

JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA QUESTIONNAIRE 2021

Court, Position, and Seat # for which you are applying: Family Court, Fifth Judicial Circuit, Seat 4.

1. Name: The Honorable Gwendlyne Young Jones

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.) Yes. I am currently serving as a Family Court Judge for the Fifth Judicial Circuit, Seat 4.

Home Address:

Business Address: Post Office Box 192, Columbia, South Carolina 29202

E-Mail Address:

Telephone Number:

(home):

(office): (803) 576-1760

(cell):

2. Date of Birth: 1962

Place of Birth: Allen Bennett Memorial Hospital, Greer, South Carolina

Social Security Number:

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#: Voter Registration Number:

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, I have never served in the military.

6. Family Status:

Married to Troy Manning Jones on May 31, 2014.

Divorced Darryl Dwain Smalls on January 20, 2006, Richland County Family Court. I was the moving party, then known as Gwendlyne Young Smalls; Grounds for Divorce: Adultery.

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



- 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, 1980-1984, Bachelor of Science in Criminal Justice
 - (b) University of South Carolina School of Law, 1985-1989, Juris Doctor Degree
- List the significant activities in which you took part during your attendance at law school. 8. Give the years you were involved in these activities and list any leadership positions you held.

Student Bar Association: 1984-1989

Black Law Students Association: 1984-1989

List the states in which you have been admitted to practice law and the year of each 9. 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.

I was admitted to practice law in South Carolina in 1989. I did not take the South Carolina Bar more than once. I have never taken the bar examination in any other state.

- 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) 1989-1995: Richland County Public Defender's Office: Responsible for the representation of indigent persons in jury trials, guilty pleas, bond hearings, preliminary hearings and probation violations.
 - (b) 1994-1995: Supervisor of the Juvenile Division of the Richland County Public Defender's Office: Responsible for overseeing two other attorneys in the public defender's office. Duties included representing indigent persons in Family Court in bench trials, guilty pleas, probation violations, waivers and detention hearings.
 - (c) 1992: Interim Chief Public Defender for the Richland County Public Defender's Office. Responsible for the management of fifteen attorneys and support staff; presenting budget to County Council and maintaining an active caseload of approximately two hundred and fifty cases.
 - (d) 1995-2010: Solo Practitioner, Law Offices of Gwendlyne Young Smalls. Practiced in Family Court throughout the State of South Carolina involving juvenile defense, divorces, abuse and neglect, adoptions, child custody and child support matters. Also practiced in General Sessions, United States District Court for South Carolina and Magistrate Courts throughout the state handling criminal defense matters.
 - (e) 1995-1996: Kellogg Contract with South Carolina Department of Social Services. Responsible for the litigation of termination of parental rights cases for five counties.

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

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.
- (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:
 - (b) state:
- 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:
 - (b) criminal:
 - (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:
 - (b) non-jury:

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

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) (b) (c) (d) (e)	
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)	
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)	
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.	
	Yes. I was elected to the Fifth Judicial Circuit Family Court Seat 4 on February 3, 2010. I am currently in the same position, having been re-elected in 2016.	

rights, child custody, child abuse/neglect, protection of vulnerable adults, juvenile delinquency and other matters as provided by law.

19. If the answer to question 18 is yes, describe or list five of your most significant orders or

Family court is a court of limited jurisdiction to hear and determine actions involving the validity of marriages, divorce, separate maintenance, adoptions, termination of parental

opinions and give the citations if they were reported. Also, list citations to any appellate

(a) Tommy Baker v. Marrion Baker, 2012-DR-28-0506

review of these orders or opinions.

- (b) Maureen Weirick v. Daniel Canto, 2011-DR-40-1190
- (c) Marcus Duncan v. Marjorie Metellus Duncan, 2009-DR-40-0003
- (d) Saswati Samaddar v. Abhijit Samaddar, 2009-DR-40-3928
- (e) Jesse Grannis v. Christopher Grannis, 2013-DR-40-1813
- 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, 1989
 - (b) United States District Court for the District of South Carolina, 1991
 - (c) United States Court of Appeals for the Fourth Circuit, 2000
- 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 made presentations at the Family Court New Judge's School Orientation for the past eleven years on the topics of: "Family Court Judge from a New Judge's Perspective", "How to Handle a Domestic Custody Trial", and "Juvenile Procedure".
- (b) I have made presentations at the Family Court Bench and Bar on the topics of: "Self-represented Litigants", "Case law updates, and "Operating under the Covid-19 Pandemic".
- (c) I have served on a judge's panel conference for the NBI Judicial Forum.
- (d) I have served on a panel sponsored by Delta Sigma Theta Sorority, Incorporated involving Human Trafficking.
- (e) I have served on a panel involving domestic relations overview for a church-sponsored activity at New Directions.
- (f) I made a presentation at the South Carolina Black Lawyers' Annual Retreat on family law update.
- (g) I participated on a panel regarding juvenile delinquency and compliance at the Department of Juvenile Justice and various schools.
- 22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.

See attachment of Judicial Compliance Report

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

Not Applicable.

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.)

Not applicable since I am a judge seeking re-election to my current position.

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 listed, but not rated in Martindale-Hubbell

- 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) Member, John Belton O'Neall Inn of Court
 - (b) Member, Richland County Bar Association
 - (c) Member, South Carolina Women Lawyers Association
 - (d) Member, South Carolina Bar Association
 - (e) Member, South Carolina Conference of Family Court Judges
 - (f) Member, South Carolina Black Lawyers Association
- 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.

Not applicable

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

Yes. I ran for Richland County Family Court, Seat 1 in 2005. I was successfully voted out of screening as qualified and nominated; however, I did not win the election.

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.

Yes. During high school and college summer breaks, I worked at the Waffle House as a waitress and cashier. The period of employment is approximately from 1979-1984. I also worked briefly with Fluor Daniel Construction Company from 1984-1985 as a security clearance investigator. I was employed as a librarian assistant at the University of South Carolina School of Law while a student from 1988-1989. I also served as a Legislative Aide at the State House while in law school in 1988. I am currently engaged in event-planning and floral design when my schedule permits with a relative. The name of the business is Christopher's Events Tailored Just for You.

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.

Not applicable.

- 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.)

See attached supporting documentation

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.

Yes. An insufficient amount of money was deducted from my taxes in 1995. Upon learning of the deficiency, the amount was paid in full. I was unaware of the lien until I refinanced my home upon obtaining a divorce; which was long after the deficiency had been paid and entered into the records as satisfied.

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.

None

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.

Not applicable

- 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.

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.

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.

Not applicable

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

Not applicable

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

Νo

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? If so, give details but <u>do not</u> 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 for 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.

Yes. In 2003, I was made aware of allegations made by a former client, Timothy Joseph, who claimed that I, along with an assistant solicitor, a private attorney, and a judge were involved in illegal behavior. Specifically, the client, while serving a sentence, alleged that I had financed his criminal activity and received merchandise that he received through his unlawful activity. This matter was thoroughly investigated by South Carolina Law Enforcement and deemed unfounded. Since the allegation, the client committed additional offenses and was subsequently sentenced to the Department of Corrections.

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.

Yes. I am named as a defendant as an heir to my parents' estate in the Court of Common Pleas under docket numbers 2016-DR-42-3176 and 2018-DR-42-0143. My older sister is the personal representative.

In 2005, I was served with a foreclosure action on my previous home located at 3841 Clement Road, Columbia, South Carolina 29203. At the time, my ex-husband was responsible for the mortgage payment and I was unaware the payment was behind. Upon learning of the delinquency, I brought all payments current.

In 2005, while undergoing the screening process for Fifth Circuit Family Court, Judicial Seat 1, Jane Shuler informed me that a federal client, Erick Hopkins had filed charges against me in the United States District Court for the District of South Carolina-Charleston Division. I was never served with any documents, therefore am unaware of the specifics of the allegations. However, I was notified by Assistant United States Attorney Mark Moore after an arrest of one of Mr. Hopkins' family members. While executing a search warrant at the residence, a stack of mail was located addressed to me at that address. It was later determined that my former client was sending mail to a relative at that location addressed to me in order to avoid the prison reading "legal mail." I was advised by Ms. Shuler that the case was ultimately dismissed.

In April of 2004, a former client Latoya Lyles and her boyfriend Taukedrick Roberts sued me in magistrate court in Richland County for seven thousand five hundred dollars. IN the

lawsuit, Ms. Lyles alleged that I was responsible for loss she sustained due to her being arrested because a bench warrant for failure to appear in court was issued against her. I provided information that I was not retained until after the date the bench warrant was issued. In addition, the lawsuit was not brought against me until approximately four and a half years after the alleged wrongdoing. The criminal charges against Ms. Lyles were ultimately dismissed. The case against me was dismissed with prejudice pursuant to a motion for summary judgement.

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.

Not applicable

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

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

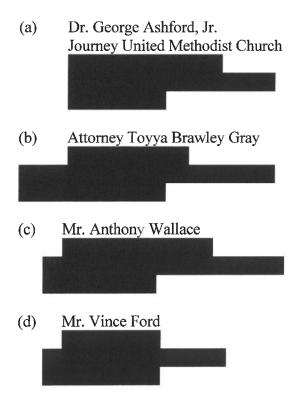
53. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges until after the draft report becomes final, which occurs on the day and time specified on the Commission's published screening schedule?

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

List the names, addresses, and telephone numbers of five (5) persons from whom you are providing references. Also, provide the Commission with <u>original letters</u> of recommendation from each person listed herein, including their signature (preferably in blue ink). <u>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 <u>do not</u> 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.</u>



(e) Attorney Regina Hollins Lewis



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

Yes. I am a member of Facebook and Instagram.

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

My FaceBook name is Gwen Young Jones. My Instagram name is youngusc.

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 ensure that my privacy setting are updated. I do not engage in any prohibited political activity, and I never discuss my duties as a judge or any cases that I may have. I am careful not to accept contact or friend requests from anyone that I do not personally know. It is important that a judge is viewed as unbiased at all times, not just when conducting court. I primarily utilize social media to locate my friends that I may not have had contact with in quite some time.

- 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) Delta Sigma Theta Sorority, Incorporated
 - (b) Jack and Jill of America
 - (c) Member. Journey United Methodist Church
- 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.

My family, faith, legal career and education are all life experiences that have equipped me with the necessary tools to serve our state as a family court judge for the past eleven years. Since my initial election in 2010, I have suffered a great loss, losing both of my greatest cheerleaders, my parents. The loss of my parents has been my daily fuel, enabling me to be a judge that is knowledgeable, fair, exhibiting the appropriate demeanor and temperament toward any and every person that comes before me. I strive daily to uphold the principals which were strongly instilled in me by my parents. Growing up, I watched both of my parents serve and counsel those in need with compassion. With that in mind, I am acutely

aware that the decisions I make on a daily basis will strongly impact the lives of those that appear before me. I am passionate about issues that affect children and families and I am eternally grateful that the traits of honesty and fairness have propelled me forward to doing the very best I can do each and every day.

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:	