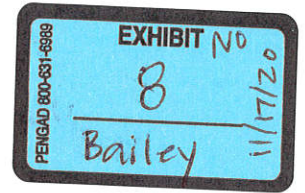


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE
2020



Court, Position, and Seat # for which you are applying:

1. Name: Mrs. Erin E. Bailey

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

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: 407 Church St. Suite G Georgetown, S.C. 29440

E-Mail Address: [REDACTED]

Telephone Number: (home): [REDACTED]
(office): 843-833-8138
(cell): [REDACTED]

2. Date of Birth: [REDACTED] 1980
Place of Birth: Raleigh, N.C.
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.
I have never served in the military.

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 August 2, 2008 to T. David Hoyle, attorney.

Never divorced, two 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) University of South Carolina, B.A. 2002
 - (b) University of North Carolina at Greensboro, Post-Baccalaureate Certificate in Business Administration 2004
 - (c) University of South Carolina School of Law, J.D. 2007
- 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) Editor-in-Chief, South Carolina Journal of International Law and Business (2006-2007).
 - (b) Editorial Staff, South Carolina Journal of International Law and Business, (2005-2006).
 - (c) Order of the Barristers, member of the Moot Court Bar, (2006-2007).
 - (d) Captain of the Team for National Constitutional Moot Court Competition in which the University of South Carolina advanced to the quarter-finals and received the award for 3rd place brief out of 26 competing teams, (2006-2007).
 - (e) Recipient, Hugh L. Willcox Pro Bono Volunteer of the Year Award, (2007).
 - (f) Member, Pro Bono Board, (2005-2007).
 - (g) Vice President, Public Interest Law Society (2006-2007), member, Public Interest Law Society, (2004-2006).
 - (h) Student Member, John Belton O'Neal Inn of Court, (2006-2007).
 - (i) Study Abroad at Gray's Inn, London, U.K.- Chosen as one of two students to represent USC Law in a formal debate against a British team from Gray's Inn, (2005).
 - (j) Treasurer, Just Democracy, (2005-2006).
 - (k) Treasurer, SCTLTA, student chapter, (2005-2006).
- 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, 2007, bar exam taken 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) Temporary Law Clerk, Special Project, Administrative Law Court (September 2007-February 2008). I created materials for the general public describing the function and process of the Administrative Law Court.

(b) Law Clerk, The Hon. Larry B. Hyman, Jr. (March 2008-August 2009). I served as Judge Hyman's first law clerk. I drafted jury charges and verdict forms for General Sessions and Common Pleas trials. I performed legal research for Common Pleas non-jury terms and legal issues as they arose in a variety of contexts. I reviewed motions for default judgment for sufficiency in documentation.

(c) Assistant Solicitor, Fifteenth Circuit, Georgetown Office (August 2009-August 2012). Handled a variety of General Sessions cases, including a wide range of issues ranging from DUI to Murder. My case load varied from 200-600 warrants at a time.

(d) Senior Assistant Solicitor, Fifteenth Circuit, Georgetown Office (August 2012-March 2016). Continued to handle a full variety of General Sessions cases, also supervised other lawyers and their caseloads. Handled a variety of other matters for the office including probate commitment proceedings for incompetent defendants, civil forfeiture proceedings, and brief writing (including Horry County) when complex legal issues arose. In 2013, I earned the award for Prosecutor of the Year for the Fifteenth Circuit Solicitor's Office.

(e) Owner and sole attorney, The Law Office of Erin E. Bailey LLC (March 2016-present). I handle a variety of private pay and appointed criminal cases in the magistrate, municipal, and General Sessions courts. I contract with the South Carolina Commission on Indigent Defense to provide conflict representation to indigent clients in Georgetown County. I contract with the Georgetown County Public Defender to provide representation to indigent clients. I contract with the City of Georgetown to provide representation to indigent clients in the municipal court. I represent clients in injury claims including automobile collisions and premises liability. I represent clients in the Court of Common Pleas in civil forfeiture cases and general litigation. I represent clients in small business disputes. I represent a Homeowners Association in filing liens, collecting dues, and updating Covenants and Restrictions. I serve as a guardian ad litem in the Probate Court and have represented clients in involuntary commitment proceedings in the Probate Court. I draft and execute simple wills and other end of life documents. I have litigated an appeal arising out of a civil forfeiture matter. I am currently litigating a criminal appeal. I represent clients in Post-Conviction Relief hearings in the Court of Common Pleas. I have one associate to assist me in all of these matters. I am solely responsible for the administrative and financial management of this firm, including the trust account.

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.
- (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.

In General Sessions Court, I have litigated cases from start to finish as both a prosecutor and defense attorney, having handled thousands of warrants, ranging from Driving Under the Influence and property crimes to Murder. I have been sole counsel in twenty-two jury trials in General Sessions, and lead counsel in one jury trial in General Sessions Court. I have assisted in over thirty other trials as a Senior Assistant Solicitor. As a prosecutor, I handled fourteen murder charges, three of which required a trial; eleven resulted in a guilty plea. All three murder trials resulted in a conviction. As a Defense attorney, I have handled three additional murder charges, two of them resulting in a plea, and one of them in a trial, with a not-guilty verdict. I currently have three pending murder cases. I have also litigated nearly every type of crime for both sides, including but not limited to: white collar crimes, felony driving under the influence, sexual assault of both minors and adults, property crimes, armed robbery, home invasions, and embezzlement. As a prosecutor, I appeared before a Circuit Court Judge at least five days every month. As a defense attorney, I appear before a Circuit Judge at least one day every month. I also regularly appear in magistrate and municipal courts in multiple jurisdictions in South Carolina. I have tried six cases before juries in the lower courts. As Judge Hyman's law clerk, I became well versed in the minimum and maximum sentences under South Carolina law. I also drafted jury charges and verdict forms for thirty-seven terms of General Sessions Court in eight different counties.

In Common Pleas Court, I handled a civil forfeiture on behalf of the Solicitor's office that resulted in a bench trial. I have represented one Defendant in a civil forfeiture action, which is currently pending, and have argued a motion before a Circuit Court Judge in that case. I represented a client who was a Defendant in Common Pleas court in a Claim and Delivery action, argued motions in that case before a Circuit Court Judge, and represented my clients at a six hour mediation that successfully resolved the case. I represented a client at a Post-Conviction Relief bench trial in Common Pleas Court before a Circuit Court Judge.

I have represented plaintiffs who have been injured as a result of negligent premise owners and automobile collisions in their claims with insurance companies.

I became a Certified Circuit Court mediator in 2016. In that capacity, I mediated one case involving an automobile collision. My practice has grown since that time, and in 2018, I let my certification lapse so that I could focus on my caseload.

As Judge Hyman's law clerk, I assisted with legal research and order preparation for eleven terms of Common Pleas Non-Jury Court. I also assisted with legal research, drafted jury charges and verdict forms, and observed fourteen terms of Common Pleas Jury Court, resulting in three jury trials and numerous bench trials and damages hearings.

- (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.
 - (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.
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: 0%
 - (b) state: 100%
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: 0%
 - (d) other: 5%
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: 15%

(b) non-jury: 85%

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.

My client under response (a) has chosen to have his record expunged. Please redact his name from any public version of this document.

- (a) State v. [REDACTED], 2015-GS-26-0250, 2016-GS-26-00343 (S.C. Cir. Ct. Feb. 15, 2018). I served as sole counsel for the Defendant at this murder trial in Horry County. The trial lasted 4 days. I successfully argued a Batson Motion, requiring that the jury be re-drawn. I successfully argued a Jackson v. Denno motion, requiring that portions of my client's statement be excluded. I secured a not guilty verdict for my client.
- (b) State v. Terron Dizzley, 2009-GS-22-00778 (S.C. Cir. Ct. Apr. 3, 2014). I served as sole counsel at this murder trial for the State. The trial lasted 5 days. This was the second murder trial on this charge for Mr. Dizzley. The first trial was handled by the then Deputy Solicitor, and resulted in a mistrial due to a hung jury. The Deputy Solicitor was then promoted to Chief Deputy for the Circuit, and I was assigned the case for a re-trial. I started over from scratch in my preparation, investigation, and trial strategy. In this second trial, Mr. Dizzley was convicted of Murder. As sole counsel in this case I handled over twenty witnesses and admitted over 350 pieces of evidence. Mr. Dizzley is currently serving a 35 year sentence.
- (c) State v. Rondell Carter, 2009-GS-22-00557, 2009-GS-22-00556, 2009-GS-22-00560, 2009-GS-22-00561, 2011-GS-22-00645 (S.C. Cir. Ct. Jun. 29, 2011), aff'd State v. Rondell Carter, Op. No. 2013-UP-157 (S.C. Ct. App. Filed April 17, 2013). I served as sole counsel for the State in this trial for Armed Robbery, Burglary, Assault with Intent to Kill, and Kidnapping. Mr. Carter, along with three other co-defendant's were accused of breaking into an occupied home, shooting a woman in the leg, and holding the residents hostage for over twelve hours. Mr. Carter had a previous conviction for Manslaughter, so as an agent of the state, I sought a sentence of Life Without Parole under our state's "two strikes" law. Mr. Carter was convicted after a 3 day jury trial and is serving a sentence of Life Without Parole.
- (d) State v. Tamar Bryant, 2011-GS-22-00495 (S.C. Cir. Ct. Mar. 13, 2013), aff'd State v. Tamar Bryant, Op. No. 2014-UP-440 (S.C. Ct. App. Filed Dec. 3, 2014). I served as sole counsel for the State in this trial for Murder. Mr. Bryant, along with four co-defendants, was accused of a murder at a nightclub in the Plantersville community of Georgetown County. After a three day trial, Mr. Bryant was convicted of murder, and is currently serving a 35 year sentence.
- (e) State v. Eric Perry, 2017-GS-22-01104, 2017-GS-22-01105 (S.C. Cir. Ct. July 22, 2019). I served as sole counsel for the Defendant in this Murder and Arson case. This was a

very high profile case as it involved the live streaming of a boat chase in Murrells Inlet, and the murder of the owner of a popular bait and tackle shop. Mr. Perry was accused of murdering his ex-wife and the mother of his children and attempting to burn down the bait and tackle shop. The details of the case were such that the State considered seeking the death penalty. I negotiated a sentence of 45 years on the charges of Arson and Murder for this client.

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) Jimmy Richardson v. Michael Hatten, 2018-UP-316 (S.C. Ct. App. July 11, 2018).
 - (b)
 - (c)
 - (d)
 - (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) The State v. Daemon M. Crim, 2018-001915 (S.C. Ct. App. pending).
 - (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 - November 13, 2007
 - (b) U.S. District Court for the District of South Carolina - May 23, 2015

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. Yes.

- (a) Winter 2012- co-led a small group at the Prosecutors Bootcamp program, sponsored by the South Carolina Commission on Prosecution Coordination.
 - (b) February 5, 2016, Panel member for a round table discussion at the Criminal Law 101 seminar sponsored by the South Carolina Association of Criminal Defense Lawyers.
 - (c) January 19, 2018, Course planner and moderator for Criminal Law Part I section of the South Carolina Bar Convention.
 - (d) January 19, 2018, Course planner, moderator, and presenter for Criminal Law Part II section of the South Carolina Bar Convention. This section was both a continuing legal and continuing judicial education program. I presented on social media and its potential use and admissibility as evidence in the courtroom.
 - (e) August 2018, Presented to the Family Court section of the South Carolina Association for Justice at their Annual Convention on Dealing with Family Court Cases when there is a companion criminal case.
 - (f) Volunteer coach of Mock Trial Competition Team at Academic Magnet High School, 2007-2008.
 - (g) Volunteer speaker to Mock Trial Competition Team at Georgetown School for Arts and Sciences, 2018.
22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.
It is attached.
23. List all published books and articles you have written and give citations and the dates of publication for each. N/A.
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) State's Brief in Opposition of Motion to Introduce Polygraph Evidence, State v. John Doe, 2008GS26XXXXX, 2010GS26XXXXX, 2010GS26XXXXX (S.C. Cir. Ct. 2010).
 - (b) Final Brief of Appellant, Jimmy Richardson v. Michael Hatten, Appellate Case No. 2017-000639 (S.C. Ct. App. July 31, 2017).
 - (c) Reply Brief, Jimmy Richardson v. Michael Hatten, Appellate Case No. 2017-000639 (S.C. Ct App. July 31, 2017).

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) I received the AV Preeminent rating from Martindale-Hubbell in 2012, and have maintained it every year since.
- (b) In 2019 and 2020, I was invited to join the National Trial Lawyers 40 under 40 in the area of Criminal Defense.
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 Association, Member (2007-present); Member, House of Delegates, representing the Fifteenth Circuit (2010); Secretary, Criminal Law Council (2014-2015), Vice-Chair, Criminal Law Council (2015-2016), Chair-Elect, Criminal Law Council (2016-2017), Chair, Criminal Law Council (2017-2018), Immediate Past Chair, Criminal Law Council (2018-2019), Section delegate to the House of Delegates, Criminal Law Council (2019-2020).
- (b) Georgetown County Bar Association, Member (2009-present).
- (c) South Carolina Association of Criminal Defense Lawyers. Member (2016-present).
- (d) South Carolina Association for Justice, Member (2016-present).
- (e) South Carolina Women Lawyers Association, Member (2009-present).
- (f) Council of Parent Attorneys and Advocates, Member (2016-present).
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. Yes. Circuit Court, At-Large Seat 13, 2019.

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) In 2002, I worked as a student advising assistant at UNC-Greensboro part time.
 - (b) In 2003-2004 I worked as a licensed mortgage broker in the state of North Carolina for MoneyNet Mortgage Services. I was responsible for contact with clients who were seeking mortgages.

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.

I am the sole member manager of The Law Office of Erin E. Bailey, LLC. It is my law firm and I am responsible for all the duties therein. I formed this LLC in January of 2016.

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 complete, current financial net worth statement with supporting documentation is attached.

(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.

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.

Myself:

(a) Sen. Mia McLeod, \$1,000 (2016)

(b) Sen. Luke Rankin, \$250 (2016)

My Husband:

(a) Rep. Bruce Bannister, \$250 (2016)

(b) Rep. Mandy Powers Norrell, \$500 (2020)

(c) Rep. Marvin Pendarvis, \$250 (2017)

(d) Rep. J.A. Moore, \$500 (2020)

(e) Sen. Marlon Kimpson, \$800 (2016)

(f) Sen. Marlon Kimpson, \$1,000 (2020).

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.

My husband is a member of Motley Rice LLC, a law firm. He and I have joint finances. I would recuse myself from any matters involving any attorneys at Motley Rice LLC.

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.

[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.
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.

Yes. I have carried malpractice insurance since I started my firm in 2016. I have \$1,000,000 of coverage. The deductible is \$2,500. I have never been covered by a tail policy.

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. No.

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. 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) Public Defender Orrie West, 15th Circuit Public Defender

[REDACTED]

(b) The Hon. Alma White, Georgetown County Clerk of Court

[REDACTED]

(c) Dr. Gregory B. Adams, Professor Emeritus, University of South Carolina School of Law

[REDACTED]

(d) Rev. Adam Shoemaker, Rector, St. Stephen's Episcopal Church

[REDACTED]

(e) Lionel Lofton, Esquire

[REDACTED]

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

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

(a) Facebook, Erin Bailey

(b) LinkedIn, Erin Bailey

(c) Instagram, LawyerErin

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

Should I be elected to the Judiciary, I would conduct myself in accordance with the Judicial Canons on social media, and would only use social media in a manner befitting a member of the Judiciary. Should a rule, advisory opinion, canon, or statute be adopted prohibiting Judges from posting to social media, I would follow any such guidelines.

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) St. Stephen's Episcopal Church. Member, 2008-present. Chair, Rector Search Committee, 2016-2017. Vestry Member, 2009-2011.

(b) The Episcopal Church in South Carolina. Member, Standing Committee 2013-2016. Member, Constitutions and Cannons Committee, 2018-present.

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 grew up middle class. I worked and borrowed my way through my undergraduate degree and law school. I have held a job since I was 16 years old. Every bit of success I have achieved in my career I owe to hard work and my deep, abiding faith in God.

I spent my formative intellectual years as a competitive debater. In fact, after debating for all four years of high school, and winning the North Carolina state championship in policy debate, I was recruited to debate for the University of South Carolina, and awarded a scholarship. While an undergraduate at the University of South Carolina, I fell in love with this beautiful state, and knew it would be my home. For three years, I represented the Gamecocks at intercollegiate debate tournaments all over the country. The format used for competitive debate required that in alternating rounds, debaters advocate for the opposite side of the same topic. Practicing this intellectual exercise for seven years gave me a unique ability that has served me well as a practicing lawyer. I am able to see beyond my own advocacy to consider both sides of the issues. These abilities will serve me well if I am elected.

As I have spent my days in busy courtrooms for the last 13 years, I have noticed that court personnel, including solicitors, public defenders, private bar lawyers, bailiffs, judges, and all those who report there for work every day, often forget the sanctity and solemnity of the courtroom. Each person who works in court every day is concerned with efficiency and outcome of the courtroom proceedings. But to the average person in this state -- the victim whose home was burglarized, the claimant injured in an automobile collision, the mother of a murder victim, the debtor whose manufactured home is being repossessed, the young offender who made a terrible choice -- court is formal, frightening, and foreign. This will likely be the only time in their entire life that these citizens appear in a courtroom. As important as it is for Judges to efficiently dispense with the caseload before them, the highest duty of a Judge is to give every matter the attention to detail and respect it deserves. While some matters may seem insignificant to the Judiciary given the grave matters Judges are asked to undertake each day, every matter is significant to its litigants. If elected, I intend to be a Judge who never forgets that fact, and gives every single matter before the court a full and fair hearing. Faith in the Judiciary and the Judicial system is essential to our functioning Democracy, and adherence to the rule of law.

I am not only a lawyer, but as a small firm lawyer, I am also a small business owner. I understand the pressures placed on the bar by the roster system that expects many lawyers to be in three places at once. If elected, I intend to treat lawyers who are doing their best to diligently represent their clients with dignity and respect, to let them make their record, and argue their case.

In many cases, the role of a Judge in the courtrooms is that of a referee. The Judge makes the calls in procedural and evidentiary disputes, serves as neutral facilitator of the proceedings, and starts and stops the clock. But it's the lawyers' courtroom, and the litigants' case. The lawyers and litigants are the players on the field. They are the ones that win or lose. They should be able to present their case as they see fit so long as their presentation comports with the rules.

As Chief Justice John Roberts so eloquently said, in his opening statement during his nomination hearings before the United States Senate Judiciary Committee:

Judges and justices are servants of the law, not the other way around. Judges are like umpires. Umpires don't make the rules; they apply them. The role of an umpire and a judge is critical. They make sure everybody plays by the rules. But it is a limited role. Nobody ever went to a ball game to see the umpire. Judges have to have the humility to recognize that they operate within a system of precedent, shaped by other judges equally striving to live up to the judicial oath. And judges have to have the modesty to be open in the decisional process to the considered views of their colleagues on the bench.

Confirmation Hearing on the Nomination of John G. Roberts, Jr. to be Chief Justice of the United States, 109th Cong. 55-56 (2005) (statement of nominee, John G. Roberts, Jr.).

I do not intend to be a Judge who lectures or gives long speeches. I believe that a Judge cedes the floor to the lawyers when they seek election to the other side of the bench.

Finally, if elected, I intend to be a Judge who serves as a neutral arbiter of the cases before me. I would conduct myself, both inside and outside of the courtroom, in a way that gives no appearance of impropriety, both professionally and personally.

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: _____