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ALBERT J. DOOLEY, III

March 29, 2012

OF COUNSEL
ALBERT J. DOOLEY, SR.

Jane O. Shuler, Chief Counsel
Judicial Merit Selection Commission
Gressette Building, Room 104
Columbia, South Carolina 29202

RE: Family Court of the Eleventh Judicial Circuit, Seat 3

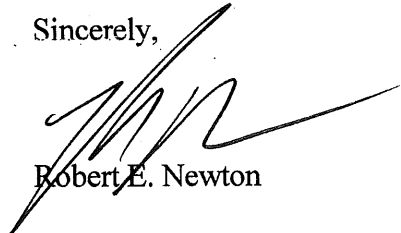
Dear Ms. Shuler:

Please allow this letter to serve as a supplement to my Personal Data Questionnaire which was submitted on March 1, 2012. By this letter I would like to supplement question #41 with the following response:

On March 2, 2012, I mailed 164 letters of introduction to the members of the General Assembly (excluding the members of the Judicial Merit Selection Commission) and, as a result, paid \$73.80 in postage.

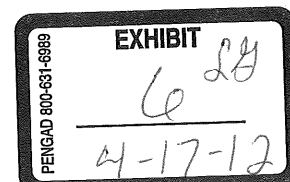
If you or the Commission require any additional information regarding my application or have any questions regarding the above, please feel free to contact me. I thank you for your assistance in this matter.

Sincerely,



Robert E. Newton

REN



*S.C. CERTIFIED CIRCUIT COURT MEDIATOR
+S.C. CERTIFIED FAMILY COURT MEDIATOR

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Family Court, 11th Circuit, Seat 3

1. NAME: Mr. Robert E. Newton
BUSINESS ADDRESS: 218 East Main St.
Lexington, SC 29072
TELEPHONE NUMBER: (office): (803)356-2932
2. Date of Birth: 1964
Place of Birth: Wurzburg, Germany
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
5. Family Status: Married to Caroline Steppe Newton on June 6, 1986. Never divorced; one child.
6. Have you served in the military? N/A
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, 1986 - December, 1988
JD
 - (b) University of South Carolina
August, 1982 - May, 1986
BS in Business Administration / Finance cum laude
8. 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. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state. South Carolina - May, 1989
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.

As an undergraduate, I was a member of Phi Beta Kappa and Beta Gamma Sigma (a national business school honor society). I was employed during my entire undergraduate schooling as a loss prevention officer for Macy's. I worked on average 20-30 hours per week to assist with my educational expenses.
10. Describe your continuing legal or judicial education during the past five years. Include only the title and date of any continuing legal or judicial education course completed.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
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- | | | |
|-----|--|-----------|
| (a) | Dollars and Sense in Family Court | 1/20/12; |
| (b) | SC Family Court Bench / Bar | 12/2/11; |
| (c) | SC Family Court Bench / Bar | 12/3/10; |
| (d) | Hot Tips from the Coolest Family Law Practitioners | 10/1/10; |
| (e) | SC Family Court Bench / Bar | 12/4/09; |
| (f) | Hot Tips from the Coolest Family Law Practitioners | 9/18/09; |
| (g) | SC Family Court Bench / Bar | 12/5/08; |
| (h) | Advanced Family Mediation Skills | 10/10/08; |
| (i) | Lexington Bar Family Court CLE | 10/2/08; |
| (j) | Hot Tips from the Coolest Domestic Law Practitioners | 9/19/08; |
| (k) | SCTLA Annual Convention | 8/7/08; |
| (l) | SC Family Court Bench / Bar | 12/7/07; |
| (m) | Lexington Bar CLE | 12/5/07; |
| (n) | SCTLA Annual Convention | 8/02/07; |
| (o) | Lexington Bar Ethics Update | 12/6/06; |
| (p) | SC Family Court Bench / Bar | 12/1/06; |
| (q) | Mandatory ADR Training | 8/10/06; |
| (r) | SCTLA Annual Convention | 8/3/06. |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- (a) I served as moderator and presenter with a panel of Family Court Judges at the Family Court Bench / Bar CLE in December 2011, on the topic of "How to settle cases in today's economy".
- (b) I served as a panel member for a presentation at the Family Court Bench / Bar CLE in December 2008, on the topic of "Blended Mediation and Arbitration in Family Court."
12. List all published books and articles you have written and give citations and the dates of publication for each. N/A
13. 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) SC Bar - May 17, 1989;
- (b) United States District Court - September 5, 1989;
- (c) Fourth Circuit Court of Appeals - December 29, 1989;
- (d) Certified as a SC Family Court Mediator (ADR ID #615) – October 6, 2000.
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.
- (a) 1988-92 – Coleman, Sawyer, Breibart, & McCauley.

I began working as a law clerk during law school for this firm and joined as an associate after graduation. I practiced with Billy Coleman, C. David Sawyer, Richard J. Breibart and John J. McCauley. Our firm had offices in Saluda, SC, and Lexington, SC. This was a litigation intensive firm where my practice was devoted to approximately 75% domestic / family court matters (including all aspects of divorce, child custody, visitation, child support, alimony, equitable division) 20% civil litigation (including personal injury), and 5% criminal defense (including juvenile matters).

- (b) 1992-2003 – Breibart & McCauley, P.A. (subsequently Breibart, McCauley & Newton, P.A.).

The previously referenced firm dissolved its association when C. David Sawyer was elected to the Family Court in 1992. I continued my association with Richard Breibart and John McCauley until our firm dissolved its association in December 2003. My practice remained essentially as described above divided between domestic / family court (approximately 75%), civil litigation (20%), and criminal defense (5%).

- (c) January 2004-present – The Dooley Law Firm, P.A.

My current firm is comprised of 3 other attorneys: Albert ("Bert") J. Dooley, Jr., Sandra Dooley Parker, and Albert ("Trey") J. Dooley, III. My practice remained devoted to the areas as described above until approximately 3 years ago when I began to cultivate a practice limited to Family Court Mediation and Arbitration. Currently, my practice is almost exclusively devoted to Family Court Mediation and Arbitration which I conduct statewide.

If you are a judge and are not seeking a different type of judgeship, the following questions are inapplicable:

- (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 has prepared you to preside over such matters as a Family Court Judge.

During my legal career, my practice has had a primary emphasis on family court matters. I have represented husbands, wives, mothers, fathers, grandparents, adoptive parents, and children in the family court. I have represented juveniles charged with crimes and defendants in abuse and neglect cases, both retained and court appointed. I would respectfully submit that there is probably not a type of case that could arise in the family court that I have not had some experience with during my career.

I have handled divorces based on each of the statutory grounds and have tried cases involving all five grounds for divorce in contested

matters. I have represented individuals in cases involving equitable division with marital estates ranging from a negative net worth (marital debts) to cases in which the marital estate exceeded one million dollars. I have represented the unemployed and the indigent as well as the entrepreneur and the professional.

I have litigated custody cases on behalf of the father and the mother. I have tried custody cases, done the discovery necessary for trial (to include depositions, interrogatories, etc.), met with and cross examined guardian ad litem and child psychologists, and prepared witnesses for both direct and cross examination. I have also tried cases involving visitation issues and all ancillary custody related issues. I have handled these cases in the context of divorces and in post divorce changed circumstance actions.

I have represented clients in abuse and neglect cases as both court appointed counsel and retained counsel. I have represented the alleged perpetrator and the other parent. I have also been guardian ad litem in abuse and neglect cases. I have represented foster parents in actions to intervene in abuse and neglect cases seeking termination of parental rights and, ultimately, adoption.

I have represented juvenile defendants on matters ranging from drug possession to criminal sexual conduct involving the solicitor's office and the Department of Juvenile Justice.

I believe I have a well rounded background of first hand case and trial experience for all matters that routinely arise in the family court. I would further submit that my most recent practice experience has made me uniquely qualified to serve as a Family Court Judge in that I mediate and / or arbitrate family court cases now exclusively and have done so for several years. I have mediated literally hundreds of different family court cases which has placed me in the unique position of serving as a neutral party who hears both sides of the issues presented. I am also routinely hired by some of the most experienced family law practitioners within our state to serve as the arbitrator in family court matters. I would respectfully submit that this has been invaluable and unique training for the position I am seeking.

15. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, etc.? BV – Martindale-Hubbell

Retired judges/justices and judges/justices applying for reelection to their current position may omit Questions 16-21. If a candidate is seeking a judgeship different than his or her current position, Questions 16-21 should be answered based on experience prior to serving on the bench.

16. What was the frequency of your court appearances during the last five years?

- (a) federal: None
 - (b) state: Probably averaged 1-2 times per month during past five years assuming the question means actual physical appearance and not an "appearance" through filings and notices of appearance. As noted, primary practice area within last three years has been family court mediation and arbitration.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?
- (a) civil: 4%;
 - (b) criminal: 1%;
 - (c) domestic: 95% (including mediation and arbitration).
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury, including those that settled prior to trial?
- (a) jury: 0;
 - (b) non-jury: 100%.
- Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Sole Counsel
19. 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) The case of State v. Martin, 352 S.C. 32, 572 S.E. 2d 287 (2002), set forth in response to #21, was a very significant case for me. I represented Ms. Martin from the trial level to the Court of Appeals and, ultimately, to the Supreme Court on a Writ of Certiorari where we ultimately prevailed. While the underlying facts of this case were tragic and extremely unfortunate, the issues it presented regarding the magistrate court's handling of tickets and the judge's signature were unique. This case presented me an opportunity to argue before the Supreme Court on issues relating to Due Process and proper judicial procedure.
 - (b) I have represented two different couples who were foster parents in actions to intervene as necessary parties in abuse and neglect cases. My clients in both cases wanted to be involved in the judicial process involving their foster children and were seeking to initiate actions to terminate the parental rights of the children's biological parents and for adoption. We tried both of these cases and prevailed. The foster parents are now the adoptive parents of children that were removed from abusive and/or neglectful situations. The case was "significant" because of the personal satisfaction I received from helping these people help these children.
 - (c) In 1997, I was co-counsel with Attorney Charles Williams in a wreck case involving a collision of two tractor / trailers in the center of the roadway in Orangeburg County. Our client, the driver of one of the

tractor/ trailers was significantly injured requiring many surgeries and an extended hospitalization. The case involved testimony of various experts, including experts in accident reconstruction and medical doctors. This case provided me an opportunity to work on a complex personal injury matter and try the case before a jury with a seasoned trial attorney. The offers prior to trial had been nominal and the matter settled on the third day of trial for \$750,000.00 giving our client some much needed financial help.

- (d) Early in my career I represented a father in a bitter custody case. The mother was represented by Attorney Harvey Golden. Mr. Golden was an extremely experienced family law attorney with a statewide reputation. This case is significant to me because of the many lessons I learned from litigating a case against such a tenacious litigator. The case lasted for approximately two years and involved very serious allegations. Ultimately my client was sued by the Department of Social Services in an abuse action during the private action. The Department ultimately dismissed their action, and the custody case settled with my client receiving primary custody of the children after the abuse allegations were recanted and the parties had undergone psychological evaluations.
- (e) I litigated several years ago the issue of jurisdiction of the family court in South Carolina to assume jurisdiction of a matter that was previously pending in Arkansas. The case was significant in that it involved complex issues of our court's authority pursuant to the Uniform Child Custody Jurisdiction Act to assume jurisdiction of a matter that was pending in Arkansas. I was required to brief and argue the case before the trial court. Ultimately the court ruled in favor of my client and dismissed the matter. However, the Arkansas court then determined on various grounds, including inconvenient forum, to transfer jurisdiction. Thereafter, we were able to settle the case.

- 20. 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) Aviation Associates and Consultants, Inc. v. Jet Time, Inc.; Cobra Drilling Co. Inc.; and Cobra Drilling, Inc., as the successor corporation of the merger of the other named defendants, 303 S.C. 502, 402 S.E.2d 177(1991).
- 21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported.
 - (a) State v. Martin, 352 S.C. 32, 572 S.E.2d 287 (2002);
 - (b) State v. Martin, 341 S.C. 480, 534 S.E.2d 292 (Ct. App. 2000).
- 22. Have you ever held judicial office? No
- 24. 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? No
25. 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
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
Yes. In 1992 I ran unsuccessfully for the SC House of Representatives, House District 39 (Saluda and Lexington Counties). I ran unsuccessfully for the Lexington School District One School Board in 2002. In the fall of 2006 (election February 2007), I ran unsuccessfully for Family Court Judge, Eleventh Judicial Circuit.
27. 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?
None, other than my employment during my undergraduate education.
28. Are you now an officer or director or involved in the management of any business enterprise? No
29. A complete, current financial net worth statement was provided to the Commission.
30. 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. Explain how you would resolve any potential conflict of interest. None
31. 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
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.
33. 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? No
34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law? No.
36. Have you ever been investigated by the Department of Social Services? Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? No
37. 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)? No
38. 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
39. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None
40. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None
41. 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. None
42. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None
43. 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? 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? No
44. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No
45. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No
46. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No
47. 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;
 - (b) Lexington County Bar Association – President, 2006; currently ADR / Mediation Committee Chair;
 - (c) SC Bar Dispute Resolution Section Council Member (2009 - currently);
 - (d) SC Bar Resolution of Fee Dispute Board (2007- currently) - currently serving as Co-Chair for Eleventh Judicial Circuit;

- (e) South Carolina Trial Lawyers Association – served on the Board of Governors as the Eleventh Judicial Circuit Representative for 2000–03;
 - (f) Association for Conflict Resolution.
48. 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, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
- (a) Lexington High School Improvement Council (2009-10);
 - (b) Lexington Middle School Improvement Council (2006-09) -Chairman for 2006-07;
 - (c) Lexington Elementary School Improvement Council (2000-06) - Chairman for 2001-02;
 - (d) Lexington School District One Citizens Putting Children First Committee. I co-chaired the speakers bureau regarding District Bond Referendum in 2004;
 - (e) Lexington School District One Parent Advisory Committee (2004-05);
 - (f) Member of the American Motorcyclist Association;
 - (g) Member of the Harley Owners Group;
 - (h) Member of the BMW Motorcycle Owners Association.

49. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.

I sincerely believe that I have much to offer for this position. My experience as an attorney practicing primarily in the family court arena for almost 23 years has prepared me well.

I would respectfully submit that I am even more qualified now than I was when I was previously found "Qualified and Nominated" for the Family Court Bench in 2007. Since that time I have cultivated a practice limited to mediating and arbitrating family law matters. Some of the premier family law practitioners within our state routinely select me to assist them and their clients in mediating their family law cases and, in some cases, I am retained to arbitrate the dispute if a settlement cannot be reached. This extensive practice as a "neutral" has given me invaluable training and has helped me develop strong skill sets of patience, compassion, civility, and reasoning that I believe will transition nicely to the position I am seeking. I also believe my experience as a husband of over 25 years and as a father for 16 years will assist me in dealing with the unique area of family law. I believe all these experiences give me a necessary perspective, temperament, and demeanor well suited for this position and I truly look forward to the opportunity to serve the citizens of the State of South Carolina.

50. References:
- (a) J. Mark Taylor, Esquire

Moore, Taylor & Thomas, P.A.
1700 Sunset Boulevard
West Columbia, SC 29171
(803) 796-9160

- (b) John J. McCauley, Esquire
Davis, Frawley, Anderson, McCauley, Ayer, Fisher, & Smith, LLC
140 East Main Street
Lexington, SC 29071
(803) 359-2512
- (c) Randy Gibson, CPA
Lexington County Recreation & Aging Commission
563 South Lake Drive
Lexington, SC 29072
(803) 359-9961
- (d) Albert J. Dooley, Sr.
178-A Payne Lane
Lexington, SC 29072
(803) 520-7183
- (e) Beth Minimier
Store Manager, Lexington Main
Wells Fargo Bank
200 Columbia Avenue
Lexington, SC 29072
(803) 356-2053

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: Robert Newton
Date: February 29, 2012