10;
- (f) New Judges' School 07/07/10;
- (g) Cir. Judges Ass. 05/05/10;

(h)	Oconee Bar Seminar	03/19/10;
(i)	Judicial Conference	08/19/09;
(j)	New Judges' School	07/08/09;
(k)	Judicial Conference	05/06/09;
(m)	Oconee Bar Seminar	05/01/09;
(n)	Civil Law Update	01/25/08;
(o)	Criminal Law Update	01/25/08;
(p)	SCDTAA Convention	11/01/07;
(q)	Judicial Conference	08/22/07;
(r)	New Judges' School	07/01/07;
(s)	Civil Law Update	01/26/07;
(t)	Criminal Law Update	01/27/07;
(u)	SCDTTA Convention	11/09/06;
(v)	Judicial Conference	08/23/06;
(w)	New Judges' School	07/10/06;
(x)	Oconee Bar Seminar	02/24/06;
(y)	SC Bar Ethics	01/29/06;
(z)	Criminal; Law Update	01/27/06;
(aa)	Civil Law Update	01/27/06.

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

- (a) I have taught the Criminal Law Section of the New Judges' School since 2004 as a member of the Circuit Judges Advisory Committee.
- (b) I have lectured at the USC Law School on Torts Update for the SC Bar CLE.
- (c) I have made presentations on ethics and critical conflicts to the SC Defense Trial Attorneys' Association.

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

(4) Character:

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

The Commission also noted that Judge Macaulay 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 Macaulay reported that his rating by a legal rating organization, Martindale-Hubble, is AV.

Judge Macaulay reported the following military service:

“1964-175 (Vietnam 1966-67), United States Army, Medical Service Corps, Captain (USAR), XXX-XX-XXXX, retired, Honorable Discharge, 4 February 1975.”

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

- “(a) Appointed to the State Board of Education, representing the Tenth Judicial Circuit, Anderson and Oconee Counties, 1979-80.
- (b) Elected to the SC Senate: District One, Seat Three, representing Abbeville, Anderson, Oconee and Pickens Counties, 1981-84; District One, representing Anderson, Oconee and Pickens counties, 1985-92; and District One, representing Oconee and Pickens counties, 1993-94.”

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Macaulay was admitted to the SC Bar in 1970.

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

- (a) 1970-72: Assistant Attorney General of SC, representing the State and its subdivisions in criminal and civil trials and appeals in all levels of the State and Federal Courts, and as counsel for various state agencies, to include DSS, ABC and DOT;
- (b) 1973-94: Private practice in civil and criminal trial and appeals, including torts and contracts — representing individual and corporate defendants and plaintiffs in eminent domain proceedings, commercial and property transactions, domestic and estate matters and municipal affairs, having served as attorney for the Towns of Seneca and Walhalla.
- (c) Miley and Macaulay, 1973-76;
- (d) Miley, Macaulay and Boggs, 1976-80;
- (e) Miley, Macaulay, Day and Agnew, PA, 1981-84;
- (f) Miley and Macaulay, 1984-86;
- (g) Miley, Macaulay and Cain, PA, 1986-88;
- (h) Miley and Macaulay, 1988-1994.

Judge Macaulay further reported the following regarding an unsuccessful candidacy:

“Unsuccessful in the June 1970 Democratic Primary for nomination to be a candidate for the SC House of Representatives from Richland County.”

- (9) Judicial Temperament:
The Commission believes that Judge Macaulay’s temperament has been and would continue to be excellent.
- (10) Miscellaneous:
The Upstate Citizens Committee found Judge Macaulay “Qualified” with respect to the following evaluative criteria: constitutional qualifications, physical health, and mental stability. The Committee found Judge Macaulay “Well qualified” with respect to the following evaluative criteria: ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

Judge Macaulay is married to Maria Locke Boineau Macaulay. He has two children.

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

- (a) SC Bar Association;
- (b) Oconee County Bar Association, President 1980;
- (c) American Bar Association.

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

- (a) Walhalla Presbyterian Church, Elder and Sunday School Teacher;
- (b) Tri-State Trout Club;
- (c) Society of the Cincinnati for the State of SC;
- (d) Huguenot Society of SC;
- (e) St. Andrews’ Societies of Columbia and Upper SC;
- (f) Society of the High Hills of Santee;
- (g) Society of Lower Richland;
- (h) South Caroliniana Society;
- (i) South Carolina Historical Society;
- (j) Tarantella Club of Columbia;
- (k) Oconee Assembly;
- (l) Columbia Cotillion Club;
- (m) Caroliniana Ball.

Judge Macaulay further reported:

“I was actively engaged in the practice of law from 1970 to 1994, first, as an Assistant Attorney General, representing the State and its citizens, and then in private practice, representing individual and corporate plaintiffs and defendants, in civil and criminal matters, trials and appeals. The cases were tried, or ultimate disposition made on appeal, in all levels of courts of our State and the United States — from County Magistrate Courts to the United States Supreme Court. Those experiences gave me an appreciation for those who are or become involved in our system of justice — the lawyers and their clients, the court personnel and, most importantly, the citizens who are summoned to court as witnesses and jurors.

Since June 1994, I have presided over terms of Circuit Court, jury and non-jury, civil and criminal, to include capital cases, trials and appeals, throughout our State. On occasion, I have been privileged to serve as an acting associate justice on our Supreme Court, even writing opinions — not all of which were unanimous. Such experiences have given me a deep respect for the rule of law. At times, I remind others and myself that, as a judge, I must do what I have to do under the law and not what I may want to do.

As a former legislator, I know who establishes public policy and, having served in the executive branch in the office of the Attorney General and on the State Board of Education, I am aware of which branch of government enforces and implements those policies. Therefore, I am content to interpret and apply those policies made and provided according to law.

Nevertheless, the life experiences that have influenced me the most were not from public service but growing up on a farm and serving in the military. With each, I experienced and learned something about the value of people. It is not who you are, what you have nor where you are from that determines a persons' worth but, rather, what you do with what you have and if you can be relied upon. Therefore, we all deserve to be treated fairly, with respect and courtesy.”

(11) Commission Members' Comments:

The Commission commented that Judge Macaulay pays close attention to detail and is a very thorough judge, which serves him well on the Circuit Court bench.

(12) Conclusion:

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

**The Honorable William Paul Keesley
Eleventh Judicial Circuit, Seat 1**

Commission's Findings:

QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Keesley was born in 1953. He is 58 years old and a resident of Edgefield, SC. Judge Keesley 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 1978.

(2) Ethical Fitness:

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

Judge Keesley 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 Keesley reported that he not made any campaign expenditures.

Judge Keesley testified he has not:

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

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

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

- (a) 2006 Annual Judicial Conference 08/23/06;
- (b) 22nd Annual Criminal Law Update, SC Bar 01/26/07;
- (c) 5th Annual Civil Law Update, SC Bar 01/26/07;
- (d) 2007 Annual Judicial Conference 08/22/07;
- (e) Wofford College – The Constitution: The Third Branch 09/26/07;
- (f) 23rd Annual SC Criminal Law Update, SC Bar 01/25/08;
- (g) 6th Annual Civil Law Update, SC Bar 01/25/08;
- (h) Spring Conference, SC Assoc. of Circuit Judges 05/14/08;
- (i) 2008 Annual Judicial Conference 08/20/08;
- (j) Commissions on Judicial Conduct/Atty. Conduct Training 10/21/08;
- (k) 7th Annual Civil Law Update, SC Bar 01/23/09;
- (l) 24th Annual SC Criminal Law Update, SC Bar 01/23/09;
- (m) Spring Conference, SC Assoc. of Circuit Judges 05/06/09;
- (n) 2009 Annual Judicial Conference 08/19/09;
- (o) SC Defense Attorneys Association Annual Convention 11/05/09;
- (p) 25th Annual SC Criminal Law Update, SC Bar 01/22/10;
- (q) 8th Annual Civil Law Update, SC Bar 01/22/10;
- (r) Spring Conference, SC Assoc. of Circuit Judges 05/05/10;
- (s) Commissions on Judicial Conduct/Attorney Conduct Training 10/26/10;
- (t) 26th Annual SC Criminal Law Update 01/21/11;
- (u) 9th Annual Civil Law Update 01/21/11;
- (v) Spring Conference, SC Assoc. of Circuit Judges 05/04/11.

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

- (a) I was on a panel of speakers discussing the work of the Sentencing Reform Commission for the 2010 Spring Conference of the SC Association of Circuit Judges.
- (b) I spoke at a SC Bar sponsored CLE, Tips from the Bench IV in 2003 and at a seminar on evidence many years ago.
- (c) I was on the faculty of the National Drug Court Institute and have conducted training for drug court judges from across the United States, the most recent being in 2003. The sites for those training sessions were in San Diego, California; Columbia, Missouri; Dallas, Texas; Buffalo, New York; and, Pensacola, Florida.
- (d) I spoke at the National Association of Drug Court Professional's training conference in Miami, Florida on drug court issues.
- (e) I have been a lecturer for CLE training and spoken several times at meetings of the SC Association of Drug Court Professionals concerning drug court.
- (f) I have lectured at the SC Solicitors' Convention on drug courts and on a panel dealing with tips from the bench.
- (g) I lectured to personnel of the SC Department of Corrections annually for several years on drug courts.
- (h) I spoke at the SC Annual Judicial Conference on drug courts and participated in the 2010 Conference on the work of the Sentencing Reform Commission, though I was not listed on the program.
- (i) I spoke at the SC Public Defenders' Association Annual Meeting, discussing drug courts and observations from the bench. I was also part of the ethics presentation when the new oath for attorneys was implemented (which included the civility oath) and administered the new oath to all the Public Defenders.
- (j) I lectured to personnel of the SC Department of Probation, Parole and Pardon Services concerning drug courts.
- (k) I have been a speaker at the training given annually to the Chief Judges for Administrative Purposes, discussing the administrative functions of circuit judges.
- (l) I lectured at the Pre-Trial Intervention Conference on the topic of drug courts.
- (m) I lectured at a CLE program held at the Medical University of SC dealing with drug courts.
- (n) I spoke at training conferences of the SC Department of Alcohol and Other Drug Abuse Services (DAODAS) concerning drug courts.

Judge Keesley reported that he has published the following:
 Drug Courts, (*S.C. Bar Lawyer*, July/August 1998), Author.

- (4) Character:
 The Commission's investigation of Judge Keesley did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Judge Keesley did not indicate any evidence of a troubled financial status. Judge Keesley has handled his financial affairs responsibly.

The Commission also noted that Judge Keesley 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 Keesley reported the following regarding a rating by a legal organization:

“I never applied for a rating by Martindale-Hubbell or any other rating organization. It was rarely used in my practice, and I saw no need to seek to be rated.”

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

“I served in the SC House of Representatives, District 82, from November 1988 to August 12, 1991. It is an elected position. The ethics reports were properly filed.”

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Keesley was admitted to the SC Bar in 1978.

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

- (a) 1978-80: Associate, John F. Byrd, Jr., Esq., Edgefield, SC, General practice primarily involving real estate;
- (b) 1980-83: Associate, J. Roy Berry, Esq., Johnston, SC, General practice primarily domestic relations;
- (c) 1983-91: Sole practitioner, Johnston, SC, General practice;
- (d) From 1983-87, part-time Public Defender for four counties;
- (e) From 1983-89, part-time town attorney for Johnston, SC;
- (f) From 1988-89, part-time Assistant Solicitor, 11th Judicial Circuit.

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

“I have been the Resident Circuit Judge of the 11th Judicial Circuit, Seat 1, elected by the General Assembly, serving since August 13, 1991. This is a court of general jurisdiction.”

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

- (a) State v. Johnny Rufus Belcher, 385 S.C. 597, 685 S.E.2d 802 (2009). This case changed the law in South Carolina and held that the jury should no longer be instructed that malice may be inferred from the use of a deadly weapon when evidence is presented that would reduce, mitigate, excuse or justify a killing or attempted killing.
- (b) Bursey v. S.C. Dept. of Health and Environmental Control, 369 S.C. 176, 631 S.E.2d 899 (2006). This case dealt with the largest mining project in the history of South Carolina, which took place with the reconstruction of the Lake Murray Dam. It was a

review of the decision of the South Carolina Mining Council and concerned issues under the Administrative Procedures Act.

- (c) Johnson v. Catoe, 345 S.C. 389, 548 S.E.2d 587 (2001). The South Carolina Supreme Court stayed the execution of a death row inmate and appointed me to serve as a Special Referee to the Supreme Court. I was given the task of evaluating whether a witness who had claimed responsibility for killing a South Carolina Highway Patrol Trooper was competent and credible.
- (d) State v. Michael Rian Torrence, 322 S.C. 475, 473 S.E.2d 703 (1996). The South Carolina Supreme Court designated me to serve as a Special Referee in this death penalty case to evaluate whether the defendant was competent to waive his right to appeal and proceed to be executed.
- (e) Calcaterra v. City of Columbia, 315 S.C. 196, 432 S.E.2d 498 (S.C.App. 1993). This case established that a municipality may charge higher rates to non-resident users of municipal water systems.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Judge Keesley "Well qualified" for all nine evaluative criteria: constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament. The Committee stated in summary: "Judge Keesley is a truly an asset to our State and our judiciary. We were truly honored to interview him, and we enjoyed our interview. The committee has the utmost appreciation for his honorable service on the Circuit Court, the drug court, and in the community. We believe he is most eminently qualified to continue his service on the Circuit Court, and we are confident he would continue to serve in an outstanding manner."

Judge Keesley is married to Linda Fay Black Keesley. He has one child.

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

- (a) SC Bar;
- (b) Edgefield County Bar Association, President 1985, Treasurer for many years;
- (c) SC Association of Circuit Judges, Vice-President, 2010-11, Sec., 1991-2010;
- (d) SC Assoc. of Drug Court Professionals, President, 1997-98, Board Member.

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

- (a) Mason, Concordia Lodge #20, Edgefield, SC (no offices held);
- (b) Phi Beta Kappa (no offices held);
- (c) Pine Ridge Country Club, Edgefield, SC social member (no offices held).

Judge Keesley further reported:
“Twenty years of experience as a circuit judge.”

(11) Commission Members’ Comments:

The Commission noted that Judge Keesley’s patience and calm demeanor have served him well in performing his duties as an outstanding Circuit Court judge for over 20 years.

(12) Conclusion:

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

**The Honorable R. Knox McMahon
Eleventh Judicial Circuit, Seat 2**

Commission’s Findings:

QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge McMahon was born in 1947. He is 64 years old and a resident of Lexington, SC. Judge McMahon 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 1978.

(2) Ethical Fitness:

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

Judge McMahon 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 McMahon reported that he not made any campaign expenditures.

Judge McMahon testified he has not:

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

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

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

(a)	2006 Orientation for New Circuit	7/10/2006;
(b)	Mandatory ADR Training	8/10/2006;
(c)	2006 Annual Judicial Conference	8/23/2006;
(d)	2006 Annual SC Solicitors' Conference	9/24/2006;
(e)	16th Annual Criminal Practice in SC	11/10/2006;
(f)	22nd Annual Criminal Law Update	1/26/2007;
(g)	5th Annual Civil Law Update	1/26/2007;
(h)	Circuit Court Judge's Conference	5/16/2007;
(i)	General Jurisdiction	7/15/2007;
(j)	2007 Annual Judicial Conference	8/22/2007;
(k)	2007 Annual Conference	9/23/2007;
(l)	23rd Annual SC Criminal Law Update	1/25/2008;
(m)	6th Annual Civil Law Update	1/25/2008;
(n)	Domestic Violence & Coordinated	4/24/2008;
(o)	2008 Judicial Conference	8/20/2008;
(p)	7th Annual Civil Law Update	1/23/2009;
(q)	24th Annual SC Criminal Law Update	1/23/2009;
(r)	Circuit Court Judge's Conference	5/6/2009;
(s)	Annual Convention	8/6/2009;
(t)	2009 Annual Judicial Conference	8/19/2009;
(u)	Litigation Conference in Conjunction	9/17/2009;
(v)	2009 SC Solicitors' Association	9/28/2009;
(w)	The Investigation and Prosecution of Domestic Violence	10/30/2009;
(x)	Civil Law Update	1/22/2010;
(y)	Criminal Law Update- Part 2	1/22/2010;
(z)	SC Circuit Court Judges' Association Conference	5/5/2010;
(aa)	SCAJ 2010 Annual Convention	8/5/2010;
(bb)	2010 Judicial Conference	8/18/2010;
(cc)	Civil/Criminal Law Update (Video)	1/20/2011.

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

- (a) I presented the Recent Court Decisions for the 2006 and 2007 Annual SC Solicitors' Association Conference.
- (b) I was part of a panel of Judges that presented "Views from the Lexington Circuit Court Bench" at the Annual December "Attorney CLE" for the Lexington County Bar Association on December 5, 2007.
- (c) I spoke on a panel entitled "Shareholder Disputes- Minority Buyouts" at the 2009 Litigation Conference for the SC Association of Certified Public Accountants held on September 17, 2009.

- (d) I was part of the Judicial Panel Discussion during the presentation entitled “Courage to be a Prosecutor” sponsored by the SC Solicitors’ Association and the SC Commission on Prosecution Coordination on September 29, 2009.
- (e) I spoke on the topic of “Bond Settings and Revocations: Special Considerations” at a CLE for The Investigation and Prosecution of Criminal Domestic Violence on October 30, 2009.
- (f) I spoke on a panel of Judges called “Straight from the Bench” during a Criminal Law Essentials CLE on May 20, 2011.

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

(4) Character:

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

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

Judge McMahon reported the following military service:
US Army Reserves, 1968-75, E-7 SFC, Honorable.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge McMahon was admitted to the SC Bar in 1978.

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

“After graduating from law school I entered into the private practice of law with William (Bill) Cotty. Our practice focused on civil litigation, real estate and criminal defense. I then opened my own practice in Lexington with an emphasis on civil, criminal, and domestic litigation.

In 1981, I had the opportunity to return to the Lexington County Sheriff’s Department as Legal Advisor. This was a developing area in police agencies in the late 1970s and early

1980s. This position combined my legal education with my law enforcement training and experience.

In 1983, I transferred to the 11th Circuit Solicitor's Office as an assistant solicitor. I prosecute many significant violent cases and was promoted to Deputy Solicitor in 1986. Upon the election of W. Barney Giese in 1995, I transferred to the 5th Circuit Solicitor's Office. I was team leader for the newly created Violent Crime Task Force being responsible for the supervision of the team and the prosecution of many violent offenders in Richland County. I was assigned as a Special Assistant Attorney General and prosecuted violent offenders in the 3rd, 4th and 8th Circuits during my career in addition to the 5th and 11th Circuit responsibilities.

In 2003, I retired with twenty-eight years of service and joined the firm of James C. Anders P.A. and Associates focusing on civil litigation and criminal defense. Upon Mr. Anders' death I joined the firm of Whetstone, Myers, Perkins and Young, P.A. (now Whetstone, Myers, Perkins and Fulda, P.A.) with the same focus.

I was elected Circuit Court Judge February 15, 2006, and sworn in March 9, 2006. I have served continuously since that time."

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

- (a) Lexington Municipal Judge, 1980-81 Limited to \$200.00/30 days criminal, no civil jurisdiction;
- (b) Circuit Judge, Eleventh Judicial Circuit, Seat 2, March 9, 2006- Present.

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

- (a) In State v. Ferris Geiger Singley, Opinion 26954, SC Supreme Court filed April 4, 2011. The Defendant broke into his mother's residence and was charged with first degree burglary, kidnapping, and armed robbery. The Defendant held a 12.5% ownership interest in the residence. The Court denied the Defendant's motion for a directed verdict as to the charge of first degree burglary. The Supreme Court examined and reaffirmed the ruling that burglary was a crime against lawful possession not ownership interest.
- (b) In State v. Darrell Burgess, 703 S.E. 2d 512 The Defendant was convicted of the drug related homicides of David Slice and Kim Fauscette. The Court of Appeals affirmed the trial court's ruling as to the decision not to remove a juror who realized after the jury selection that the brother of Defendant Slice's estranged wife worked for him. Further, the Defendant argued that the Judge violated his constitutional right to present a complete defense by excluding evidence of third-party guilt. The Court examined the third-party guilt issue and determined that the trial judge properly identified and applied the standard as proclaimed in State v. Gregory, 198 S.C. 98, 16 S.E.2d 532, (1941).
- (c) In Lanier Construction Co., Inc. v. Bailey & Yobs, Inc., et al., 681 S.E. 2d 909 The Court of Appeals affirmed the granting of a motion for summary judgment in favor of the Defendant homeowners. The Court of Appeals examined the homeowners' duty of care as to the contractor and affirmed the trial court's ruling which denied the contractor and subcontractor's motions for reconsideration under Rule 59, SCRCP.

- (d) In Kirby A. Oblachinski v. Dwight Raymond Reynolds, et al., Opinion 26932 SC Supreme Court filed February 22, 2011 Dr. Reynolds examined an alleged victim of sexual abuse and diagnosed the victim with having been sexually abused. Mr. Oblachinski was subsequently indicted for criminal sexual conduct with a minor; however, the charges were dropped after it was determined that Dr. Reynolds misdiagnosed the child. Mr. Oblachinski then brought a civil law suit against those who wrongfully diagnosed him. The trial court held that that Reynolds owed no duty of care to Mr. Oblachinski. The Supreme Court of SC affirmed the circuit court's granting of summary judgment and held that no cause of action exists for a third party to sue for negligent diagnosis of sexual abuse.
- (e) In State v. Branham, Opinion 4802 SC Court of Appeals file March 2,2011 The Court of Appeals affirmed the Appellant's conviction for driving under the influence, first offense. The Appellants' sole issue on appeal was whether the State failed to comply with any statutory duty to produce the breath test site video pursuant to 56-5-2953. When analyzing the word "produce," the court found that the legislature intended that a video of the breath site be created. The court did not find that the State may only stratify any statutory obligation by physically handing or turning over the videotape to the defendant or counsel; the State may produce the video online and provide a password to the defendant for access.

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

"I was a private practicing attorney with an emphasis on civil litigation while I was a part time Lexington Municipal Judge."

Judge McMahon further reported the following regarding unsuccessful candidacies:

"Candidate for Circuit Judge at Large May 1999."

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee found Judge McMahon "Well qualified" for each of the nine evaluative criteria: constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament. The Committee stated in summary, "We were honored to interview Judge McMahon and thoroughly enjoyed our interview. We are all very proud he is one of [sic] State's judges. He is truly an asset to our state judiciary, and his service to our State has been outstanding and honorable in every way. He is most eminently qualified to continue his outstanding service on the Circuit Court bench."

Judge McMahon is married to Connie Juanita (Nita) Derrick McMahon. He has four children, one is deceased.

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

- (a) SC Bar;
- (b) Lexington County Bar.

Judge McMahon reported that he is not a member of any civic, charitable, educational, social, or fraternal organizations.

Judge McMahon further reported:

“I have presided over more than 100 jury trials since being elected to the bench. These have been civil and criminal trials. My background prior to being elected to the bench was in criminal law. Many of the cases I have presided over have been civil cases ranging from simple negligence to breach of contract and medical malpractice to construction defects. I have learned so much since my time on the bench especially in the field of civil law and motions practice. I was appointed by the Chief Justice to the Commission on Alternate Dispute Resolution which has honed my civil administrative skills.

I am also a member of a Committee chaired by Justice Kaye Hearn examining ways to address and streamline the caseloads in Family, Common Pleas and General Sessions Courts. I specifically am assigned to the General Sessions Subcommittee chaired by Justice Costa Pleicones. I would like to continue being a part of and contributed to these endeavors.”

(11) Commission Members’ Comments:

The Commission noted that Judge McMahon has an outstanding reputation as a respectful and fair judge and they also noted his involvement on committees to improve the court process.

(12) Conclusion:

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

**The Honorable Michael G. Nettles
Twelfth Judicial Circuit, Seat 1**

Commission’s Findings:

QUALIFIED AND NOMINATED

Pursuant to S.C. Code Ann. § 2-19-40, the chairman of the Commission waived the public hearing for Judge Nettles upon recommendation of the Commission members, since his candidacy for re-election was uncontested and there was no substantial reason for having a public hearing regarding his candidacy.

(1) Constitutional Qualifications:

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

Judge Nettles was born in 1959. He is 52 years old and a resident of Lake City, SC. Judge Nettles provided in his application that he has been a resident of SC for at least the immediate past five years and has been a licensed attorney in SC since 1984.

(2) Ethical Fitness:

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

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

Judge Nettles testified he has not:

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

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

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

- (a) 2006 Annual Judicial Conference 08/23/06;
- (b) 2006 Annual Solicitor's Conference 09/24/06;
- (c) National Judicial College General Jurisdiction 10/16-27/06;
- (d) 22nd Annual Criminal Law Update 01/26/07;
- (e) 5th Annual Civil Law Update 01/26/07;
- (f) 2007 Annual Judicial Conference 08/22/07;
- (g) SCDTAA Annual Meeting 11/01/07;
- (h) 23rd Annual SC Criminal Law Update 01/25/08;
- (i) 6th Annual Civil Law Update 01/25/08;
- (j) 2008 Judicial Conference 08/20/08;
- (k) SCDTAA Annual Meeting 11/13/08;
- (l) 7th Annual Civil Law Update 01/23/09;
- (m) 24th Annual SC Criminal Law Update 01/23/09;
- (n) Recent Developments in Peer 01/24/09;
- (o) 2010 Judicial Conference 08/18/10;
- (p) Sporting Clays CLE: Ethics with 10/28/10;
- (q) Criminal Law Section 01/21/11;

- (r) Trial & Appellate Advocacy Section 01/21/11;
- (s) Circuit Court Judges' Conference 05/04/11.

Judge Nettles reported that he has taught or lectured at the following bar association conferences, educational institutions, or continuing legal or judicial educational programs:

- (a) I addressed the Solicitor Convention concerning new developments in Criminal Law in 2007;
- (b) I addressed the Public Defender Convention concerning Differential Case Management 2009;
- (c) I participated in Panel Discussions on Ethics CLE in 2010;
- (d) Guest Lecturer, Business Law course, Francis Marion University 2008 and 2009.

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

(4) Character:

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

The Commission also noted that Judge Nettles 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 Nettles reported that prior to his election to the bench, his rating by a legal rating organization, Martindale-Hubbell, was BV.

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

Circuit Court for Twelfth Judicial Circuit, Seat 1; elected 2/2/05 and began serving 1/3/06.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Nettles was admitted to the SC Bar in 1984.

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

"I was engaged in the general practice of law in Lake City, SC as a partner in the firm of Nettles, Turbeville & Reddick, for twenty years. Over the last five years, I handled 959 cases (680 criminal, 176 civil, 37 real estate transactions, 26 domestic cases.) As the years

progressed, two of my partners have practiced real estate exclusively and my sister has practiced domestic law exclusively. In the early years of my practice, there was a more equal division of caseload. During the last five years of my practice, I only handled domestic matters and real estate transactions for ongoing clients.”

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

- (a) Mitchell v. Fortis Insurance, 385 S.C. 570, 686 S.E.2d 176 (2010)
In this case, a policyholder brought causes of action for Breach of Contract and bad faith rescission against insurance company. The jury awarded \$15,150,000.00. Numerous orders were issued and many evidentiary rulings were affirmed, however, the Supreme Court reduced the verdict to \$10,150,000.00;
- (b) Willis v. Wukela, 379 S.C. 126, 665 S.E.2d 171 (2008)
SC Supreme Court affirmed my ruling, clarifying S.C. Code Section 7-13-350 and its application;
- (c) Estate of Stokes v. Pee Dee Family Physicians, 389 S.C.343, 699 S.E.2d 143 (2010)
This case clarifies the wrongful death statute and establishes that this statute does not extend the statute of limitations. This decision was affirmed by the SC Court of Appeals;
- (d) Bazen v. Badger R. Bazen Company, Inc., 388 S.C. 58, 693 S.E.2d 516 (2009)
This case clarifies the calculation of average weekly wages within the Workers’ Compensation statute;
- (e) James Nathaniel Bryant, III v. State of South Carolina
I have enclosed the text of an order that I drafted denying applicant’s request for Post Conviction Relief in this Capitol Murder trial. This order is pending before the SC Supreme Court.

- (9) Judicial Temperament:
The Commission believes that Judge Nettles’ temperament has been and would continue to be excellent.
- (10) Miscellaneous:
The Pee Dee Citizens Committee found Judge Nettles to be “Qualified” in the areas of constitutional qualifications, physical health, and mental stability. Judge Nettles was found “Well qualified” for ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee stated in summary: “Judge Nettles enjoys an excellent reputation as a fair minded, firm jurist with extensive knowledge of the law.”

Judge Nettles is married to Donna Jean Nettles. He has three children.

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

- (a) Florence County Bar Association, Member and Treasurer in 1989; and
- (b) SC Bar Association, Bar Number 4198.

Judge Nettles provided that he was a member of the following civic, charitable, educational, social, or fraternal organization:
Florence Country Club

Judge Nettles further reported:

“I was a volunteer coach in the Lake City Recreation Department, coaching baseball, softball, and football. I am very active in the Lake City First Baptist Church. I teach the Young Men’s Sunday School Class and direct and participate in the Foreign Mission program.”

(11) Commission Members’ Comments:

The Commission commented that Judge Nettles is a man of high integrity and good character which assists his able service as a Circuit Court judge.

(12) Conclusion:

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

The Honorable Perry M. Buckner, III
Fourteenth Judicial Circuit, Seat 1

Commission’s Findings:

QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Buckner was born in 1949. He is 62 years old and a resident of Walterboro, SC. Judge Buckner 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 1975.

(2) Ethical Fitness:

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

Judge Buckner 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 Buckner reported that he has made “less than \$100.00” in campaign expenditures for postage and stationary.

Judge Buckner testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;

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

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

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

- (a) SC Bar Convention 1/27/06;
- (b) Annual Judicial Conference 8/23/06;
- (c) SC Circuit Judges Conference 5/10/06;
- (d) SC Circuit Judges Conference 5/16/07;
- (e) Orientation School for New Circuit Judges 7/11/07;
- (f) Annual Judicial Conference 8/22/07;
- (g) SCSA Annual Conference 9/23/07;
- (h) SCDTAA Annual Meeting 11/01/07;
- (i) SC Bar Convention 1/24/08;
- (j) Orientation School for New Circuit Judges 7/09/08;
- (k) SCAJ Annual Meeting 8/7/08;
- (l) Annual Judicial Conference 8/20/08;
- (m) SC Bar Sporting Clays/Skeet Shoot 10/30/08;
- (n) SCDTAA Annual Meeting 11/13/08;
- (o) SC Bar Convention 1/23/09;
- (p) SC Circuit Court Judges Conference 5/06/09;
- (q) Orientation School for New Circuit Judges 7/08/09;
- (r) SCAJ Annual Meeting 8/06/09;
- (s) Annual Judicial Conference 8/19/09;
- (t) 40 Hr Civil Mediation Training 1/04/10;
- (u) SC Bar Convention 1/21/10;
- (v) Sporting Clays CLE; Ethics with Judges 4/29/10;
- (w) SC Circuit Judges Conference 5/05/10;
- (x) Annual Judicial Conference 8/18/10;
- (y) Sporting Clays CLE: Ethics with Judges 10/28/10;
- (z) SC Bar Convention 1/21/11;
- (aa) SC Circuit Court Judges Conference 5/04/11.

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

- (a) In 1981 or 1982 I spoke at a SC Bar CLE Seminar on “Extraordinary Writs” at the USC School of Law.
- (b) On May 18, 1984, I was moderator at a seminar on “Condemnation Law and Practice” at the USC School of Law.

- (c) On October 21, 1994, I taught a CLE seminar entitled “Calling as A Witness an Expert Who Was Engaged but Not Called by Opposing Party” at the USC School of Law.
- (d) On or about October 1, 2001, I served on a panel at the Annual Solicitor’s Conference and gave a speech entitled “Recent Court Decisions.”
- (e) In September 2004, I spoke at a conference held at Wofford College, entitled “Wofford and the Law.” Along with other circuit court judges, I spoke about new developments in the law, both in General Sessions and Common Pleas Court, in a speech entitled “Observations from the Bench.”
- (f) In September 2007, I spoke at a conference held at Wofford College, entitled “The Constitution: The Third Branch of Government, an Insider’s View.” My speech was entitled “Judicial Independence.”
- (g) In July of 2007, 2008, 2009, 2010, and 2011, I spoke at the New Circuit Judges Orientation School regarding “Common Problems in Applying Rules of Court and Rules of Evidence.”

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

(4) Character:

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

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

Judge Buckner reported the following military service:

“I was commissioned as a 2nd Lieutenant at graduation through the Wofford College ROTC program in May of 1971. I was on active duty from October 13, 1971, to January 13, 1972. The branch of service at this time was the Quarter Master Corps. My serial number is XXX-XX-XXXX. After discharge from active duty, I continued in the U.S. Army Reserves from 1972 until approximately 1979 and was transferred to the Judge Advocate General Corps, and I received my discharge from the Reserves in about 1979, at which time I had obtained the rank of Captain. My current status is inactive. I have an Honorable Discharge.”

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

“I served as Staff Attorney for the State of SC in the SC Attorney General’s Office from 1975-77. I served as an Assistant Attorney General for the State of SC from 1977-79.

In 1997, I became a part-time Assistant Solicitor for the 14th Judicial Circuit. All of these offices are appointed.”

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Buckner was admitted to the SC Bar in 1975.

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

(a) 1975-79: SC Attorney General’s Office as a Staff Attorney and Assistant Attorney General, Columbia, SC.

From 1975 to 1977 I was a staff attorney in the Attorney General’s Office during my first two years of employment. My duties included prosecuting criminal cases in the Magistrate and Circuit Courts of SC. I also handled criminal appeals to the SC Supreme Court on behalf of the State of SC during my initial two years with the SC Attorney General’s Office.

From 1977 to 1979, I moved to the Civil Division of the SC Attorney General’s Office and I handled civil litigation for the State of SC, including representation of the SC Wildlife Department, the SC Highway Department, the Medical University of SC, The Citadel, and the SC Forestry Commission.

(b) 1979-81: Partner in the Law Firm of Wise and Cole, P.A., in Charleston, SC.

From 1979-81, I did insurance defense work as a partner with the firm of Wise and Cole in Charleston, SC. During this time, my practice consisted of almost entirely civil defense work.

(c) 1981-86: Partner in the Law Firm of Smoak, Moody, Buckner and Siegel in Walterboro, SC.

From 1981 to 1986, as a partner with the law firm of Smoak, Moody, Buckner and Seigel in Walterboro, SC, I handled primarily plaintiffs’ personal injury cases and Workers’ Compensation cases. This was a general law practice so I handled both plaintiff and defense cases in both magistrates and circuit court.

(d) 1986-2000: Private Practice, Law Office of Perry M. Buckner, in Walterboro, SC.

From 1986-2000, I started my own private law practice, I handled plaintiffs’ personal injury cases, Social Security cases, and Probate Court/Estate work. I also handled both plaintiff and defendant litigation in civil court, and I handled criminal defense work in the Court of General Sessions of SC. In 1986 I was selected to serve on the Board of the Colleton County Public Defender Corporation, where I continued until being hired as an Assistant Solicitor for the Fourteenth Judicial Circuit in 1997. In 1987 I was court appointed to represent a Capital Defendant in a murder case in Colleton County, which was tried to completion in both the guilt and sentencing phases.

In 1997, I became a part-time Assistant Solicitor for the Fourteenth Judicial Circuit, prosecuting cases for the Solicitor's Office in the Court of General Sessions for Colleton County.

From 2000 to the present, I have served as a resident Circuit Court Judge for the Fourteenth Judicial Circuit."

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

"On February 9, 2000, I was elected as a resident Circuit Court Judge of the Fourteenth Judicial Circuit, Seat Number 1, and I was sworn in on June 30, 2000. I began work on July 1, 2000, as a Circuit Court Judge."

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

- (a) Vicki F. Chassereau v. Global-Sun Pools, Inc. and Ken Darwin, 03-CP-25-476. The Court of Appeals affirmed my order denying Defendants' Motion to Compel Arbitration, which is attached hereto. The Court of Appeals' decision in this case is cited as Vicki F. Chassereau v. Global-Sun Pools, Inc. and Ken Darwin, 363 S.C. 628, 611 S.E.2d 305 (Ct. App. 2005).
- (b) Guffey v. Columbia/Colleton Regional Hosp., Inc., 364 S.C. 158, 612 S.E.2d 695 (2005). This was a medical malpractice case involving death in which I directed a verdict regarding conflicting instructions and excluded evidence regarding conflicting discharge instructions after the withdrawal of the defense of comparative negligence. The SC Supreme Court recently upheld this decision. My order denying a new trial in this case is attached. The decision of the Supreme Court is reported as Guffey v. Columbia/Colleton Regional Hosp., Inc., 364 S.C. 158, 612 S.E.2d 695 (2005).
- (c) State v. Victor Pichardo and Lorenzo Victoria Reyes, 367 S.C. 84, 623 S.E. 2d 840 (Ct App., 2005) This is a criminal case in which I suppressed evidence seized by law enforcement which was affirmed by the SC Court of Appeals.
- (d) State v. M.S. Hernandez, 386 S.C. 655, 290 S.E. 2d 582 (Ct. App, 2010) This is an appeal from a criminal case in which I was affirmed by the Court of Appeals in refusing to charge the lesser included offense of voluntary manslaughter. I was affirmed by the South Carolina Court of Appeals.
- (e) Partain v. Upstate Automotive, 386 S.C. 488, 689 S.E. 2d 602 (2010). This is a SC Supreme Court decision in which I was affirmed for refusing to compel arbitration.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Lowcountry Citizens Committee reported that Judge Bucker is "Well qualified" in each of the nine evaluative criteria: constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament. The Committee stated in summary, "The candidate is highly regarded in the community and well respected as a judge not only in the Fourteenth Circuit, but statewide as well."

Judge Buckner is married to Janet Hobbs Buckner. He has two children.

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

- (a) Current Member of the SC Bar Association;
- (b) Current Member of the Colleton County Bar Association;
- (c) Current Member of the American Bar Association;
- (d) Former Member of the SC Defense Trial Attorneys Association;
- (e) Former Member of the SC Association for Justice;
- (f) Former Member of the SC Bar Judicial Qualification Committee;
- (g) Former Member of the SC Bar Nominating Committee;
- (h) Former Member of the SC Bar House of Delegates.

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

- (a) Liturgist, Usher, Greeter at Bethel United Methodist Church, Walterboro, SC;
- (b) Member of the Colleton County Historical and Preservation Society;
- (c) Member of Colleton County Arts Council;
- (d) Member of Walterboro Elks Club;
- (e) Past member of the Dogwood Hills Country Club.

(11) Commission Members' Comments:

The Commission noted that Judge Buckner possesses a great judicial temperament and an outstanding work ethic that serves him well in performing the duties of a Circuit Court judge.

(12) Conclusion:

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

ADMINISTRATIVE LAW COURT

The Honorable John Davis McLeod

Seat 2

Commission's Findings:

QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge McLeod meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Judge McLeod was born in 1942. He is 69 years old and a resident of Winnsboro, SC. Judge McLeod 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 1967.

(2) Ethical Fitness:

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

Judge McLeod 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 McLeod reported that he not made any campaign expenditures.

Judge McLeod testified he has not:

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

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

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

"None. I am no longer required to attend CLE because of age."

Judge McLeod reported that he has taught the following law related course:

"I have lectured at the SC Bar Program 'Bridge the Gap' for new lawyers."

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

(4) Character:

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

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

Judge McLeod reported the following military service:

Fall of 1961 through February 27, 1964: U.S. Naval Reserve; Seaman Apprentice; Serial# XXX XX XX; Honorable Discharge in 1964.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge McLeod was admitted to the South Carolina Bar in 1967.

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

- (a) 1967-69, Staff Att'y., Legal Dept., S.C. Public Service Authority, real estate and administrative law;
- (b) 1969-2005, general practice of law in sole practice in Winnsboro, SC—I phased out of criminal law and almost all domestic law for the past 10 years or so of my practice;
- (c) 2005 to present, service as Administrative Law Judge.

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

“First elected to Seat #2, Administrative Law Court on February 2, 2005 and serving continuously since. The Administrative Law Court (ALC), generally speaking, has jurisdiction of appeals and contested cases arising from state agencies. The significant limitation on the jurisdiction of the ALC is that while it can decide if a constitutional right has been abrogated, it cannot rule on the constitutionality of a statute.”

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

- (a) Too Tacky Partnership v. SCDHEC and Mayo Read, Jr. 05-ALJ-07-0165-CC, affirmed by 386 S.C.32, 686 S.E.2d 194 (SC App. 2009).
- (b) Spectre, LLC v. SCDHEC, et al, 06-ALJ-07-0711-CC, reversed by 386 S.C. 357, 688 S.E.2d 844(SC 2010).
- (c) Original Blue Ribbon Taxi Corporation v. SCDMV, 07-ALJ-21-0096-CC, affirmed by 380 S.C. 600, 670 S.E.2d 674 (SC App. 2008).
- (d) Greeneagle, Inc. v. SCDHEC, 08-ALJ-07-0339-CC(Landfill case).
- (e) Gary Slezak v. SCDPPPS, 09-ALJ-15-0019-AP(Parole denial case).

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Piedmont Citizen’s Committee on Judicial Qualification found Judge McLeod to be “Well qualified” for four evaluative criteria: ethical fitness, reputation, experience, and judicial temperament. The Committee found Judge McLeod “Qualified” for the remaining five evaluative criteria: constitutional qualifications, physical health, mental stability, professional and academic ability, and character. The Committee stated in summary, “The Committee finds Judge McLeod to be very qualified for re-appointment.”

Judge McLeod is married to Virginia Martin Ingram McLeod. He has two children.

Judge McLeod reported that he is not a member of any bar associations and professional associations:

- (a) SC Bar Association;
- (b) SC Association of Regulatory Attorneys (SCARLA).

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

Judge McLeod further reported:

“Eagle Scout, former Elder, Sion Presbyterian Church, formerly served on SC Bar Committee on Practice and Procedure, and six years experience on the Administrative Law Court.”

(11) Commission Members’ Comments:

The Commission commented that Judge McLeod has served very ably as a jurist on the Administrative Law Court for the past six years.

(12) Conclusion:

The Commission found Judge McLeod qualified and nominated him for re-election to the Administrative Law Court.

QUALIFIED BUT NOT NOMINATED

Joey Randell Floyd
Circuit Court, Fifth Judicial Circuit, Seat 3

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

(1) Constitutional Qualifications:

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

Mr. Floyd was born in 1975. He is 36 years old and a resident of Columbia, SC. Mr. Floyd 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 2001.

(2) Ethical Fitness:

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

Mr. Floyd 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. Floyd testified he has not:

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

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

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

- (a) Annual Free CLE Ethics Seminar 11/3/06;
- (b) 2006 Ultimate Trial Notebook 11/17/06;
- (c) National Institute for Trial Advocacy – SE Regional 5/19/07 – 5/25/07;
- (d) NC/SC Construction Law Section 9/14/07;
- (e) 2008 Master In Equity Bench/Bar 10/10/08;
- (f) Keeping the “Lawyer” in Lawyer 10/28/08;

(g)	Annual Free CLE Ethics Seminar	11/7/08;
(h)	2009 Master In Equity Bench/Bar	10/9/09;
(i)	2010 Masters in Equity Bench/Bar (and make-up CLE)	10/8/10;
(j)	Consumer Law Section (SC Bar Convention)	1/20/11;
(k)	Administrative Regulatory Law Committee, Government Law Section (SC Bar Convention)	1/21/11;
(l)	Corporate Banking & Securities Law Section (SC Bar Convention)	1/21/11;
(m)	Law Firm Management Seminar (SC Bar Convention)	1/22/11.

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

“I was a speaker for the 2008 Master In Equity Bench/Bar CLE (October 2008) on the topic of Supplemental Proceedings and collecting on Judgments.”

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

(4) Character:

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Floyd was admitted to the SC Bar in 2001.

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

“I have been associated with one law firm since being admitted to practice law (2001 – 2011). The firm has changed names once during my employment/association. The firm name was Bruner Powell Robbins Wall & Mullins, LLC (2001 – 2010) and the firm name was changed in 2010 to Bruner Powell Wall & Mullins, LLC, after a member of the firm departed from the firm.

My law practice has been, almost exclusively, a civil law practice in which I have handled construction litigation (representing Plaintiffs and Defendants), professional

malpractice matters (defense), collection (representing creditors and debtors), business litigation and general litigation matters (representing Plaintiffs and Defendants). My practice has, generally speaking, maintained a variety of litigation matters over the years. However, over the past two to three years, the malpractice defense portion of my practice has increased.”

Mr. Floyd further reported:

“My practice has been a heavy litigation practice, dating back to 2001. I have been involved in all sorts of litigation ranging from the simplest of issues to some of the most complicated/complex litigation. I have handled a number of legal malpractice matters which can be some of the most complex litigation because of the “case within the case” scenario presented in every legal malpractice action. Each legal malpractice action comes to us with its own unique issues. I have been involved in legal malpractice actions involving issues related to personal injury, worker’s compensation, probate and real estate matters. I have exclusively represented the Defendant(s) in the legal malpractice actions, which has been exceptionally rewarding due to the fact that my client in legal malpractice actions are attorneys. I have also had the opportunity to represent appraisers in appraisal malpractice actions, which has been interesting over the past several years as the global economy has stalled.

General litigation and business litigation matters are also rewarding to me because my clients and I have come to a mutual respect for one another. More specifically, I respect my client’s business decisions on certain matters and my clients respect my legal advice, even though they do not always follow all parts of my advice.

Another area of my practice would be collection matters, which has been rewarding to me in that most of my creditor clients have well-intentioned customers that seem to find themselves on hard times. I have enjoyed putting deals/repayment plans together that satisfy my client and my client’s customer that could lead to the rebuilding of a relationship between creditor and debtor.

Generally speaking, the more complex litigation tends to have more complex procedural histories, including second and third amended complaints, along with fourth party complaints, cross claims and counterclaims.

“While I have limited experience in criminal matters, I am confident that I will be able to learn the criminal system quickly based on the fact that I have learned numerous legal principles over the course of nearly ten years in my law practice. I will also take advantage of as many continuing legal education courses as possible to broaden my spectrum of knowledge in criminal matters. I would use all tools available to me as a circuit court judge to continuously educate myself on civil and criminal matters.”

Mr. Floyd reported the frequency of his court appearances during the last five years as follows:

(a) federal:

I have handled and/or been involved in a number of federal court cases over the past five years. I would estimate that I have been involved in 5 – 10 federal court matters during the past five years. The federal court matters that I have been involved with over the past five years have all been disposed of by way of a summary judgment

motion (where I/my firm represented the party moving for summary judgment), referred to arbitration or settled. As a result of the electronic case filing and electronic case management, a number of federal court cases that I have been involved in have been disposed of and/or resolved through electronic filings. Over the course of the past five years, I can only recall one case where a hearing was deemed necessary by the Court (Motion for Summary Judgment). I would estimate that the Federal Court portion of my practice would be approximately 5% of my practice.

(b) state:

I have handled numerous state court cases over the past five years and routinely appear in Circuit Court for motion hearings and roster meetings. I also frequently appear in the Equity Courts of South Carolina as a part of my collection practice.

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

- (a) Civil: 99%;
- (b) Criminal: 1%;
- (c) Domestic: 0%.

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

- (a) Jury: 75%;
- (b) Non-jury: 25%.

Mr. Floyd provided that he most often served as co-counsel, and over the past three years, as sole counsel.

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

- (a) Mowrer v. Charleston County Parks and Recreation Commission, et.al., C/A No.: 2000-CP-10-2420. This case is a reported case, 361 S.C. 476, 605 S.E.2d 563. I, along with Hank Wall in my firm, represented the Defendants in this particular action against a Plaintiff's claim of, among other causes of action, inverse condemnation. This case provided the Court of Appeals with an opportunity to expand and clarify various issues relating to inverse condemnation. When this case was tried the first time (October 2002), the case law on inverse condemnation was far from clear. This is also the only trial that I have been involved in where the same case was tried twice as a result of the appeal.
- (b) Fortson v. Randy Skinner, Greenville County C/A No.: 08-CP-23-1124 and U.S. District Court C/A No.: 6:08-cv-01107. I represented Randy Skinner, a South Carolina attorney and United States Bankruptcy Trustee, in an action filed by Major Fortson. Fortson claimed that Randy Skinner, while carrying out his duties as the United States Bankruptcy Trustee, failed to properly carry out his duties. The State Court action and the Federal Court action were ultimately dismissed on the basis of the Barton Doctrine. The Barton Doctrine basically states that before filing an action against a United States Trustee, a litigant must obtain permission from a United States

District Court Judge. The Barton Doctrine provides a layer of insulation against frivolous filings by litigants who can be disgruntled debtors or creditors in the United States Bankruptcy Courts.

- (c) Blanchard Machinery Company v. L & L Construction, LLC, et.al., C/A No.: 05-CP-21-1531. This case began as a simple collection matter that had the potential to be an important case concerning the “diligent creditor rule.” To some extent, the existing case law in South Carolina is not clear on how “lazy” creditors should be treated when an aggressive creditor finds certain personal property of a common debtor. While there is some authority that tends to suggest that the Courts should only reward the efforts of the diligent creditor, the case law is not absolute and this particular case had the potential to be a leading case as a result of my efforts in supplemental proceedings when I located over \$50,000.00 in a bank account that the debtors claimed was for the benefit of all creditors. Unfortunately, one of the debtors filed for bankruptcy and the appeal was ultimately dismissed by the Court of Appeals on the basis that the appeal became moot.
- (d) Ellison v. Heart Rate, Inc., et.al., C/A No.: 3:06-cv-1053. This case was a products liability action against, among others, an exercise machine manufacturer. I represented the machine manufacturer in this particular federal action. The Plaintiff failed to procure an expert to opine on the alleged defect(s) and the federal court dismissed the Plaintiff’s action, relying in part on the Plaintiff’s failure to procure an expert. This case illustrates the importance of adhering to the Court’s Orders.
- (e) Carews v. RBC Centura Bank, et.al. C/A No.: 2010-CP-32-442. I represented the appraiser in this civil action. The Plaintiffs in this civil action were borrowers who were building a million dollar home and, during construction, their builder encountered financial problems so severe that it/he was unable to finish the home. The borrowers alleged that the appraiser was negligent in making her inspections during the construction of the home. The trial court recently granted the appraiser summary judgment on the basis that the appraiser did not owe any duties to the borrowers. This ruling may be appealed and will provide the appellate court with an opportunity to expand on the duties of appraisers in South Carolina.

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

- (a) Mowrer v. Charleston County Parks and Recreation Commission, et.al., C/A No.: 2000-CP-10-2420. The case is reported at 361 S.C. 476, 605 S.E.2d 563.
- (b) Blanchard Machinery Company v. L & L Construction, LLC, et.al., C/A No.: 05-CP-21-1531. This appeal was not ruled upon by the Court of Appeals and was dismissed as moot as a result of the Defendant’s/Debtor’s bankruptcy filing.
- (c) I have assisted other attorneys in my firm on various civil appellate matters.

Mr. Floyd reported he has not personally handled any criminal appeals.

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

(10) Miscellaneous:
The Midlands Citizen's Committee on Judicial Qualification found Mr. Floyd to be "Well qualified" in seven of the nine evaluative criteria: constitutional qualifications, physical health, mental stability, ethical fitness, character, reputation, and judicial temperament. The committee found him "Qualified" in the remaining two criteria of professional and academic ability and experience. The Committee stated in summary, "The Committee was very impressed with Mr. Floyd, and we enjoyed his interview. We found him to be sincere, energetic and committed to public service. We feel certain that he is very qualified to serve our state on the Circuit Court, and we know that he would serve in an outstanding manner."

Mr. Floyd is married to Ellie Cavanaugh Floyd. He has two children.

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

- (a) American Bar Association;
- (b) Richland County Bar Association.

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

- (a) Washington Street United Methodist Church Childcare Development Center, Former Board Member and Former Chairman of the Board;
- (b) Washington Street United Methodist Church, Missions Committee, Member of the Committee.

Mr. Floyd further reported:

"Growing up in Turbeville, SC, provided me with a different perspective on life. I grew up in, and around, a farming community/lifestyle. Today, I have the privilege of serving as an attorney and interacting with professionals. To a certain extent, I have been able to draw on the benefits of both lifestyles and I believe I have the ability to connect with people from all walks of life. Additionally, after appearing in Court on numerous occasions over the course of my law practice, I understand the traits and characteristics that make a good Circuit Court Judge."

(11) Commission Members' Comments:
The Commission commented that Mr. Floyd has an outstanding reputation as a civil law practitioner. They noted he is very intelligent and well spoken, which would be an asset on the Circuit Court bench.

(12) Conclusion:
The Commission found Mr. Floyd qualified but not nominated to serve as a Circuit Court judge.

Robert L. Reibold
Fifth Judicial Circuit, Seat 3

Commission's Findings:

QUALIFIED, BUT NOT NOMINATED

(1) Constitutional Qualifications:

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

Mr. Reibold was born in 1970. He is 41 years old and a resident of Columbia, SC. Mr. Reibold 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 1995.

(2) Ethical Fitness:

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

Mr. Reibold 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. Reibold reported that he has made the following campaign expenditures: \$147.88 on paper, printing, and envelopes, \$87.15 on postage, and \$10.00 on fingerprinting.

Mr. Reibold testified he has not:

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

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

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

- (a) Robert Masante's: Killer Expert Depositions 4/1/2005;
- (b) Advanced Personal Injury Practice 4/14/2005;
- (c) Writing Credit – SC Lawyer Magazine 7/22/2005;
- (d) ABC's of Effective Ethical Practice 10/14/2005;
- (e) E-Discovery and Evidence 5/5/2006;
- (f) Legal Aspects of Condominium Regimes 8/25/2006;

(g)	6 th Annual Civil Law Update	1/25/2008;
(h)	A Day in Discovery – Part 1	1/26/2008;
(i)	A Day in Discovery – Part 2	1/26/2008;
(j)	New Rules of Professional Conduct	2/10/2008;
(k)	Rules, Rules, Rules	12/12/2008;
(l)	Civil Court Judicial Forum	9/30/2009;
(m)	Annual Free Ethics Seminar	11/6/2009;
(n)	Employment & Labor Law	1/22/2010;
(o)	Torts & Insurance Practice – Part 1	1/22/2010;
(p)	Torts & Insurance Practice – Part 2	1/23/2010;
(q)	Alternate Dispute Resolution	1/2011.

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

- (a) I made a presentation as a speaker at the Automobile Torts CLE in the Fall of 2000; and
- (b) I made a presentation as a speaker at the Masters in Equity CLE in October of 2010.

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

Mr. Reibold reported that he has published the following:

- (a) SC Equity: A Practitioner’s Guide (SC Bar CLE 2010) (Co-Author);
- (b) Hidden Danger of Using Private Detectives (SC Lawyer, July 2005) (Author);
- (c) Cutting the Fishing Trip Short: Protecting an Adjuster’s Claim File (SC Lawyer, July/August 2000) (Author);
- (d) The Big Catch: An Adjuster’s Claim File (SC Lawyer, July/August 2005) (Author).

(4) Character:

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

The Commission also noted that Mr. Reibold 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. Reibold reported that the rating by a legal organization, Martindale-Hubbell, was BV when he initially applied. He further stated, “I have not been reevaluated in some time.”

(6) Physical Health:

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

(7) Mental Stability:
Mr. Reibold appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Mr. Reibold was admitted to the SC Bar in 1995.

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

- (a) 1996, law clerk to the Honorable J. Ernest Kinard, Jr., Judge of the Circuit Court;
- (b) 1996-2000, associate at Swagart & Walker, P.A.;
- (c) 2000-02, Swagart, Walker & Reibold, P.A.;
- (d) 2002-05, Swagart, Walker, Martin & Reibold, P.A.;
- (e) 2005-08, Walker, Martin & Reibold, LLC;
- (f) 2008 to the present, Walker & Reibold, LLC.

Mr. Reibold further reported:

“My experience in criminal matters has been limited. I had some exposure to General Sessions Court during my judicial clerkship. However, since that time, I have been involved exclusively in civil matters. I have represented both plaintiffs and defendants in Magistrate’s Court, Circuit Court, the South Carolina Court of Appeals, and the South Carolina Supreme Court. I have also represented both plaintiffs and defendants in the United States District Court for the District of South Carolina. At least 95% of my practice has been devoted to litigation. The types of matters I have handled range from personal injury actions, to include wrongful death and survival claims, employment discrimination litigation, products liability actions, breach of contract, fraud, and unfair trade practice claims.

To some extent, my background has prepared me to handle criminal actions. I became familiar with the operations of the Court of General Sessions during my judicial clerkship. I have also regularly used the South Carolina Rules of Evidence as a civil litigator, and these rules apply equally in criminal actions. I would compensate for my lack of experience in criminal matters through education. I would attend continuing legal education seminars in criminal law and procedure. Additionally, I would engage in private study of criminal issues in order to ensure competency.”

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

“In the past 5 years, I have handled approximately 25 cases in federal court. In the same time period, I have handled between 150 and 200 cases in South Carolina state courts.”

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

Civil: 100%.

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

- (a) Jury: 97%;

- (b) Non-jury: 3%.

Mr. Reibold provided, "I served as sole/chief counsel in 50% of these matters. For the remainder, I served as associate counsel."

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

- (a) Roberts v. LaConey, 375 S.C. 97, 650 S.E.2d 474 (2007). I sought permission to file an amicus brief in this case which was filed in the South Carolina Supreme Court's original jurisdiction. The case was decided in favor of the parties represented by my firm, and helped define what constitutes the unauthorized practice of law in the State of South Carolina;
- (b) Brown v. Stewart, 348 S.C. 33, 557 S.E.2d 626 (Ct.App. 2001). Among other things, this case involved the question of when a corporate shareholder may maintain a breach of fiduciary action against corporate board members or directors. I assisted in the trial of this case and argued the appeal, which helped to clarify an uncertain area of law in South Carolina.
- (c) Fournil v. Turbeville Insurance Agency. In this matter, I represented a small start up company. The founder of the company had split off from a larger insurance agency, which became involved in litigation with my client. If the larger company's claims had been successful, the suit would crushed the new business. My clients were facing an adversary with much greater resources. To me this case is significant because its successful resolution was literally a question of the survival of my client.
- (d) Butler v. Ford Motor Company, et al., 724 F.Supp.2d 575 (D.S.C. 2010). In this case, I represented a small tire company from Georgia who had been improperly sued in South Carolina. The case is significant to me because I was able to have the case relocated to a proper forum, and prevent what appeared to be forum shopping.
- (e) Long v. Wray Automotive. In this federal case, I represented a car dealership who had been sued for loss of filial consortium. I argued that such a cause of action did not exist in South Carolina. The federal district court predicted that South Carolina would not recognize such a claim. This decision can be found at Long v. Wray Automotive, 2006 WL 3612875 (D.S.C.), and helped to clarify an ambiguous area of law.

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

- (a) Brown v. Stewart, et al., November 19, 2001 (reported at 348 S.C. 33, 557 S.E.2d 676 (Ct.App. 2001) (brief and argument);
- (b) Hall v. Fedor, March 25, 2002 (reported at 349 S.C. 169, 561 S.E.2d 654 (Ct.App. 2002) (on brief).

Mr. Reibold reported he has not personally handled any criminal appeals.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizen's Committee on Judicial Qualification found Mr. Reibold "Qualified" in the areas of professional and academic ability, and experience. He was found "Well qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability, ethical fitness, character, reputation, and judicial temperament. The Committee stated in summary, "The Committee was impressed by Mr. Reibold. We found him to be a very intelligent, sincere, and committed candidate. He is very qualified to serve as a judge on the Circuit Court, and we are confident he would serve our state in an excellent manner."

Mr. Reibold is married to Shealy Boland Reibold. He has one child.

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

- (a) SC Bar Association, Member, House of Delegates 2008 to the present;
- (b) Richland County Bar Association;
- (c) American Bar Association; and
- (d) SC Defense Trial Attorneys Association.

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

- (a) Member, Board of Directors, Keep the Midlands Beautiful; Honored as Board Member of the Year for South Carolina Keep America Beautiful Affiliates in 2005;
- (b) Appointed Member, City of Columbia Tree and Appearance Commission, 2007 to the present;
- (c) Advisory Board Member, Salvation Army Command of the Midlands;
- (d) Columbia Kiwanis Club.

Mr. Reibold further reported:

"I have been involved in community affairs for some time. Over the past 15 years, I have worked as a volunteer at public events, raised money for the American Cancer Society, and served as a board member for local non-profit organizations. I am also a member of the 2002 Leadership Columbia class. I was appointed by Columbia City Council to the Columbia Tree and Appearance Commission, where I continue to serve. I have recently been appointed as an advisory board member for the Salvation Army of the Midlands. These activities demonstrate my commitment to public service.

I have also been active in promoting the legal profession. I have been twice elected to the House of Delegates for the South Carolina Bar Association. I have authored a number of articles and co-authored a legal text published by the South Carolina Bar Association.

Service as a Circuit Court Judge is a natural outgrowth of this commitment service and the legal profession."

(11) Commission Members' Comments:

The Commission commented on Mr. Reibold's dedicated service in the community and to the legal profession. They noted his good presentation at the public hearing and his background as a civil practitioner.

(12) Conclusion:

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

CONCLUSION

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

Supreme Court, Seat 4	The Honorable Kaye G. Hearn
Court of Appeals, Seat 8	The Honorable Thomas E. Huff
Circuit Court	
Third Judicial Circuit, Seat 2	The Honorable George C. James, Jr.
Fourth Judicial Circuit, Seat 2	The Honorable John Michael Baxley
Fifth Judicial Circuit, Seat 2	The Honorable Lee Casey Manning
Fifth Judicial Circuit, Seat 3	Robert Eldon Hood
Fifth Judicial Circuit, Seat 3	John P. Meadors
Fifth Judicial Circuit, Seat 3	Clifford Scott
Seventh Judicial Circuit, Seat 2	The Honorable Roger Lynn Couch
Eighth Judicial Circuit, Seat 2	The Honorable Eugene Cannon Griffith, Jr.
Ninth Judicial Circuit, Seat 2	The Honorable Kristi Lea Harrington
Tenth Judicial Circuit, Seat 2	The Honorable Alexander Stephens Macaulay
Eleventh Judicial Circuit, Seat 1	The Honorable William Paul Keesley
Eleventh Judicial Circuit, Seat 2	The Honorable R. Knox McMahon
Twelfth Judicial Circuit, Seat 1	The Honorable Michael G. Nettles
Fourteenth Judicial Circuit, Seat 1	The Honorable Perry M. Buckner, III
Administrative Law Court	
Seat 2	The Honorable John Davis McLeod

The Judicial Merit Selection Commission found the following candidates QUALIFIED, BUT NOT NOMINATED:

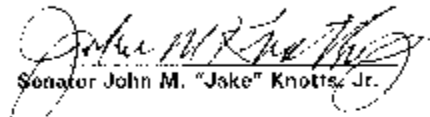
Fifth Judicial Circuit, Seat 3	Joey R. Floyd
Fifth Judicial Circuit, Seat 3	Robert L. Reibold

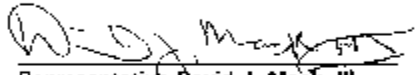
Respectfully submitted,


Senator Glenn F. McConnell


Representative F. G. Delleney, Jr.


Representative Alan D. Clammons

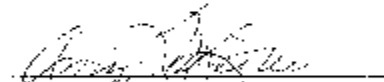

Senator John M. "Jake" Knotts, Jr.

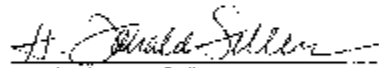

Representative David J. Mack, III


Senator Floyd Nicholson


Mr. John P. Freeman


Mr. John Davis Harrell


Mrs. Amy Johnson McLester


Mr. H. Donald Sellers