



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

Circuit Court, Fifth Judicial Circuit, Seat 2:

1. Name: Mrs. Kate Whetstone Usry

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: 601 Devine Street
Columbia SC 29201

E-Mail Address: [REDACTED]

Telephone Number: (home):
(office): 803-799-9400
(cell): [REDACTED]

2. Date of Birth: [REDACTED] 1982
Place of Birth: Columbia, 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.
- (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.

Family Status: Married on March 26, 2011 to Charles Edward Usry.
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 School of Law
August 2004 – May 2007
Juris Doctorate
 - (b) University of the South
August 2000 – May 2004
Bachelor of Arts
- 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) Environmental Law Journal, 2005 – 2007
Managing Editor, 2006 – 2007
Best Spader Award, 2005 – 2006
 - (b) Phi Delta Phi Legal Fraternity, 2006 – 2007
 - (c) Student Trial Lawyers Association, 2005 – 2007
Secretary, 2006 – 2007
 - (d) Student Bar Association

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
Admitted: November 2007.
I took the South Carolina Bar Examination one 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) Law Clerk, The Honorable R. Knox McMahon
August 2007 – August 2008

As a law clerk, I was responsible for writing legal briefs and performing legal research, scheduling hearings, communicating with counsel regarding matters before the Circuit Court, and assisting Judge McMahon with his analysis of civil and criminal legal issues. I enjoyed an intimate study of the operations of the Circuit Court and gained valuable experience observing a wide range of civil and criminal hearings and trials during my clerkship. I continue to reflect upon the experiences I had working for a Circuit Court judge in my practice today.

- (b) Assistant Solicitor, Eleventh Judicial Circuit Solicitor's Office
September 2007 – June 2019

Over the course of my eleven-year journey as an Assistant Solicitor, I handled a large, rapidly evolving case list and routinely prepared cases for trial and tried cases to verdict.

During the first half of my tenure, I was assigned to the domestic violence case docket. I acted as the sole domestic violence prosecutor, handling a docket of around 200 cases. Needless to say, each case had a victim or victims whose interests had to be considered. I was able to increase the number of cases moved each year by bringing more domestic violence cases to trial than our office had in the past. I spoke to various groups at presentations, including CLE events hosted by the South Carolina Commission on Prosecution Coordination. I also provided legal education to law enforcement personnel on the law of domestic violence. I was instrumental in creating laminated legal information sheets for law enforcement officers to assist them in making charging decisions. I also created pamphlets with information about protective orders and domestic abuse assistance programs that were distributed to law enforcement and local magistrate offices.

During the final five to six years of my tenure at the Eleventh Judicial Circuit Solicitor's Office, I took on the role of a supervisor. I took on additional duties, such as coordinating the setting of the Eleventh Judicial Circuit Court General Sessions calendar for the upcoming year, overseeing the selection of the yearly Grand Jury, and managing the trial roster. My duties as trial roster manager included gathering cases for trial for upcoming terms of court, and drafting and distributing the Eleventh Judicial Circuit Court General Sessions roster. During terms of court, my duties included coordinating with trial judges and ensuring all attorneys, both prosecutors and defense counsel, were informed of developments. I participated in our office's hiring process by reviewing resumes and interviewing new lawyers, paralegals, and staff members. I was also responsible for interviewing and hiring interns and law clerks, and acted as the point of contact for all of the law clerks during their clerkships.

In addition to the supervisory and managerial responsibilities I assumed, I continued to maintain a docket of 150 to 200 warrants. My cases primarily involved violent crimes such as armed robbery, criminal sexual conduct, and aggravated assault. I appeared in court frequently for motions and pleas. I tried numerous cases as first chair and second chair, including cases involving murder, attempted murder, criminal sexual conduct, and domestic violence. I mentored new attorneys in our office and assisted them in their trial preparation and at trial.

- (c) Attorney, Whetstone, Perkins & Fulda, LLC
July 2019 – Present

In July of 2019, I entered private practice and joined the firm Whetstone, Perkins, and Fulda, LLC. During my time in private practice, I have had the opportunity to work on civil cases involving a wide range of complex issues. I have worked on cases involving 42 U.S.C § 1983 claims, medical malpractice claims, class actions, the South Carolina Tort Claims Act, negligent infliction of emotional distress, false arrest, negligent hiring, and personal injury. I have drafted demands, complaints, answers, and counterclaims, responded to complex discovery requests, taken depositions, and represented my clients at mediation. I have also taken on a number of criminal defense cases, and I have been appointed to represent two defendants indicted by the statewide Grand Jury.

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.

My litigation experience is extensive. With respect to criminal matters, I have participated in all aspects of prosecution, from advising law enforcement about the existence of probable cause during the initial phase of the process all the way through closing argument. I am intimately familiar with evaluating legal issues and evidentiary matters in order to assess the strength of a criminal case at trial. The legal issues I have reviewed, researched, and argued before the Circuit Court include Confrontation Clause issues, warrantless searches and search warrants, prior bad acts, expert qualifications, impeachment scenarios, and multiple hearsay arguments and exceptions. During the past five years, I have tried cases and prepared cases for trial that pled prior to calling the case involving charges of murder, attempted murder, criminal sexual conduct, armed robbery, domestic violence, drug offenses, and other crimes. I would estimate that I tried or prepared for trial more than fifteen cases over the past five years, and more during the six-year time period prior to that.

My experience as a judicial law clerk exposed me to a wide range of civil cases, motions, and arguments. During my time with Whetstone, Perkins, and Fulda, LLC, I have worked on a wide range of civil cases involving complex legal issues and discovery, including cases involving 42 U.S.C § 1983 claims, medical malpractice claims, class actions, the South Carolina Tort Claims Act, negligent infliction of emotional distress, false arrest, negligent hiring, and personal injury arising in the context of an array of different factual circumstances. Procedurally, I have drafted and filed complaints, answers, counterclaims, and confronted complex

discovery issues. I have taken and participated in depositions and presented at mediation for my clients. I have prepared civil cases for trial that ultimately settled out of court, and I have participated in the trial of a civil case involving personal injuries suffered by our client.

While my experience with civil matters is not equal to my extensive criminal experience, I have spent a significant percentage of my time as a lawyer in court. The South Carolina Rules of Evidence that I researched and argued in criminal cases are the very same set of rules I would apply as a Circuit Court judge in a civil case. My knowledge and understanding of Circuit Court operations and procedures are enhanced by my experience as a law clerk, during which time the Circuit Court Judge I clerked for was the Chief Administrative Judge for the Court of Common Pleas for the Eleventh Judicial Circuit. I have observed a wide ranges of civil court motions, arguments, and trials. In addition, my responsibilities as the trial roster manager for the Eleventh Judicial Circuit Solicitor's Office gave me the benefit of working closely with many Circuit Court Judges from all over the state and provided me with a unique perspective on the various issues that can arise at the Circuit Court level. I have witnessed and participated in countless jury qualifications and pre-trial motions hearings. I understand how a docket is run by various judges and the issues that can arise on both sides of a case, both plaintiff and defense.

- (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: I have not yet personally argued in Federal Court, but I have made an appearance via filing.
- (b) State: While employed with the Eleventh Judicial Circuit Solicitor's Office between July of 2016 and July of 2019, I appeared in court every other week, and during those weeks, I appeared often. Since entering private practice, I have not appeared in court as often, but I have appeared a number of times for hearings and other matters.

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: 35%
 - (b) criminal: 65%
 - (c) domestic:
 - (d) other:

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?

During my time with the Eleventh Judicial Circuit Solicitor's Office, I most often served as sole counsel on any matter in nonjury court. When matters went to trial court, I served as chief counsel approximately half the time and co-council half the time. Since entering private practice, I have served primarily as co-counsel on various matters.

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 v. Bennie Golston, 732 S.E.2d 175, 399 S.C. 393 (Ct. App. 2012)

I served as co-counsel in this domestic violence prosecution. Among the numerous legal and evidentiary arguments made throughout the trial, the two most significant were whether the defendant was a cohabitant of the victim's and whether the facts presented at trial allowed for a jury charge on a lesser included offense. The South Carolina Court of Appeals reviewed the case and determined that based on the specific trial record, facts did not exist which would allow a reasonable juror to convict the defendant of the lesser offense and find him not guilty of the charged offense of criminal domestic violence of a high and aggravated nature. This matter is important to me personally, because the testimony I elicited from a witness helped form the factual foundation for the opinion issued on appeal. In addition, the case provided me with insight into the important concerns that arise in the selection and application of jury charges to the facts of a case, which I have continued to expand upon in other matters that I have brought to trial.

(b) Latara Brooks v. Gwendolyn Evette Green and Tracy Green, 2018-CP-38-00776

This civil case settled the Thursday prior to trial. This case is significant, because I was intimately involved in preparing the case for trial. I took the deposition of the defendant, Tracy Green. Information elicited during that deposition gave us important impeachment evidence which would have been used at trial. In addition, I was involved in preparing witnesses. This case gave me insight into how certain aspects of preparing a civil trial are different, but it also confirmed for me the many similarities between presenting civil and criminal cases in Circuit Court, such as the importance of the damages suffered by personal injury clients and the harm done to victims.

(c) State v. Kevan D. Parker, 2018-GS-32-00399 & 400

This case involved a chronic sexual offender who abused his children over the course of many years. The case pled the Friday morning prior to trial. This case is significant because of the complexity of the legal and evidentiary issues I prepared for in the weeks leading up to the resolution. The case involved complex delayed disclosure issues and jurisdictional issues, as the abuse occurred years prior to trial at various residences in different counties. In addition to the intricacies of preparing multiple young victims for trial, I researched and prepared arguments for the introduction of prior bad act evidence, hearsay evidence, search warrant suppression, and expert testimony. The week prior to the trial, we engaged in telephonic pre-trial conference regarding the confidentiality of extensive counseling records of the victims.

(d) State v. Michael Fulwiley, 2016-GS-32-000670

The defendant in this matter was charged with shoplifting, third degree, enhanced. This case is significant because of the search issues. In this case, the law enforcement officer pulled the defendant over for a seatbelt violation and decided to arrest the defendant for shoplifting during the course of that traffic stop. Many cases that are brought before the Circuit Court in General Sessions matters involve search issues, and the law in cases involving both warrantless searches and search warrants is vast and complex. Understanding these issues and how they must be procedurally presented and argued before the court made me a better advocate.

(e) Pro Se Defendant Trial

This trial occurred in General Sessions court. I was involved in the prosecution of a pro se defendant who was successful in their defense. Since the case has been expunged, I am not listing the case name. This was a week-long trial that involved a number of complex legal issues and a pro se defendant who was very intelligent. The case is very significant to me as it taught me the extreme complexities of handling litigation against a pro se defendant. It is also my belief that some of our greatest lessons come from our losses.

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)
- (b)
- (c)
- (d)
- (e)

N/A.

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)
- (b)
- (c)
- (d)
- (e)

N/A.

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) South Carolina, November 13, 2007.
- (b) United States District Court, District of South Carolina, September 13, 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.

I have had the opportunity to present numerous times to various programs, including the South Carolina Bar Association, the S.C. Commission on Prosecution Coordination, victim's advocate groups, and various law enforcement organizations, including law enforcement officers within the Eleventh Judicial Circuit. During the first half of my time with the Eleventh Judicial Circuit Solicitor's Office, most of these speaking engagements

covered issues involving domestic violence, stalking, and intimate partner violence, and victim's rights. As my role and duties evolved, my presentations changed to focus on criminal sexual conduct, and the audience was often local law enforcement. I did not keep records of the presentations I made to local law enforcement.

I have continued to participate in continuing legal education programs in private practice. In January of 2020, I had the opportunity to take part in the Trial Objections Continuing Legal Education program.

Below is a nonexclusive list of some of the presentations I have given for which I have records.

- (a) I presented for the South Carolina Commission on Prosecution Coordination in a 2009 program titled "The Investigation and Prosecution of Criminal Domestic Violence." My presentation was titled "Preparation of a Criminal Domestic Violence Case: Reading Police Reports, Investigating Further, and Interviewing Witnesses."
 - (b) I spoke at the 2010 South Carolina Law Enforcement Victim's Advocate Fall Conference in a program titled "Criminal Domestic Violence: The Law."
 - (c) In 2011, I presented a lecture titled "Order of Protection: Issues and Enforcement" for the South Carolina Commission on Prosecution Coordination as part of their program titled "The Investigation and Prosecution of Criminal Domestic Violence."
 - (d) In 2011, I presented a continuing legal education course titled "Bond Settings and Revocations: Special Issues and Considerations" for an event hosted by South Carolina Commission on Prosecution Coordination as part of their program titled "The Investigation & Prosecution of Criminal Domestic Violence."
 - (e) At the 2012 South Carolina Solicitor's Association Fall Conference, I presented to the victim advocates a program titled "An Introduction to Victim Rights and Victim Service Responsibility."
 - (f) I made a presentation titled "Dating Violence: Addressing the Issues" at the 2013 South Carolina Solicitor's Association Fall Conference.
 - (g) In 2020, I took part in the "The Art and Science of Trial Objections" for a South Carolina Bar Association CLE in which I played the role of a plaintiff's attorney in a civil case.
22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.

See attached CLE report.

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) Brief, State v. Joshua T. Brown, 2016-GS-32-00873, South Carolina, 2018

I drafted this brief along with Solicitor Suzanne Mayes on the Thursday evening of a trial that began on Monday. At the conclusion of the fourth day of trial on Thursday of that week, the Honorable R. Knox McMahon ordered lawyers for both parties to brief the evidentiary issues before the court prior to the continuation of trial Friday morning. The case pled that following morning.

- (b) Plaintiffs' Memorandum in Opposition to Defendant's Motion to Change Venue, Sean M. Adams, et al. v. Pamela Carr, 2020-CP-40-04595, South Carolina 2021

This Memorandum, for which I was the sole author, was submitted in January of 2021. The Motion was argued before The Honorable Allison Lee, who subsequently denied Defendant's Motion to Change Venue.

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.

N/A.

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
(b) South Carolina Association of Justice
(c) South Carolina Women Lawyers Association
(d) American Bar Association
(e) Young Lawyers Association, Eleventh Judicial Circuit Representative, 2014

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.

In 2020, I was a candidate for Circuit Court, At-Large, Seat 12. I was not successful in my candidacy but was found Well Qualified by the South Carolina Bar and Qualified but not Nominated by the Judicial Merit Selection Commission.

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.

No.

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

No.

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

No.

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

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

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

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

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

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.

Personal Contributions:

- (a) Ronnie Sabb (2019) - \$1,000

Contributions made by Whetstone, Perkins, and Fulda, LLC:

- (a) Jackie Hayes (2020) - \$500.00
(b) Kent Williams (2020) - \$500.00
(c) Lucas Atkinson (2020) - \$500.00
(d) Nikki Setzler (2020) - \$1,000.00
(e) Gerald Malloy (2020) - \$1,000.00

- (f) Paula Calhoun (2019) - \$1,000
- (g) Dick Harpootlian (2019) - \$1,000
- (h) Ronnie Sabb (2019) - \$1,000
- (i) Luke Rankin (2019) - \$500.00
- (j) Gerold Malloy (2019) - \$500.00
- (k) Laurie Funderburk (2018) - \$750.00
- (l) Dick Harpootlian (2018) - \$1,000
- (m) Paula Calhoun (2018) - \$500.00
- (n) James Smith (2018) - \$2,000 (statewide office election)
- (o) James Smith (2017) - \$3,500.00 (statewide office election)

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.

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.

I am covered by the malpractice insurance held by Whetstone, Perkins and Fulda, LLC. That coverage began when I joined the firm on July 8, 2019. The policy limit is \$2,000,000.00. The policy has a \$25,000.00 deductible. 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.

I have not requested any third party to call members of the General Assembly on my behalf. Outside of contact made to announce my candidacy, I have not done any campaigning.

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) John Martin Grantland
Murphy & Grantland, LLC

[REDACTED]

(b) Gregory Poole Harris
Harris & Gasser, LLC

[REDACTED]

(c) The Honorable Samuel R. Hubbard, III

[REDACTED]

(d) Theile McVey
Kassel McVey

[REDACTED]

(e) The Honorable Gary E. Clary

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?

Facebook – Kate Whetstone Usry

Instagram - @kateusry

I primarily use social media to occasionally post family pictures. If elected, my use of social media would likely cease in order to avoid any possible misinterpretation or appearance of impropriety.

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) Junior League of Columbia
Education and Development Chair, 2015 – 2016
Placement Committee, Communications Council, 2016 – 2017
Placement Committee, Finance Council, 2017 – 2018
Placement Committee, Communications Council, 2018 – 2019
Placement Committee, Community Council, 2019 – 2020

(b) Trenholm Road United Methodist Church
Member of the Missions Core Committee, 2019 – 2020

(c) 2013 Recipient of the John R. Justice Community Leadership Award
This honor is bestowed annually upon one prosecutor for outstanding community leadership and exemplary citizenship.

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.

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: _____