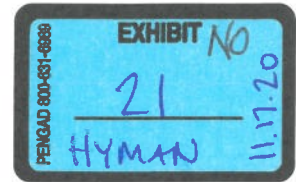


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE
2020



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

1. Name: Mr. Benjamin Alexander Hyman
Mrs.
Ms.

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

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: 1208 3rd Avenue Conway, SC 29526

E-Mail Address: [REDACTED]

Telephone Number: (home): [REDACTED]
(office): 843-248-2024
(cell): [REDACTED]

2. Date of Birth: [REDACTED] 1980
Place of Birth: Conway, SC
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.

Married

(b) If married, state the date of your marriage and your spouse's full name and occupation.

October 20, 2007, Tammi Leigh (Barfield) Hyman, Homemaker

(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.

[REDACTED]

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) The University of South Carolina August 1998 to May 2002 B.A. in Political Science

(b) The University of Arkansas at Little Rock William H. Bowen School of Law August 2003 to May 2006 J.D. in May of 2006

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) Phi Alpha Delta Robinson Chapter 2003-2006

(b) Rule XV Student Practice Pulaski County Public Defender 2005-2006

(c) Moot Court coach Pulaski County School District 2004-2005

(d) Family Mediation Clinic 2004-2005

(e) Arkansas Youth Mediation Program

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.

South Carolina 2006, I took the bar exam once.

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.
- (a) Law Clerk to the Honorable Judge Edward B. Cottingham August 2006 – July 2007
 - (b) Associate Lawyer at The Law Office of Larry B. Hyman Jr. August 2007 – January 2008
 - (c) Owner B. Alex Hyman Attorney at Law, PA January 2008 – January 2014 (fully responsible for administrative and financial management)
 - (d) Owner Hyman Law Group, PA January 2014 – Present (fully responsible for administrative and financial management)

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.*

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.

I began my legal career as a solo general practitioner. My practice was probably what you would expect from a smaller community general practitioner. I have handled everything from mechanic lien foreclosures, property disputes, auto accidents, real estate closings as well as a multitude of criminal cases ranging from drug offenses to murder. Additionally, I have served extensively as a mediator and arbitrator.

My criminal experience has allowed me to spend an extraordinary amount of time in the courtroom. Over the past 13 years I have defended clients in over twenty five murders or attempted murders and hundreds of other criminal matters in both State and Federal Courts. I have argued to a jury verdict numerous cases where my client could receive a punishment of life in prison. Generally, I appear before a Circuit Judge for criminal court 4-5 times a month.

My civil experience has ranged from all across the spectrum. In the majority of my civil cases, I have represented the plaintiff, but I have also, on occasion, defended local businesses. The bulk of my civil practice has generally been related to auto accidents, but I have also tried cases arising out of property disputes, construction defects, breach of contract, as well as other causes of action. In the past four years I have been blessed enough to hire two associates, allowing me to concentrate more on my criminal litigation practice. I still handle ten to twenty civil cases a year, but the majority of my time is now spent on criminal matters.

- (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: Depending on my case load it ranged from just a couple of times a year to monthly.

(b) state: Generally, I am in court on an almost weekly basis.

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: 25%

(b) criminal: 70%

(c) domestic: n/a

(d) other: 5% (wills, real estate, etc.)

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: 20%

(b) non-jury: 80%

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

Sole 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) State of South Carolina v. Bridgett Lamon Moore – Criminal – I served as sole counsel on this case, and my client was charged with murder, in the killing of a local drug dealer. The case was never a “who done it” but instead was a question of whether he acted in self-defense. Prior to trial he was offered to plea to Voluntary Manslaughter with a negotiated sentence of 25 years. After a four-day trial, the jury found him not guilty of Murder but guilty of Voluntary Manslaughter and he was sentenced to 12 years. He was recently released from the Department of Corrections and is doing well.

(b) State of South Carolina v. Heather Causey Sims – Criminal – I served as co-counsel on this case. Our client was charged with murdering her husband. After a four-day stand your ground hearing and a five-day trial the jury found her not guilty of Murder and guilty of Manslaughter. She was sentenced to 10 years. The case was appealed, and the Court of Appeals overturned her conviction.

(c) State of South Carolina v. James Richard Rosenbaum – Criminal – I served as sole counsel on this case and my client was charged with the murder of a man, he believed to be an intruder in his home. It was discovered in trial that the victim was a guest of his girlfriend. We argued that he was unaware of this and that he was acting upon a reasonable belief and should be protected by not only the “castle doctrine” but also the theory of self defense. He was given a 25-year plea offer but turned it down. We tried a multi-day stand your ground hearing and then a five-day trial. The jury found him not guilty of Murder but

guilty of Voluntary Manslaughter. He was sentenced to 15 years and his case has been appealed.

(d) Johnny Anderson, et al. v Southeastern Investors Associates Limited Partnership et al. 2008CP2601514 – Civil – I served as sole counsel on this case, and it was originally brought as a mechanics lien foreclosure. By the time the pleadings had been answered the case had morphed into an extremely technical construction litigation involving out of state experts and attorneys. Pursuant to the contract the case was transferred to an arbitrator and we spent four days arguing the case. My client was awarded a judgment in his favor.

(e) David Rankine v. Cox Equipment Repair LLC et al. 2013CP2606632 – Civil – I served as sold counsel on this case. My client bought a CNC machine, and had it shipped from Ohio to his home. He contracted with a man claiming to work for Cox Equipment Repair LLC to move the CNC machine from the shipping trailer into his shop. The defendant dropped the machine rendering it a total loss. The defendant, Cox Equipment Repair LLC then claimed that the defendant did not work for them. It was shown at trial that while the man did not in fact work for the company, they were aware of him and allowed him to use their equipment. A jury awarded my client judgments against both of the defendants.

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.

I am currently handling Jimmy A. Richardson v. Travis Green Case No. 2017-CP-26-07411
Appellate Case No. 2020-000092

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.

I have not handled any criminal appeals.

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.

I have never held Judicial Office.

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.

N/A

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) 2006 SC Courts Bar Admission
- (b) 2007 District Court of South Carolina

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) Intro to Criminal Justice, Horry Georgetown Technical College – adjunct professor
- (b) Constitutional Rights, Charges affecting College students and the ramifications of a Conviction, Coastal Carolina University Seminar

22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.

Please see attached.

23. List all published books and articles you have written and give citations and the dates of publication for each.

None

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.)

Please see attached two briefs.

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) AVVO legal rating 10
- (b) American Academy of Trial Lawyers – Premier 100 Trial Attorney
- (c) American Institute of DUI/DWI – 10 Best

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
- (b) Horry County Bar
- (c) SC Association for Justice
- (d) SC Association for Criminal Defense Lawyers
- (e) National College for DUI Defense

(f) Coastal Inn of Courts

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.

I was elected to City Council for the City of Conway in January, 2020. I have timely filed my reports.

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.

Not applicable

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) Appraisal Analyst for the Law Office of Larry B. Hyman Jr. May 2002 – August 2003 – I analyzed appraisals for condemnation proceeding in SCDOT eminent domain cases.

(b) Rule XV Student Practice Pulaski County Public Defender August 2005 – May 2006 – I was a limitedly licensed student lawyer for the Pulaski County Public Defender pursuant to Rule XV of the Arkansas Rules governing Admission to the Bar. The rule allows certain third year law students to practice law under the supervision of an attorney.

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.

(a) I am the sole owner of the Hyman Law Group PA

(b) I own Rivertown Title Agency Inc. which my firm uses to write title insurance policies for real estate closings.

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.)

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 at this time.

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.

Representative Russell Frye \$250.00 – 2018

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.

None

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.

None

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.

I hold no interest in the above referenced properties.

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.

None

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.

Not Applicable

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.

Not Applicable

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

Not Applicable

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.

[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.

Not to my knowledge.

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.

No

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.

I have been insured since I began practice. To my knowledge I have never had a tail policy. My current policy is effective from 5/3/20 to 5/3/21 and the liability limits are \$1,000,000/2,000,000 with a deductible of \$2,000.00.

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

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

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.

I have not asked for anyone to contact members of the General Assembly nor have I asked anyone to campaign on my behalf. I have had limited contact with some members of my local delegation to simply announce my candidacy.

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?

I am familiar with the pledging prohibitions.

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.

No

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) William Goldfinch
Edward Jones Financial Advisor

[REDACTED]

(b) Adam Emrick
City of Conway Administrator

[REDACTED]

(c) Jimmy Richardson
15th Circuit Solicitor

[REDACTED]

(d) L. Morgan Martin
Law Office of L. Morgan Martin

[REDACTED]

(e) Ken Richardson
Chairman of Horry County Schools

[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.

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

I am active on social media. I have used it as a tool to communicate with clients, family and friends. If elected I would only use social media in a limited manner.

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) Waccamaw Sertoma Club President 2014 and 2020 Sertoman of the Year 2015

(b) Trinity United Methodist Church – Church Council 2018-Present

(c) Coastal Carolina Chrysalis – Lay Director 2013

(d) City of Conway Board of Zoning Appeals 2009-2017 Chairman

(e) City of Conway Downtown Alive

(g) Conway Planning Commission 2017- 2019 Chairman

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.

I have been extremely blessed in my life to have parents and grandparents that pushed me to be the very best person that I can be. I was told that assets can come and go but the relationships that you cultivate are what lasts. Any positive character traits that I have developed are a direct result of the nurturing that I received. Patience, kindness, and the “golden rule” were instilled in me at a very early age, and I have always tried my best to treat my fellow man with respect and dignity.

I was taught that there is no substitution for hard work. I have built my practice and my life around that sentiment, and I try to raise my children with a similar work ethic. I often tell clients when they first meet me that “I can’t promise you that I will always be the smartest guy in the room, but I can promise you that I will not be outworked.” I will always go out of my way to be available to litigants, lawyers, court staff, and the law enforcement community in an effort to always keep cases moving. If elected I believe that I will be the kind of judge that goes the extra mile to ensure that our Judicial System is the best that it can be.

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: _____