

JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE  
2020



Court, Position, and Seat # for which you are applying: Circuit Court, At-Large, Seat 12

1. Name: Mr. Brett H. Bayne  
Mrs.  
Ms.

Name that you are known by if different from above  
(Example: A Nickname): N/A

Are you currently serving in some capacity as a judge? If part-time, please note.  
(Includes Municipal, Magistrate, Etc.): No.

Home Address: [REDACTED]

Business Address: 1320 Main Street, 10<sup>th</sup> Floor, Columbia, SC 29201

E-Mail Address: [REDACTED]

Telephone Number: (home): [REDACTED]  
(office): 803-227-2281  
(cell): [REDACTED]

2. Date of Birth: [REDACTED] 1986  
Place of Birth: Dallas, Texas  
Social Security Number: [REDACTED]

3. Are you a citizen of South Carolina? Yes.  
Have you been a resident of this state for at least the immediate past five years? Yes.

4. SCDL# or SCHD#: [REDACTED]  
Voter Registration Number: [REDACTED]

5. Have you served in the military? If so, give the dates, branch of service, highest rank attained, serial number (if applicable), present status, and the character of your discharge or release. Please provide a copy of your DD214 concerning your discharge.

No.

6. Family Status:

- (a) State whether you are single, married, widowed, divorced, or separated.
- (b) If married, state the date of your marriage and your spouse's full name and occupation.
- (c) If widowed, list the name(s) of spouse(s).
- (d) If you have ever been divorced or are in the process of obtaining a divorce, state the date, name of the moving party, court, and grounds.
- (e) State the names of your children and their ages. If your children are old enough to work, include the occupation of each child.

Married on November 20, 2010 to Laura Joanne Bayne.

Laura is the Director of Vehicle Services for the South Carolina Department of Motor Vehicles.

Never divorced, three children.



7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.

- (a) Baylor University
  - a. August 2004-August 2008
  - b. Bachelor of Arts in Sociology; Bachelor of Arts in Political Science
- (b) University of South Carolina School of Law
  - a. August 2008-May 2011
  - b. Juris Doctor

8. List the significant activities in which you took part during your attendance at law school. Give the years you were involved in these activities and list any leadership positions you held.

- (a) John Belton O'Neall American Inn of Court (2010-2011)
- (b) Phi Delta Phi (2008-2011)
- (c) Mock Trial (2009-2011), Justice of External Competitions
- (d) Criminal Trial Clinic (2010)
- (e) Homeless Legal Clinic (2010-2011)
- (f) Judicial Observation Program (2009)
- (g) Peer Mentor (2009-2011)
- (h) Pro Bono Program (2009-2011)

9. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. Please indicate the number of times you took the exam in each state.

(a) South Carolina – 2011

- a. I took the bar exam one time in July 2011

10. Describe chronologically, since graduation from law school, your legal experience. Please include a list of all positions held in which you worked in a legal capacity. Describe the general character of your practice and divide it into periods with dates if its character changed over the years. Please also describe the extent to which you were involved with the administrative and financial management of each of these entities, including management of trust accounts.

**Justices/judges applying for re-election to their current position may omit Questions 11–17. If you are a full-time judge seeking a judgeship different than your current position, Questions 11-17 should be answered based on your experience prior to serving on the bench.**

(a) Judicial Law Clerk – The Honorable G. Thomas Cooper, Jr.

a. August 2011-July 2012

- b. I served as a judicial law clerk for Judge Cooper in the year following graduation from law school. During this time, Judge Cooper was the Chief Administrative Judge for General Sessions in the Fifth Judicial Circuit. The entirety of the time that Judge Cooper was the Chief Administrative Judge was spent managing the criminal docket and handling criminal matters including, but not limited to, pleas, bond setting, criminal jury trials, and motions. During this time Judge Cooper presided over two murder trials and we were preparing to preside over a death penalty trial when the parties reached a plea agreement prior to jury selection. We also heard numerous PCR and multiple SVP hearings. In the latter part of my term, Judge Cooper completed his term as Chief Administrative Judge for General Sessions and we resumed both civil and criminal dockets including Common Pleas Non Jury motions and Common Pleas Jury trials in Richland, Kershaw, York, and other counties.

(b) Attorney – McAngus, Goudelock, & Courie

a. Workers' Compensation – July 2012-June 2014

- i. I started my career representing employers and their insurance carriers in contested workers' compensation matters. In just under two years of work in this field, I tried more than two dozen contested worker's compensation matters to conclusion through Commission hearings, Full Commission appeals, Circuit Court appeals, and any appeals to the

Court of Appeals and Supreme Court. This practice included numerous depositions and mediations.

b. Civil Litigation – June 2014-Present

- i. In June 2014 I transitioned to our litigation team and began work exclusively on civil litigation matters ranging from liability claims, auto accident, premises liability, class action defense, and a variety of other matters including trademark litigation, equine immunity litigation, and construction defect litigation. In December 2019, I became a partner in the firm. In the past six years, I have tried twenty-two jury trials. Eighteen of these trials went to jury verdict, three of these trials settled before closing, and one resulted in a mistrial. I have tried two additional cases to bench trial verdict for a total of twenty four trials in six years. I am a certified Circuit Court Arbitrator and have been called upon to preside over one arbitration. While the majority of my practice has been defense based, I have also handled several plaintiff side matters including a qui tam case and several plaintiff side business and personal disputes.

11. Please answer the following:

- (a) If you are a candidate for Family Court, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background and procedural knowledge has prepared you to preside over such matters as a Family Court judge. Please also indicate the frequency of your appearances before a Family Court judge within the past five years.

N/A.

- (b) If you are a candidate for Circuit Court, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years, and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years, and include a brief description of the types of matters handled, issues involved, and procedural history. Please include information such as the primary areas in civil court in which you practice, and whether you represent plaintiffs or defendants, or both. You may go back further than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background and procedural knowledge has prepared you to preside over such matters as a Circuit Court judge, or how you would compensate for your lack of experience in this area. Please also

indicate the frequency of your appearances before a Circuit Court judge within the past five years.

(a) Civil Matters

- a. My civil litigation practice is diverse in subject matter. While I most often work on cases involving personal injury arising from automobile accident and premises liability claims, I also engage in civil litigation practice in the areas of construction defect, contract/business disputes, class action, toxic tort, HOA/property matters, and trademark litigation. While a majority of my practice is defense based, I have handled several plaintiff side matters involving business disputes, property damage, personal injury counterclaims, and a qui tam claim.
- b. I have tried twenty-four total cases to jury or bench trial. Twenty-two of these cases were jury trials and two were bench trials. Of those twenty-two cases, eighteen obtained a jury verdict and four resulted in either settlement during trial but before verdict (three) or a mistrial during closing argument (one).
- c. I have extensive practice in numerous Circuit Courts within the state as well as federal courts. I have handled trials in Richland, Charleston, Anderson, Newberry, Orangeburg, Abbeville, York, City of Columbia, and the United States District Court.
- d. In addition to extensive trial work, I have participated in multiple appeals involving the Court of Appeals and Supreme Court. I have participated in these appeals both as primary counsel and as supervisory/contributory counsel following the appeal from the trial court level. These matters include workers' compensation appeals, declaratory judgments, discovery appeals, and verdict/dismissal appeals. One of these appeals was a federal appeal to the Fourth Circuit Court of Appeals.
- e. Finally, as noted above, I spent approximately two years handling workers' compensation matters from inception to conclusion. This involved handling dozens of contested hearings, Full Commission appeals, Circuit Court appeals, and Court of Appeals/Supreme Court appeals.

(b) Criminal Matters

- a. My criminal experience is unique among judicial candidates. I have not had the honor of serving as a Solicitor or Public Defender. However, I have spent thousands of hours training law students, solicitors, public

defenders, and assistant attorneys general in the art and skill of criminal trial advocacy.

- b. First, during my time in law school I participated in the Criminal Trial Clinic and took a course called “Criminal Trial Practice.” The Criminal Trial Practice course was taught by Lee Coggiola and Kat Hudgins and involved intensive training in handling criminal trials from start to finish with an emphasis on South Carolina courts. More importantly, I participated in the Criminal Trial Clinic. The Clinic is a functional criminal defense law firm and each student is assigned criminal clients to assist with low level offenses in City and Magistrate Court. I handled two criminal domestic violence defendants. One case was dismissed and the other was tried to verdict. I obtained a “not guilty” verdict on behalf of my client. In the process of representing my clients in the Clinic, I met with clients, victims, family members, and court officers. It was an invaluable experience that provided a glimpse into the realities of our criminal justice system including work related issues, victim issues, and family interplay issues.
- c. Second, during my time as a Judicial Law Clerk for Judge Cooper, he served as the Chief Administrative Judge for General Sessions in the Fifth Judicial Circuit. This was a fully immersive experience from day one. Judge Cooper managed the docket, accepted pleas, set bonds, interacted with law enforcement on warrant related issues, conducted bond revocation hearings, presided over criminal trials, and sentenced defendants. As his clerk, I handled or was involved in many of those matters including managing and coordinating the docket and interacting day to day with solicitors, public defenders, private criminal defense attorneys, and pro se defendants. These matters ran the gamut from scheduling trial, arranging pleas, and coordinating motions. During my time, we tried two murder trials and we were preparing for a death penalty trial when the parties reached a plea agreement. I learned an immense amount watching how Judge Cooper patiently and empathetically listened to cases, heard from victims and families of both victims and defendants, and accommodated all parties in a manner that was fair, equitable, and just.
- d. Finally, since January 2013 I have served as an Adjunct Professor of Trial Advocacy and the Director/Head Coach of the USC School of Law Mock Trial Bar. For anyone who is unaware of the program, I teach and train forty to fifty 2L and 3L students each year in the art of trial advocacy. By the time a student graduates from the program, the average student has conducted ten full trials in a competitive setting, more than fifty trials in a scrimmage setting, and spent more than four hundred hours learning, honing, and perfecting their trial skills. In any given year, I spend more than 1,250 hours training my students—from lessons to

practices to competitions. Roughly 75% of the fact patterns used for training and competition are criminal in nature. In a given year I spend more than 900 hours training law students specifically in the art of criminal trial advocacy and criminal trial practice. This includes handling various issues in a criminal case from start to finish after the initial arrest. Many of these include dealing with arrest, interview, constitutional rights, investigation, and other matters elemental to criminal trial practice. All of these include handling pre-trial motions and criminal trial practice. Since 2013, I estimate I have spent more than 5,000 hours teaching criminal trial practice and training future lawyers in the art of criminal trial practice. In that time, I have trained more than three dozen solicitors, prosecutors, public defenders, private criminal defense attorneys, and assistant attorneys general. I am regularly contacted by my solicitor and public defender alumni to give advice, vet or bounce ideas, and generally assist them with their criminal practice—usually as trial is approaching. I view my obligation to my current and former students as an obligation to help with any matter at any time, to the extent I am able. While I am aware that “teaching” is not the same as “doing”, I believe that my extensive experience and dedication to teaching and training our next generation of lawyers in the art of criminal trial advocacy and criminal trial practice is material and qualifies me to serve as a Circuit Court judge.

e. As an additional point of consideration, in preparation for the bench and after taking the bench, I have taken several and plan to continue participating in as many criminal law based CLEs and programs as I can. I believe the job of a judge is to never stop learning, improving, and growing and one way of showing that is by continually gaining new knowledge, learning new skills, and hearing new viewpoints.

(c) If you are a candidate for Master-In-Equity, please provide a brief written description of your experience in the Master’s court, including any cases handled over the past five years, and include a brief description of the issues involved. Please include the frequency of your appearances before a Master-In-Equity or a Circuit Court judge within the past five years.

N/A.

(d) If you are a candidate for Administrative Law Court, please provide a brief written description of your experience before an Administrative Law Judge, including any issues discussed and the frequency of your appearances before the Administrative Law or Circuit Court within the past five years.

N/A.

12. What was the frequency of your court appearances during the past five years or in the five years prior to your election to the bench?

- (a) federal: 10%
- (b) state: 90%

13. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years or in the five years prior to your election to the bench?

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

14. What percentage of your practice in trial court during the past five years or in the five years prior to your election to the bench involved matters that went to a jury, including those that settled prior to trial?

- (a) jury: 98%
- (b) non-jury: 2%

During the past five years, did you most often serve as sole counsel, chief counsel, or co-counsel?

I have most often served as chief counsel.

15. List five of the most significant litigated matters you have personally handled in either trial or appellate court, or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.

- (a) Patrick Mohan v. Crockett Facilities Services, Inc., 4:15-cv-04268-RBH. This case involved a slip and fall by a bankruptcy court clerk at the federal bankruptcy courthouse in Columbia, South Carolina. My client (the defendant) was the maintenance company responsible for cleaning and maintaining the courthouse. During Thanksgiving, Defendant removed a number of stair treads from the marble staircases in the courthouse and failed to replace them prior to employees returning to the courthouse. As a result, Plaintiff slipped and fell going down the stairs. This case is significant to me for the course it took and, specifically, the trial, cross examinations, and resolution prior to jury verdict. Plaintiff presented medical bills and future treatments in excess of \$2,000,000. Following cross examination of Plaintiff and before closing argument, the case settled for \$750,000. My client was a veteran and minority owned business and any verdict, judgment, or resolution in excess of \$1,000,000 would have crippled or, most likely, shuttered their business. The end goal was to ensure that their business was not bankrupted by one error and I was able to accomplish that while also providing fair compensation to Plaintiff.



- (b) Haley A. Gulley v. Anne Aull, 2015-CP-38-01251. This case involved an injury to Plaintiff arising from horseback riding and the breaking of a “green broke” horse. The horse in question belonged to Defendant, who also happened to be Plaintiff’s mother. Defendant asked Plaintiff to assist in the training and breaking of a rescue horse on the family farm. This case implicated the South Carolina Equine Immunity Act as well as unusual theories and principles of negligence related to animals. There are no cited or reported cases in South Carolina utilizing the Equine Immunity Act and handling of this case required a nationwide survey and analysis of Equine Immunity Act jurisprudence. This matter was tried to jury verdict in Orangeburg County and the jury returned a verdict reflecting a 50/50 split of liability between Plaintiff and Defendant and a verdict that ultimately reflected the cost of medical bills only. My client only had minimal coverage on her homeowner’s insurance policy and any full liability result would have bankrupted her including likely having to sell her farm and/or other assets. The resulting jury verdict meant my client was protected from a personal and excess verdict and was able to keep her farm and horses.
- (c) Allison Colter, on behalf of herself and all others similarly situated vs. Omni Insurance Company and Omni Indemnity Company, 3:15-cv-4171-JMC. This was a class action case arising out of the deduction of “betterments” from property damage claims to automobiles. Plaintiff asserted that my client (Omni) illegally deducted “betterments” for property damage repairs. Specifically, Omni would adjust a property damage claim and deduct any betterment like new tires or other new items that were depreciable (in other words if a car had bald tires and new ones were put on through the repair, they would reduce the valuation of the repair by the original value of the tires because South Carolina law requires repairs of like value). This matter was heavily litigated in federal court. Eventually, the court rejected all of the proposed classes and dismissed the claims pursuant to Rule 12(b)(6). The dismissal and rejection was granted because Plaintiff’s property damage claims had not been reduced and, therefore, Plaintiff did not meet the class definitions or have any justiciable claims sufficient to confer Article III standing. I also obtained recognition, through the decisions of the court, that the practice of deducting “betterment” is not illegal and is consistent with South Carolina law. An adverse ruling on that matter would have resulted in a class action case involving tens of thousands of parties over matters specifically authorized by South Carolina law and bargained for in contract.
- (d) Fast Growing Trees, LLC vs. TYTY Plant Nursery, LLC, 0:19-cv-00464-MGL. This was a trademark litigation case involving disputes over the phrase “fast growing trees.” Plaintiff is a large plant nursery in South Carolina who attempted to trademark the phrase “fast growing trees” on four occasions. They were rejected each time. In response, Plaintiff sought to establish its claim to the phrase “fast growing trees” by suing competitors in the market place. My client, TyTy, is a much smaller nursery located in Georgia. The resulting litigation was complex and extensive. I had the pleasure of representing my client who, while financially strained, felt it important to stand up to a larger competitor. Giving in would have

materially harmed his business as a majority of his sales and customers came to him searching for trees that “grow fast.” Through the course of the litigation, we engaged an expert to perform nationwide trademark survey work and were able to show the phrase “fast growing trees” was, in fact, generic and/or merely descriptive. In addition, we were able to identify instances of copyright theft by Plaintiff and filed a comprehensive cancellation petition with the USPTO. The case settled after a lengthy mediation where Plaintiff agreed to drop all of its claims rather than continue to pursue the case and risk losing any claims to the phrase “fast growing trees”. Plaintiff also agreed to stop using my client’s stolen copyrighted materials. My client was able to keep his website, business, and marketing program and continues to grow his sales. This case was about the “little guy” being able to stand up and defend himself in the face of long odds.

- (e) Samuel Stevenson v. Home Depot, WC555-889736, 2014-CP-23-04780. This matter was originally a workers’ compensation claim that turned into a Circuit Court civil contempt proceeding. This case is important to me because it involved a novel area of law and a series of statutes that had no prior precedent in South Carolina. Plaintiff sought to enforce a workers’ compensation order through Circuit Court civil contempt proceedings. Essentially, Plaintiff wanted the court to take jurisdiction of medical provision orders from the Workers’ Compensation Commission and use the contempt powers of the Circuit Court to require the authorization of medical care. This matter was tried in a multiday bench trial. The resulting verdict reflected a positive outcome for my client and the value of the judgment was a fraction of the damages being sought by Plaintiff.

16. List up to five civil appeals you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported.

- (a) Allison Colter, on behalf of herself and all others similarly situated vs. Omni Insurance Company and Omni Indemnity Company, No. 17-1071(L), 17-1104 (4th Cir. 2018). Decided February 15, 2018.
- (b) Clarence Winfrey v. Archway Services, Appellate Case Nos. 2017-002251, 2014-001788, 2014-001815; 2014-001816; Opinion Nos. 2017-UP-336 (S.C. Ct. App. August 2, 2017, cert. denied March 29, 2018), 2017-UP-337 (S.C. Ct. App. August 2, 2017), 2017-UP-338 (S.C. Ct. App. August 2, 2017)
- (c) Sharon Denise Anderson vs. Linda Jenkins Holmes, Appellate Case No. 2015-002074; Case settled prior to decision by Court of Appeals and the appeal was dismissed by Order of the Court of Appeals on June 20, 2017.
- (d) I am presently handling two other active appeals in the Court of Appeals at the time of this application.
- (e)

17. List up to five criminal appeals you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported.

- (a) N/A.
- (b)
- (c)
- (d)
- (e)

18. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.

No.

19. If the answer to question 18 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also, list citations to any appellate review of these orders or opinions.

- (a) N/A.
- (b)
- (c)
- (d)
- (e)

20. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.

- (a) South Carolina – 2011
- (b) United States District Court, South Carolina – 2014
- (c) United States Court of Appeals, Fourth Circuit – 2017
- (d) United States Supreme Court – 2019

21. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.

- (a) I teach Trial Advocacy at the USC School of Law. I have taught this course since 2013 and have taught more than 200 students through this course. This course focuses on the elemental learning related to the art of trial advocacy. I train students on the trial process from start to finish—complaint to verdict. We spend majority of our time focused on opening statements, direct examination, cross examination, closing arguments, evidentiary arguments, pre-trial motions, mid-trial motions, and expert witnesses.

- (b) I am the Director/Head Coach of the USC Law Mock Trial Program. The program is comprised of 40-50 2L and 3L students each year who go through intensive trial advocacy training and competition.
- a. We accept 2L students in the fall of their 2L year and then I spend the next four semesters training them through their graduation. By the time my students graduate, they will spend on average more than 400 hours training in the art of trial advocacy. The average student will try more than 10 trials to “verdict” in a full competition setting and more than 50 trials in a scrimmage/practice setting. This is in addition to hundreds of practices, lessons, and trainings. Through the program. I have trained and graduated dozens of solicitors, public defenders, and assistant attorneys general. In addition, about half of our 3L graduates each year receive judicial clerkships and our bar passage rate as a program is over 99%. The program is intensive and complex but the students who choose to participate gain experience that is not available anywhere else in the law school. I believe that our alumni are courtroom-ready the day they graduate. As I have noted in other portions of this application, about 75% of our training is criminal based because of the fact patterns and cases we receive. Because of that, a majority of my time spent training students (more than 900 hours per year) is spent teaching and training law students the art of criminal trial practice and advocacy.
  - b. The USC Law Mock Trial Program is currently ranked #4 in the country out of more than 200 law schools. In the past several years, we have brought home five national championships, six regional championships, and had numerous finalist and semifinalist finishes. In addition, we’ve had eighteen students receive awards for “best overall” or “outstanding” advocate at competitions.
- (c) Cont. Education Speaker for Columbia, SC Adjuster’s Organization on the topic of Mediation and Arbitration
- (d) The Art and Science of Trial Objections, CLE Speaker, South Carolina Bar (2016, 2017, 2018)
- (e) SCDTAA Trial Academy – Speaker and Trainer on Cross-Examination Techniques, Group Leader (2017-2019)
- (f) Emory Law KEPTT Trial Advocacy Training Program – Presenter and Faculty Member (2018, 2019, 2020)
- (g) South Carolina School of Law Admitted Students Day – Speaker on Trial Advocacy (2017 and 2018)
- (h) NBI Civil Trial Practice CLE – Speaker on Direct and Cross Examination (2020)

- (i) American WCL Coaches Conference – Presenter (2019)
22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.
- This has been provided in accordance with the PDQ Instructions.
23. List all published books and articles you have written and give citations and the dates of publication for each.
- (a) Winning the Battle and Losing the War: Sending Subpoenas Across State Lines (WCI 360, Published on December 5, 2012), Author
- (b) South Carolina’s 1,000 Year Flood (CLM Magazine December 2015), Co-Author
24. Please furnish as a separate attachment, two examples of legal articles, briefs, orders, or other legal writings for which you can claim sole or primary authorship. If you cannot claim sole authorship, please explain the extent to which you are the primary author, to include a description of the other authors and their contributions. The writing samples are for the Commission’s use only and will not be published. (If you are a judge and are not seeking a different type of judgeship, this question is inapplicable.)
- (a) US District Court for the District of SC, 2019
- (b) South Carolina, 2018
25. What is your rating or membership status, if any, by any legal rating organization; such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who’s Who Legal, Super Lawyers, Million Dollar Advocates Forum, etc.? If you are currently a member of the judiciary, list your last available rating, if any.
- (a) Martindale-Hubbell AV Preeminent
- (b) Best Lawyers in America Ones to Watch 2021
- (c) Super Lawyers Rising Star 2018, 2019, 2020
26. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
- (a) South Carolina Bar
- a. South Carolina Bar Trial and Appellate Advocacy General Council Elected Member (2020 to present)
- b. South Carolina Bar Law Related Education Committee (2014 to present)

c. South Carolina Bar Practice and Procedure Committee (2014 to present)

- (b) Richland County Bar Association
- (c) American Board of Trial Advocates
- (d) South Carolina Defense Trial Attorneys' Association
- (e) Defense Research Institute
- (f) Claims & Litigation Management Alliance
- (g) American Association for Justice

27. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty? If so, give details, including dates.

No.

28. For sitting or former judges, list all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor.

N/A.

29. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.

No.

30. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? If so, give details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer.

- (a) Handyman Hardware – Cashier/Employee – 2002-2004
- (b) Lake Highlands Soccer Association – Referee – 2001-2004
- (c) YMCA – Summer Camp Counselor – 2004
- (d) AMF Bowling – Cashier/Employee – 2005-2008
- (e) Sprint/RadioShack – Store Manager – 2006-2008

31. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.

No.

32. Are you now or have you ever been employed as a “lobbyist,” as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a “lobbyist’s principal,” as defined by S.C. Code § 2-17-10(14)? If so, give the dates of your employment or activity in such capacity and specify by whom you were directed or employed.

No.

33. Provide, as a separate attachment, a complete, current financial net worth statement that itemizes in detail:

- (a) the identity and value of all financial assets held, directly or indirectly, including, but not limited to, bank accounts, real estate, securities, trusts, investments, and other financial holdings; and
- (b) the identity and amount of each liability owed, directly or indirectly, which is in excess of \$1,000, including, but not limited to, debts, mortgages, loans, and other financial obligations.

(A net worth statement form is provided with this questionnaire and you must use this format for submission of your financial statement.)

A complete, current financial net worth statement was provided to the Commission.

**NOTE: The Commission may require written confirmation that financial obligations have been satisfied or that the parties have agreed upon a payment schedule.**

34. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? If so, give details. Also, proof of satisfaction of any liens or defaults must be submitted with your application package.

No.

35. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist’s principal? If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist’s principal involved.

No.

36. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek. If you have spent over \$100, have you reported your expenditures to the House and Senate Ethics Committees?

None as of the date of filing.

37. List the recipient and amount of all contributions made by you, a member of your immediate family, or by a business with whom you are associated, to members of the General Assembly within the past four years.

Neither I nor anyone in my immediate family have made any contributions to members of the General Assembly within in the past four years.

38. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? If so, please specify the amount, solicitor, donor, and date of the solicitation.

No.

39. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek or currently hold. Explain how you would resolve any potential conflict of interest.

(a) University of South Carolina School of Law – I am an adjunct professor at USC School of Law. If a case comes before me involving the University, I will disclose my position with the law school and permit the parties to be heard on any conflict they wish to assert. If there is no objection, I will hear the case. With any objection, I will recuse myself from the case. If a matter comes before me specifically involving the School of Law or any professors or students within the School of Law, I will elect to recuse myself from the case as long as I am still employed by the School of Law (or have been in the last several years) or if the matter involves claims arising out of time periods I was employed by the School of Law. If any cases come before me involving my current or former students (either as a party or as counsel), I will disclose the former relationship to all counsel and permit the parties to be heard on any conflict they wish to assert. If the conflict is a current student, I will recuse myself without need for the parties to weigh in. If it is a former student, I will recuse myself on any objection from the parties or if I believe I cannot be fair and impartial. Further, at all times, I will follow Canon 3B and 3E of the Code of Judicial Conduct to evaluate whether recusal is required.

(b) McAngus, Goudelock & Courie – For a period of at least two years, I will recuse myself from all cases involving MGC. Additionally, I will recuse myself from any case that MGC was involved in prior to taking the bench, regardless of time frame and whether I have any knowledge of the case. After that period, I will disclose my prior employment by the firm to the parties involved and permit the parties to be heard on any conflict they wish to assert. Regardless of the parties' positions, if I believe I cannot be fair and



impartial in a case involving MGC, I will recuse myself from the matter. Further, at all times, I will follow Canon 3B and 3E of the Code of Judicial Conduct to evaluate whether recusal is required.

- (c) South Carolina Department of Motor Vehicles – My wife (Laura Bayne) is the Director of Vehicle Services and was formerly the Deputy Director of Legislative Affairs for the DMV. In that leadership capacity, she is involved in matters that may involve legal issues for the DMV. She also works closely with General Counsel and other members of the legal department within the DMV. As a top official within the DMV, she is also involved in many other matters at a high level within the DMV that may involve legal issues. Accordingly, I would recuse myself from all cases involving the DMV as a party as long as she remains employed there or involving anything that occurred while she was employed there. Further, at all times, I will follow Canon 3B and 3E of the Code of Judicial Conduct to evaluate whether recusal is required.

40. Describe any interest you or a member of your immediate family has in real property:

- (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;
- (b) in which there have been public improvements of \$200 or more that adjoins property in which there have been public improvements of \$200 or more; or
- (c) which was sold, leased, or rented to a state or local public agency in South Carolina.

N/A.

List the interest you hold and the value and location of the property. Identify as applicable the:

- (a) nature of any potential conflict of interest;
- (b) nature and value of any public improvements; and
- (c) South Carolina state or local public agency which purchased or is leasing or renting such property.

Attach a copy of any contract or agreement.

N/A.

41. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its amount or value, and the name of the agency. Attach a copy of any contract or agreement.

N/A.

42. For sitting judges, if you currently hold an interest in stock or other securities or have held such an interest, list each stock you currently own or owned during the prior calendar year. If you prefer, you may attach broker or account records containing the requested information instead of listing it here.

N/A.

43. For sitting judges, have you ever accepted anything of value from an attorney or litigant in a matter currently or previously before you or your court? If so, please give the details, including the name of the attorney or litigant and the thing of value you received.

N/A.

44. For sitting judges, have you used the services of your staff, for which you did not pay, while campaigning for this office?

N/A.

45. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? If so, give details but do not include traffic violations subject to a penalty of \$125 or less. You must include any and all arrests, including, but not limited to, offenses for driving under the influence or similar traffic offenses. Include all arrests that resulted in expungement, which will be redacted. If you have questions regarding whether to include an offense, please contact the Commission.

- (a) "Speeding more than 10 mph but LT 25 mph" – June 5, 2014 – I received a ticket, the ticket was paid in lieu of any contest or trial. I am not certain if the penalty was more or less than \$125 but I am including this out of an abundance of caution.

[All answers have been received and considered by the Commission, and as noted above, any expunged matters are redacted from the record.]

46. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain.

No.

47. Have you ever been sued by a client? Have you ever been a named party (personally or professionally) in or had a pecuniary interest in any civil or criminal proceedings? If so, give details, including, but not limited to, dates, and resolutions.

I have never been sued by a client. I have been a named party in civil proceedings.

- (a) Marie Assa'ad-Faltas v. Richland County Sheriff's Dept, et al.

a. Filed September 23, 2013; Dismissed May 28, 2014

b. Case No.: 0:2013cv.pr02175

- (b) Marie Assa'ad-Faltas v. Richland County Sheriff's Dept, et al.

- a. Filed November 22, 2013; Dismissed May 28, 2014
  - b. Case No.: 0:2013cv.pr02413
- (c) Marie Assa'ad-Faltas v. Tandy Carter, et al.
- a. Filed November 17, 2014; Dismissed July 23, 2015
  - b. Case No.: 0:2014cv.pr02258
- (d) Marie Assa'ad-Faltas v. Sara Weiss, et al.
- a. Filed November 19, 2015; Dismissed April 25, 2016
  - b. Case No.: 0:2015cv.pr02458
- (e) Marie Assa'ad-Faltas v. Tandy Carter, et al.
- a. Filed May 30, 2017; Dismissed October 23, 2017
  - b. Case No: 0:2017cv.us01672
- (f) Marie Assa'ad-Faltas v. Carter, et al.
- a. Filed August 13, 2014; Dismissed October 21, 2014
  - b. Case No.: 1:2014cv00678
- (g) Marie Assa'ad-Faltas v. Richland County Sheriffs (sic) Department, et al.
- a. Filed June 14, 2013; Dismissed September 17, 2013
  - b. Case No.: 3:2013cv01629
- (h) Maries Assa'ad-Faltas v. Weiss, et al.
- a. Filed August 12, 2015; Dismissed September 16, 2015
  - b. Case No.: 3:2015cv03186

Each of the Assa'ad-Faltas cases involves the same litigant—Marie Assa'ad-Faltas. I was joined as a party in each of these cases for two reasons: 1) Ms. Faltas added me for my work as a Judicial Law Clerk with Judge Cooper. In the same suits listed above, she also sued a majority of the judiciary, almost every judge in the Midlands, and a number of solicitors and other parties. Because I had communication with her during my time as a Judicial Law Clerk, I was added to the suit; 2) Ms. Faltas also made claims against McAngus, Goudelock & Courie. As I joined the firm following my clerkship, I was also implicated in her claims against MGC. Each and every one of these cases was dismissed by the various federal courts where she filed the claims. I never appeared or filed an Answer or motion as they were dismissed prior to proper service.

For the record, I denied and do deny any allegations made by Ms. Faltas in her numerous lawsuits related to my time with Judge Cooper and at MGC.

- (i) Brett H. Bayne v. Bank of America Corporation
- a. Filed June 21, 2018; Settled and Dismissed August 24, 2018.
  - b. 2018CV4010402546

- c. Case involved allegations of defendant debiting funds from personal account without authorization. Defendant admitted wrongdoing and returned funds taken from account to settle and resolve matter.

48. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy? If so, please explain when you were covered by a tail policy. Also, if applicable, indicate your coverage and deductible for your current malpractice policy.

Yes. I have been covered through my firm since July 2012. To my knowledge, I am not and have never been covered by a tail policy. My coverage is \$5,000,000 for each claim and \$10,000,000 aggregate for all claims. My deductible is \$50,000 for each claim and aggregate.

49. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been cautioned with or without a finding of misconduct, sanctioned, or disciplined for lawyer, judicial, or other professional misconduct or has any jurisdiction found that you committed any misconduct? If so, give the details and describe any final disposition. Include any and all confidential and public sanctions, disciplines, letters of caution, or findings of misconduct of any kind. Private or confidential dispositions will be redacted.

[Yes and no responses are redacted for all candidates unless there is a public discipline.]

50. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? If so, give the details.

No to both.

51. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened, or have you been offered a conditional pledge of support by any legislator pending the outcome of your screening? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? If so, give details.

No to both.

52. Have you requested any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Describe the campaigning you have done for this election and include a list of those individuals you have asked to campaign on your behalf and, to the best of your knowledge, those who have campaigned for you on their own initiative.

No.

I have not campaigned for this election or asked anyone to campaign on my behalf. To my knowledge no one has campaigned for me on their own initiative.

53. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges until after the draft report becomes final, which occurs on the day and time specified on the Commission's published screening schedule?

Yes.

54. Since submitting your letter of intent to become a candidate, have you or has anyone acting on your behalf contacted any member of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? If so, give details.

I have not yet submitted my letter (it is being submitted contemporaneous to this application). However, neither I nor anyone acting on my behalf that I am aware of has contacted any member of the Judicial Merit Selection Commission about my candidacy or my intention to become a candidate.

55. List the names, addresses, and telephone numbers of five (5) persons from whom you are providing references. Also, provide the Commission with **original letters** of recommendation from each person listed herein, including their signature (preferably in blue ink). **The Commission will not accept a photocopy or electronic submission of a letter of recommendation and failure to include all five (5) original letters of recommendation in your packet when you submit it will render your packet incomplete.** Please **do not** have references mail your reference letters to the Commission directly. *You must return the five (5) original letters of recommendation to the Commission with your application.*

- (a) Robert Goings; [REDACTED]
- (b) Susan Kuo; [REDACTED]
- (b) Hugh McAngus; [REDACTED]
- (c) Richard Willis (no relation to Sheila); [REDACTED]  
[REDACTED]
- (e) Sheila Willis (no relation to Richard); [REDACTED]  
[REDACTED]

56. Are you active on or a member of a social media or Internet site such as, Facebook, LinkedIn, Twitter, Instagram, etc.?

If so, please list the account names for each account and the relevant platform.

- (a) Instagram - @brettbayne; @usclawmocktrial
- (b) Twitter - @bretthbayne; @usclawmocktrial
- (c) LinkedIn – Brett Bayne
- (d) Facebook – Brett Bayne

How would your use of social media or other similar types of Internet sites be affected if you were serving in a judicial capacity?

My use of Facebook is solely for interacting with family and friends by posting pictures of my children, postings related to my law firm, postings related to the USC School of Law, and posts wishing friends and family a “happy birthday”. A majority of these posts are actually posts from my wife (Laura Bayne) of our children in which I am tagged or included. I also have posted in the past about Baylor and South Carolina football.

My use of Twitter and LinkedIn is entirely comprised of interacting with members of the legal and law school communities. I follow and interact with judges, lawyers, law firms, and law schools around the country. I avoid any open or political commentary and, instead, use my platforms to amplify legal matters and matters in the state and promote the accomplishments of others. For example, at the time of this application, some of my most recent messages had to do with retweeting Justice Beatty’s Order halting no-knock warrants, the results of the Dean search for the USC School of Law, and liking Prof. Colin Miller’s postings about a wrongful conviction that was successfully overturned in Georgia.

My personal Instagram account is almost entirely photos of my children or photos of meat that I have smoked on my smoker.

The two USC Law Mock Trial accounts exist solely to promote the accomplishments of the members of the USC Law Mock Trial Bar and are maintained in accordance with University of South Carolina guidelines for programs funded by the University. All of those postings are either information about the program, information about competitions, or results of competitions. We also occasionally do alumni spotlights to promote any alumni accomplishments. I am an admin of those accounts and I monitor them. I do not post a majority of the Instagram posts on that account but I do vet them prior to my executive board members posting the information. These two accounts have a high degree of interaction with alumni, lawyers, and law firms in South Carolina as they like to see how our students are doing.

57. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, and any professional honors, awards, or other forms of recognition received and not listed elsewhere.
- (a) South Carolina Bar Trial and Appellate Advocacy Award – 2018
  - (b) South Carolina Lawyer’s Weekly Lawyer of the Year – 2019
  - (c) South Carolina Lawyer’s Weekly Leadership in Law – 2019
  - (d) Columbia Business Monthly Best and Brightest Under 35 – 2018

- (e) Midlands' Legal Elite – Insurance Law – Top Attorney Vote – 2017, 2018, 2019
- (f) Upstate Legal Elite – Insurance Law – 2018
- (g) South Carolina Bar Leadership Academy – 2019
- (h) American Washington College of Law Ethical and Professional Coach Award – 2019
- (i) NMRS Mentoring USC School of Law Mentor Program for 1L and 3L students (2012-Present)
- (j) South Carolina Bar First Year Attorney Mentor (2019-Present)
- (k) SC Bar LRE Middle School Mock Trial Volunteer Coach
- (l) SC Bar LRE Middle and High School Mock Trial Volunteer Judge
- (m) Wills for Heroes Volunteer
- (n) Legal Eagles Scouting Day Speaker (2019)
- (o) Eagle Scout
- (p) Order of the Arrow, Brotherhood Honor and Outstanding Arrowman Recipient
- (q) Eastminster Presbyterian Church, Member 2014-Present
- (r) Westminster Presbyterian Church, Member 2009-2014

58. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.

Since a young age, I have wanted to do something to serve the public. For a long time, I believed that would be serving my country through military service. My grandfather was a Brigadier General in the Army Air Corps and Air Force and my father was a Lieutenant Colonel and JAG Officer in the Air Force. Accordingly, I set the goal of getting accepted to the United States Air Force Academy. However, in 2003 I fractured three vertebrae in five places playing high school football. Despite this setback, I applied to the Academy and earned a congressional nomination to begin at the Academy in fall of 2004. Unfortunately, as a result of the multiple vertebral fractures, I was ultimately medically disqualified by DODMERB just a few weeks before I was set to leave for the Academy. In response, I

pivoted and was able to accept my prior admission offer from Baylor University where I graduated four years later with two degrees in Sociology and Political Science.

While at Baylor, I set a goal to pursue a law degree. I had spent summers growing up at my father's office and immersed, as much as a child could, in the practice of law. I also was able to attend court on many occasions with him and realized I had fallen in love with the law and becoming a lawyer. I made the decision to move to South Carolina and attend USC School of Law where I made it a priority to involve myself in every course, clinic, program, and opportunity to learn trial advocacy. I wanted to be in a courtroom and I made that my goal. I have accomplished that goal so far in my career with more than 20 trials to date and through my work with the School of Law.

During my time both in high school and throughout college, I worked full time or nearly full time. In high school I worked at a hardware store and refereed youth soccer games on the weekends. I spent my final summer as a camp counselor for youth with the YMCA. In college, I worked full time in two jobs while maintaining a full school schedule. This balance of work and school instilled in me the ability to balance an often overfull plate at all times. For better or worse, I have taken this skill into my professional life as an attorney and professor.

In a given week, I meet all of my duties and responsibilities as a partner at MGC including interacting with clients, attending hearings and depositions, and managing young associates. When I finish my "day job", from August to May, I spend my evenings and weekends teaching at the law school and training law students in the art of trial advocacy. In any given week, I will spend 50+ hours with my students between training and scrimmages until 10 or 11 PM or working on editing and marking up their latest drafts until 1 or 2 AM. They routinely get emails from me well into the night with notes for the next day or next meeting. I don't do this because I loathe sleep but, rather, because I firmly believe in my obligations to my students and to the legal community to do everything I can to make it better than it was the day before—to leave it better than when I found it.

In between all of those various activities, I cherish time with my three daughters and my wife. She is a rock who cheerfully handles our home while maintaining her own successful career in state service. Without her, everything that I have been able to do and accomplish in my career and for our legal community would not be possible.

As a final point, I am someone who is curious by nature—especially when it comes to the law. If I don't know something, I go and find out. I am usually not satisfied with just an answer—I need to understand it and master it. By way of example, when I was first asked to handle a trademark matter for my client, I offered to bring in an IP firm to assist. My client, through our relationship, wanted me to handle the matter. In response, I bought a two volume trademark textbook and over the next five days read it cover to cover—twice. I took copious notes and learned every bit of case law and precedent related to the specific issues facing my client. I used that knowledge gained to prepare cancellation pleadings and other pleadings and documents. Some of those documents I prepared have been borrowed from by a large, national firm engaged in similar litigation. I share this because this is exactly how I



will handle anything that comes before me that I do not know. I will seek to learn as much as possible about the issue through education by the parties and a review of relevant case law and secondary sources. Any gap I may have in a substantive area of law, I will make up for in the same way I learned how to handle trademark litigation—through a tireless effort to learn the intricacies and nuances of the subject matter in as little time as possible.

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature: \_\_\_\_\_

Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
(Notary Signature)

\_\_\_\_\_  
(Notary Printed Name)  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_