



**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE
2021**

Court, Position, and Seat # for which you are applying:
Circuit Court, Fifth Judicial Circuit, Seat Number 2

1. Name: The Honorable Amy McCulloch

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.)

I am currently serving as the Richland County Probate Judge and it is a full time position.

Home Address: [REDACTED]

Business Address: Richland County Courthouse, 1701 Main Street, Room 207, Columbia, South Carolina 29201

E-Mail Address: [REDACTED]

Telephone Number: (home): [REDACTED]
(office): 803-576-1997
(cell): [REDACTED]

2. Date of Birth: [REDACTED] 1964
Place of Birth: Texarkana, 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? No 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. N/A

6. Family Status:
(a) State whether you are single, married, widowed, divorced, or separated.
Married on October 17, 1992 to Joseph Matthew McCulloch, Jr.

Never divorced, one child.

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

October 17, 1992, Joseph Matthew McCulloch, Jr., attorney

(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) University of South Carolina 1983 -1987, Bachelor of Science

(b) University of South Carolina School of Law 1987-1990, 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) Member of Women in the Law – 1989-1990

(b) Participant in Moot Court - 1989

(c) Criminal Practice Clinic - 1989

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, 1990, 1 time

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) 1990-1991 – Judicial Law Clerk for The Honorable Thomas J. Ervin, Circuit Court, Tenth Judicial Circuit – duties included assistant in the courtroom, research, and order drafting.

- (b) July 1991-September 1991 – Judicial Law Clerk for The Honorable William “Bucky” Catoe, United States Magistrate Judge for the District of South Carolina – duties included reading files and drafting of orders mainly focused on Medicaid appeals.
- (c) September 1991 – December 1996 – Assistant Solicitor, Fifth Judicial Circuit – prosecuted cases in Magistrates Court, Family Court and General Sessions.
- (d) December 1996 – December 1998 – Attorney with Law Offices of Joseph M. McCulloch, Jr. – managed the Trust and General accounts, office administration, managed the civil cases for pleadings and discovery, preliminary hearings, guilty pleas, and Family Court divorce matters.
- (e) May 1997 through November 1998 – part time contract employee with the Richland County Solicitor’s Office to train new prosecutors.
- (f) 1997-1998 Adjunct Professor at Midlands Technical College – Paralegal Program – taught courses on Introduction to Law, Legal Ethics, Torts, Criminal and Business Law.
- (g) 1997-1998 Adjunct Professor at University of South Carolina, College of Criminal Justice – taught the course Criminal Justice, American Criminal Courts.
- (h) January 1999 through present – Probate Judge for Richland County – manage and oversee administration of the office, hear estate matters, commitment hearings, guardianship and conservatorship hearings, and trust litigation.

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.

The experiences I will be describing are from 1992 to 1998, the five (5) year time frame before I began serving as Probate Judge in January of 1999.

During my time serving as an Assistant Solicitor, in addition to handling my own caseload of approximately 200 to 300 cases, I managed a team of lawyers that were responsible for a rotational trial docket. Each solicitor was responsible for his or her cases from the beginning of the investigation through the ultimate plea, trial, or dismissal. I was on rotational call for local law enforcement for warrant approval and bond hearings in an innovative twenty-four (24) hour a day program called Early Legal Assistance to law enforcement. I monitored and was responsible for discovery, communication with the arresting agency and officers, and communication with victims and other agencies. As a team leader, I was responsible for weekly discussions of cases, preparation of plea negotiations and ultimately trial preparation which included witness preparation, issuing subpoenas, preparing appropriate motions, and review of evidence. I prosecuted a range of cases including driving under the influence, burglary, criminal sexual conduct, drug distribution, kidnapping, and murder.

During my time in private practice, I handled the daily administrative duties of the office, which included personnel and payroll, client billing, monthly reconciliation of all accounts, payments and deposits, retainer agreements, and client meetings. In civil cases, I responded to and reviewed discovery, prepared pleadings and motions, participated in depositions and mediations, settled and distributed proceeds, attended pretrial hearings, and sat as co-counsel at hearings. In criminal cases, I met with clients, reviewed discovery, negotiated pleas, attended preliminary hearings, and sat as co-counsel at hearings.

- (b) 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

- (c) 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: In in the period of 1997-1998, I was involved in one federal civil case that was resolved in preliminary motions. I was co-counsel with Hugh Roberts at the time.
- (b) state: General Sessions from 1993 to 1996 (Solicitor's Office) daily/weekly
 Family Court from 1993 to 1996 (Solicitor's Office) at least monthly or quarterly
 Magistrates Court from 1993 -1996 (Solicitor's Office) at least weekly or monthly
 Circuit Court from 1997-1998 (private practice) monthly
 General Sessions from 1997-1998 (private practice) monthly
 Magistrates Court from 1997-1998 (private practice) monthly
 Family Court from 1997-1998 (private practice) approximately six (6) times
 total

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: none from 1993 to 1996, fifty (50%) percent during 1997-1998
- (b) criminal: one-hundred (100%) percent from 1993 to 1996, twenty (20%) percent during 1997-1998
- (c) domestic: twenty (20%) percent from 1993-1996, ten (10%) percent during 1997-1998
- (d) other: office management of law firm from 1997-1998, twenty (20%) percent

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: During my time in the Solicitor's office approximately forty (40%) percent of my cases went to trial before a jury. During my time in private practice, I was second chair in several civil cases with the majority reaching disposition through settlement.
- (b) non-jury: I was involved in a few matters that were non-jury in Magistrates Court, five to ten (5-10%) percent of juvenile criminal matters in Family Court while in the Solicitor's office, and approximately six domestic matters in Family Court while in private practice.

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

I served as co-counsel or 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) While serving as an Assistant Solicitor, a Defendant was charged with kidnapping and criminal sexual conduct, 1st degree. I was the assigned prosecutor on the case and took it from the investigation stage through its dismissal. It was significant

because the facts of the case were traumatic and the outcome taught me many things. A 14-year-old girl at an all-night church “lock-in” event snuck out with another to find cigarettes. She was abducted and sexually assaulted by three individuals. I had a significant level of involvement with the Investigator, the victim and the witnesses. The defendant was identified through a drawing and BOLO. The similarity of appearance was striking. The victim and witness picked him out of a photo line-up. The Defendant remained in jail and Defendant’s grandfather and main paternal figure came to every court hearing and dropped by the Solicitor’s office frequently to ask about the progress of the case. At every meeting, he told me that the charges against his grandson would be dismissed. It was a DNA case and ultimately the DNA testing returned that the Defendant was not a match. I remember the powerful impact of explaining the outcome to the victim and her family. I dismissed the charges against the Defendant and remember the grandfather’s relief. The process and outcome of the case was a significant experience for me and reinforced my commitment to follow the evidence and the responsibility and importance of prosecutorial objectivity.

- (b) While serving as an Assistant Solicitor, I prosecuted a man for kidnapping and criminal sexual conduct, 1st degree. The case was significant for several reasons. The victim was a young female and while working extra hours over the weekend at a law firm where she was an assistant, she was held against her will and sexually assaulted by the man that the law firm had hired to maintain the yard. She was extremely frightened and did not want to testify. The accused asserted the defense of consent. While the facts and evidence fully supported her assault, convincing her to testify and supporting her through her testimony and the trial was challenging on many levels. The accused was found guilty. From this case, I learned many things, including that it takes great strength and commitment to go through such an emotionally demanding trial. I also learned that I had the strength and compassion to support the victim through the process and to find justice for the victim and society.
- (c) While serving as an Assistant Solicitor, I was responsible for prosecuting a grandfather for criminal sexual conduct with a minor granddaughter. The evidence was strong to convict with medical evidence and eyewitness testimony of events. The family dynamic was such that the grandparents, including the defendant grandfather, were the custodial guardians for the minor. The case was significant because the defendant was found to lack capacity and therefore, could not be tried for the matter. I participated in the defendant’s judicial commitment, as is required. His commitment resulted in his temporary placement in an inpatient facility and then his release back to his home, where again the child was living. I felt compelled and responsible to follow up with this matter with the Department of Social Services and Family Court in an effort to provide protections for minor. In the end, I felt the systems were not in place to provide adequate support.
- (d) While in private practice, I represented a husband in a simple and uncontested divorce proceeding. The wife did not appear for the hearing and there were no assets to divide. At the hearing to have the final order issued, I appeared with my client. The Family Court judge called me to the bench and privately explained that I had failed to plead a significant part of my ask and I would need to amend my

pleadings and re-appear at a later date. I was mortified not only to have made such an error, but also to have made such an error before a judge I greatly respected. Of course, my primary concern was for my client and that I had potentially disappointed him. The judge graciously allowed me to explain the situation to my client and did not embarrass me in front of him. I left the bench and told my client that I had made a mistake and would have to correct it before he would be granted his divorce. I returned his fee and finished the matter for free. From this experience, I saw through new eyes the power and influence of a judge and I will be forever impacted by her compassion and willingness to use the situation as a teaching experience.

- (e) While in private practice, I was co-counsel on a very contentious and lengthy Family Court divorce matter that involved allegations of adultery, a dispute over custody of several children, and asset value and distribution. I am sure for attorneys that practice primarily in this area, the case would not have been so controversial but for me, it was my first experience with the regular and intense communications from my client and opposing counsel arguing almost daily on the regular decisions couples must make about their status and their children. At what I thought was the final divorce hearing where my client would predictably receive an award of support and custody, opposing counsel presented evidence for the first time, which was only that day provided by his client that changed everything. On top of the emotionality of the case, it was the requirement to change and pivot and renegotiate the case at the last moment that stayed with me.

- 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) None

- 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) None

- 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.

Richland County Probate Judge – 1999 through the present - elected

The Probate Court has jurisdiction for all estate matters, the appointment and oversight of guardianships for incapacitated adults, the appointment and oversight of conservatorships for incapacitated adults and minors, approval of minor settlements under \$25,000.00, approval of wrongful death and survivor settlements prior to filing, trust and estate litigation, litigation involving powers of attorney, commitments for emergency mental health treatment and chemical dependency treatment, non-emergency judicial commitments, and the issuance of marriage licenses.

- 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) In re Est. of Kay, 423 S.C. 476, 816 S.E.2d 542 (2018). This case was an appeal from the Laurens County Probate Court under estate file number 2007-ES-30-208, an appeal of the decision by The Honorable Frank R. Addy, 2012-CP-30-258, an appeal of South Carolina Court of Appeals decision 2016-5414, and before the Supreme Court of South Carolina, 2016-002337. I was invited by the South Carolina Supreme Court to sit as a substitute justice for this Supreme Court argument. It involved many different aspects of probate administration of an estate complicated by real estate issues; heirs in disagreement; and a question of appropriate attorney fees and personal representative commission. It was a significant experience and a humbling opportunity.
- (b) In the Matter of Carter, 2002. I presided over the first and, so far, only jury trial in the Richland County Probate Court. Under South Carolina law, parties typically litigate without a jury but may request a jury trial in the Probate Court or the Court of Common Pleas upon removal. Although it was technically a Will challenge case, it was very complex and complicated by a multitude of variables. The case involved issues of race, class, capacity, abuse and neglect, and criminal charges. The litigants conducted their respective arguments, aggressively presenting issues for me as presiding judge. At every turn, there was a challenging legal issue about evidence admission, testimony, and courtroom conduct. After a week of trial and testimony, the jury returned their emotional verdict at midnight on Friday. The case reverberated for years.
- (c) In the matter of the Estate of Julius Clarence Dreher, Jr. estate number 1997-ES-40-880, appellate review citation Dreher v. Dreher, 370 S.C. 75, 634 S.E. 2d 646 (2006). This case required the interpretation and application of the elective share statute and a revocable inter vivos trust. My order, attached as one of my writing submissions, held that while the spouse is entitled to her elective share claim, the assets of the trust, left primarily to the decedent's children who were not the children of the surviving spouse, should not be included in the calculation of the elective share amount. I also found the statute regarding elective share to be unconstitutional. The Supreme Court of South Carolina later reversed my interpretation of the elective share statute at that time. The statute has since been amended.
- (d) In the Matter of Dhillon, 2014. This was a very legally complex case that also involved a myriad of family and geographic complications. It required determinations of intestate heirs, common law spouse and elective share claims. Factually, two women claimed to be the decedent's wife. One woman claimed to be his wife from an alleged marriage in India who had a child with the decedent. Another woman claimed to be his common law spouse in South Carolina who had two children with the decedent. The case involved contradictory legal, religious, cultural, and family issues. The conflicting testimony from the decedent's parents and the women who believed they were married to the decedent were emotionally and legally demanding. The order in this case is included as my second writing submission.

- (e) In the Matter of Sumter, 2002. The main question of disputed rights of inheritance was “Is he the Decedent’s brother or is he the Decedent’s son?” This matter was extremely interesting because it required extensive review of family records, court documents, the United States census, a very broken family tree, and a mildewed family Bible, and genealogical tracking back to the 1930’s. This case was a sociological powerful study of how families changed names and relationships to save reputations to survive, about how children were raised in rural areas in the 1950’s, and how secrets were kept and documented. The file should become a book.
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 Courts, November 1990
 - (b) United States District Court, District of South Carolina, February 1997
 - (c) Supreme Court of the United States of America - 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.
- Yes
- (a) I have been an Instructor for South Carolina Court Administration, Mandatory School for new Probate Judges from 2009 to the present.
 - (b) I have been an Instructor for the SC Bar Program “Bridge the Gap” for new lawyers from 2003 to 2015.
 - (c) I was an adjunct Professor for Midlands Technical College, Paralegal Program 1997 through 1998 and again in the summer of 2011 and taught classes on introduction to the law, torts, criminal, and probate trusts and estates.
 - (d) I was an adjunct Professor for University of South Carolina, College of Criminal Justice on 1997 through 1998 and taught a class titled Criminal Justice, American Criminal Courts.
 - (e) In 2003, I spoke to the University of South Carolina, School of Law, Women in Law Speaker Series on the topic of “Road to be a Probate Judge”.
 - (f) In 2001, 2002, 2003, 2005, 2007, 2008, and 2016, I was a presenter for the Continuing Legal Education series known as “Tips from the Bench”.
 - (g) In 2007, I was a presenter at a Continuing Legal Education titled “Rules! Rules! Rules! – an overview of the Probate Rules”.
 - (h) In 2014, I was a presenter at a Continuing Legal Education titled “The Modern Family – Probate Issues.”
 - (i) In 2014, I was part of a panel discussion at the South Carolina Probate Judges Association on the new probate code.
 - (j) In 2014, I was a presenter for the National College of Probate Judges on the topic of “Firearms and the Mentally Ill.”
 - (k) In 2017, I was a presenter at the Magistrates Conference on the topic of explaining probate.

- (l) In 2017, I was a presenter at the Richland County Probate Court's guardian ad litem training.
 - (m) In 2020, I co-taught a session of the University of South Carolina, School of Law Summer Class on "Mediation in Probate Court."
 - (n) In 2021, I was a presenter for a Continuing Legal Education session for judges on the changes to common law marriage.
22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.
Please see the reports that have been included in my filing.
23. List all published books and articles you have written and give citations and the dates of publication for each.
- (a) Legal Aspects of Involuntary Commitment (SC Lawyer, 2000) Co-Author
 - (b) Wrongful Death and Survival Actions: How you may find yourself in Probate Court (Richbar News, 2003) Author
 - (c) Avoiding Conflict After Death (IMARA Magazine, 2013) Author
 - (d) Minors in Probate Court: Conservatorships, Minor Settlements, and Special Needs Trusts (SC Lawyer, 2014) 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) Order as the Richland County Probate Judge, In the Matter of Dreher, 2005 – sole author.
 - (b) Order as the Richland County Probate Judge, In the Matter of Dhillon, 2014 – sole author
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.
I am not knowingly a member of any of these rating organizations. I have searched my name on all of the above and I do not see a search result for my name on Best Lawyers, Chambers, Legal 500, Who's Who Legal, Super Lawyers, or Million Dollar Advocates Forum. My name search on Martindale-Hubbell results in a listing without a rating.
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) SC Bar – member from 1990 through the present.
 - (b) Richland County Bar – member from 1998 through the present.

- (c) SC Association of Counties – member from 1999 through the present, serving on the Legislative Committee since approximately 2009.
- (d) SC Association of Probate Judges – President 2003-2004, Chair or Co-Chair of Legislative Committee from 1999 through the present, and member from 1999 through the present.
- (e) National College of Probate Judges – member from 1999 through the present and Executive Committee member from 2017 through the present.
- (f) South Carolina Supreme Court, Probate Court Judges Advisory Committee, member since 2002 and Chair since 2009.
- (g) South Carolina Partners in Crisis – Co Chair from 2003 through 2013.
- (h) South Carolina Vulnerable Adult Task Force – member
- (i) South Carolina Suicide Prevention Coalition – member
- (j) National Center for State Courts, member of Expert Panel to develop a judicial response protocol to address abuse, neglect, and exploitation in guardianship and conservatorship cases in 2018 and 2019.
- (k) Inns of Court – member from 2019 through the 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.
- (a) I have been the Richland County Probate Judge from 1999 through the present.
 - (b) I was originally elected in November of 1998 and was sworn in in January of 1999 and I am currently serving in my sixth term.
 - (c) I believe I have been late on filing my quarterly report on two occasions.
 - (d) On those occasions, I personally paid the \$100.00 fine.
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.
- (a) I taught group fitness classes at Columbia Athletic Club, Gold's Gym and MUV fitness from 1999 through 2019. I was considered hourly and my supervisor was Lisa Dye.
 - (b) In the summer of 2011, I taught a class on probate, trusts, and estates as an adjunct Professor for Midlands Technical College, Paralegal Program. I was considered part time. My supervisor was Bill McSorley.
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.

I taught group fitness classes at Columbia Athletic Club, Gold's Gym, and MUV Fitness from 1999 through 2019.

31. Are you now an officer or director or involved in the management of any business enterprise? No Explain the nature of the business, your duties, and the term of your service.
N/A
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. I have appeared before appropriate committees as a representative of the SC Probate Judges Association to respond to or answer for legislation that could have an impact on our position.
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 new 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? No
Have you ever defaulted on a student loan? No
Have you ever filed for bankruptcy? No
If so, give details. Also, proof of satisfaction of any liens or defaults must be submitted with your application package. N/A
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?
No

If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist's principal involved. N/A

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. I have none to report as of the filing of this Application.
If you have spent over \$100, have you reported your expenditures to the House and Senate Ethics Committees?
This is not applicable to me 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.
(a) I have not made any contributions.
(b) My husband Joe McCulloch has made the following contributions:
11-4-2020 Senator Malloy*
11-19-2019 Senator Harpootlian \$1,000.00
10-29-2019 Senator Harpootlian \$1,000.00
11-21-2016 Senator McLeod \$200.00
*This contribution is found under a search of contributors on the SC Ethics Commission but the amount cannot be currently found.

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.

I do not have those financial arrangements or business relationships. My husband owns his own law firm and currently has one attorney that works with him. If there were a conflict of that nature that would require disclosure to the parties or recusal, I would immediately take that action.

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.
This is not applicable.
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.

This is not applicable to me.

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.
This is not applicable to me.

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.
A complete, current financial new worth statement was provided to the Commission along with my current statements.

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.
No

44. For sitting judges, have you used the services of your staff, for which you did not pay, while campaigning for this office?
No

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? No
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.
I have not personally.
In July or August of 2001, while serving as the Probate Judge, I was contacted by SLED regarding a complaint about a Probate Court employee. The result of the investigation was that the Probate Court employee had taken a gift card and cash from two (2) Personal

Representatives at the closure of the estates. All parties involved were interviewed. The matter was reviewed by SLED as a possible violation of S.C. Code Ann. 8-13-705 (1991). The conclusion was there was no benefit given because of the gift and it did not influence the administration of the estate. I had no knowledge that it had occurred but it was clearly my responsibility to monitor my employees. I personally paid the money back to the Personal Representatives, no charges were brought against the employee or anyone else, and the employee was allowed to resign.

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.
- (a) Roy Adams, et al. vs. Richland County Probate Court, 2005-CP-40-6269 – This was an estate dispute concerning real estate in the Estate of Winona Estelle Patterson Adams that I had ordered to be sold to satisfy creditor claims of the Estate. The intestate heirs to the estate were the plaintiffs in this matter. The case was dismissed as to the Richland County Probate Court on December 12, 2005.
 - (b) Stephen A. Freeman, et al. vs. Amy McCulloch, et al., 2007-CP-40-1794 – This involved the estate of Cynthia DeBerry (Freeman) 2005-ES-40-688 and the conservatorship for her son David Freeman 2005-GC-40-64. Stephen Freeman, son of Cynthia DeBerry, and his father Wendell Freeman, husband of Cynthia DeBerry, and others brought this action against me, as Probate Judge, because of rulings regarding the investment of insurance proceeds available at the death of Cynthia DeBerry. This case was dismissed on November 16, 2007.
 - (c) Wendell and David Freeman vs. Amy McCulloch, et al., C/A No. 3:06-0010-MBS-JRM This was a similar, if not the same, matter as the above state action. This case was dismissed in January of 2006 in Federal Court.
 - (d) Rogers Townsend and Robert Thomas vs. Richland County Probate Court, 2012-CP-40-6251 – This involved the Guardianship (2011-GC-40-48) and Conservatorship (2011-GC-40-47) captioned as a Petition of Writ Mandamus or a Writ of Certiorari related to access to the files of the Probate Court. At the time, the files of Mary Sjoberg were under an Order of Protection for confidentiality. Neither Mr. Thomas nor Rogers and Townsend were counsel of record for any party in the current actions so their access was initially denied. Mr. Thomas had been Ms. Sjoberg's previous personal attorney and was a potential witness in the litigation. Access to the files was later granted by Probate Court after the interested parties to the matters consented and their required restrictions were agreed to by Robert Thomas and the Rogers Townsend Law Firm. The Common Pleas action was dismissed on March 6, 2013. Robert Thomas filed a Motion to Reconsider on March 22, 2013, that was denied by the Circuit Court on April 5, 2013. Robert Thomas appealed and the appeal was denied with finality October 14, 2013 by the South Carolina Court of Appeals, Op. No. 2013-000922 (S.C.Ct.App. filed Oct. 14, 2013)

(e) Darrell Goss and Sasha Gaskins vs. Richland County Probate Court and S.C. Department of Corrections, 2018-CP-40-5477 - This was an action to allow incarcerated inmates to apply for a marriage license and be allowed to marry. The action was dismissed in August of 2019 for failure to pay the filing fee.

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.
This is not applicable to me.

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.
I have not.

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?

I have not.

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.

I have not.

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.

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) W. Barney Giese, [REDACTED]

(b) Lesley M. Coggiola, [REDACTED]

(c) Bernice G. Scott, [REDACTED]

(d) Kay Patterson, [REDACTED]

(e) Coney B. Arnette [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.

Facebook – Amy McCulloch

LinkedIn – Amy McCulloch

Twitter – Amy McCulloch @judgeamy2022

Instagram – Amy McCulloch judgeamy2022

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 have been serving for 22 years and I have tried to be conscious and aware of any postings so as not to violate my responsibilities or the Code of Judicial Conduct, and avoid political or social controversy. If anything, I would become less visible and active.

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) Midlands Technical College, Paralegal Advisory Board

(b) Girls Scouts – Women of Distinction 2017

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.

Growing up and attending public schools in Richland County has enabled me to be sensitive to the issues and concerns faced by many in the community. While I have been fortunate in my life, I have also experienced the impact of my parents' divorce, abuse by a stepparent, financial struggles, family members struggling with addiction and mental health issues, and complicated family relationships. I know how those events can affect the choices we make and I know the impact the judicial system can have upon an individual's life. As a result, I will obey the Judge's Oath by listening courteously and impartially and will decide the matters before me with fairness and civility and rule only after careful and considerate deliberation.

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 _____, 2021.

(Notary Signature)

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