

Laurie Traywick

From: Jane Shuler
Sent: Friday, April 06, 2012 11:33 AM
To: Laurie Traywick
Subject: FW: JOS/MIE LETTER AMENDMENT

From: SPENCE, JAMES [JSPENCE@lex-co.com]
Sent: Friday, April 06, 2012 9:22 AM
To: Jane Shuler
Subject: JOS/MIE LETTER AMENDMENT

April 6, 2012

Dear Mrs. Shuler:

I hope all is well at home and work.

Please amend the following responses:

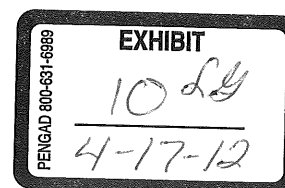
- (1) PDQ #10 to indicate that I did Equity Court Presentation at March 6, 2012 Bridge the Gap program.
- (2) PDQ 50(e) References-delete Terry Burnett and substitute Rosalyn Frierson S.C. Court Administration 1015 Sumter Street, Ste. 200 Columbia SC 29201 (803) 734-1800

Thanks for all your hard work.

Respectfully submitted,

Judge James O. Spence
Lexington County Master In Equity
Special Circuit Judge
205 East Main Street, Suite 204
Lexington, SC 29072
Phone: 803-785-8291
Email: jspence@lex-co.com

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**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Lexington County Master-in-Equity

1. NAME: Mr. James Otto Spence
BUSINESS ADDRESS: 205 East Main Street
Suite 204
Lexington, S.C. 29072
TELEPHONE NUMBER: (office):803-785-8291
2. Date of Birth: 1959
Place of Birth: Staten Island, N.Y.
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 on June 15, 1985, to Natalie Lynn Mincey Spence.
Never divorced; two children.
6. Have you served in the military? No.
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) Presbyterian College (1977-81) BA Double Major in English/History;
(b) USC Law School (1981-84) JD.
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. SC (1984)
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.
PC-played football for 4 years. Started as QB for 3. Captain senior year. Involved in Student Honor Con. USC Law School. Clerked at House for Ethics Commission briefly and then for Speaker Bob Sheheen in Judiciary Committee, then clerked for Dooley Law Firm..
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>
(a) Annual Judicial Conference	2007-2011;
(b) Annual MIE Bench Bar Seminar	2007-2011;
(c) National Judicial College (Adv. Evidence)	2008;
(d) NBI Evidence	12-16-11.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- (a) I have lectured at the SC Bar Program "Bridge the Gap" for new lawyers;
 - (b) I have made presentations on the topic of Supplemental Proceedings at CLE;
 - (c) I spoke about Judge rule at 2007 MIE CLE;
 - (d) Am MIE project mgr. with Terry Burnette at CLE for planning annual MIE seminar.
12. List all published books and articles you have written and give citations and the dates of publication for each. None
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 in 1984;
 - (b) SC Federal District Court in 1989.
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) 1984-2006
Dooley Law Firm (Lexington, S.C.) General Practice. I did loan closings, title searches and real estate related litigation and a few personal injury cases, adoptions etc.
 - (b) 2007
Master-in-Equity/Special Circuit Court Judge for Lexington County
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.? I believe I had highest rating in Martindale-Hubbell as attorney.
22. Have you ever held judicial office?
- Not other than MIE (2007-12) Master-in-Equity hears case by order of Reference (Rule 53) Main practice areas are foreclosures, supplemental proceedings, partitions, real estate disputes of all kind, any other contract or real estate dispute that the parties consent to being referred. As Special Circuit Court judge I hear wrongful death and minor settlements, structured settlement approvals, non-jury motions and non-jury cases that Chief Admin judge sends to me to hear. A MIE does not hear criminal or domestic or jury cases
23. If the answer to question 22 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.
- I believe there was an early unpublished decision about award of attorney fees brought by a pro se that was affirmed. (Waterford)

- (a) Crystal Pines v Phillips (Ct. App Op. No. 4832 June 23, 2011) affirmed in part reversed in part. S/D case about road maintenance and easements
 - (b) Chase v Risher 2010-CP-32-0517. Equitable lien claimed where bank only had husband mortgage his 1/2 and not his wife. I believe this case was appealed.
 - (c) Misty Lake v Bridleridge 2007-CP-32-3492 Dispute between 2 HOA regarding pond and dam upkeep. I believe this case is appealed.
 - (d) Regions v Eckstrom 2008-CP-32-1336 . Interesting tax sale case about mortgage rights.
 - (e) Sulton v Sulton 2007-CP-32-4330 Undue influence deed execution case with Father and son.
24. Have you ever held public office other than judicial office? 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. None
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? No
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?
- (a) 8th grade worked for Frierson Landscape;
 - (b) 9th-freshman year at PC bag boy etc at Piggly Wiggly #99 (Lexington) Sports Youth Counselor at Lex Rec Comm. 1978 and each summer from 8th grade to freshman year at PC at Satterfield sports camp-Camp Indian Valley, Swansea SC;
 - (c) Summer 1980 Jerry Brown's Nautilus Gym in Columbia;
 - (d) Law Clerk House Ethics and Judiciary Committee and Dooley Law firm (1981-84) in law school
28. Are you now an officer or director or involved in the management of any business enterprise?
- I am 25% owner in BD & S, Inc. a family owned corporation (My dad and brother Russell) . It owns 30+- acres in Edmund, SC.
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.
- We have home & car loan & VISA with BB & T. If any BB & T case came that would result in substantial impact to BB& T, I would advise parties and recuse during a status conference

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?
I have been named a couple of times in foreclosure cases by pro se defendants. All have been dismissed to my knowledge.
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 that I know of.
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. 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?

Yes. I called Jane Shuler to ask about dates.

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) Lexington County Bar Association President 1997 Vice-President 1996;
(b) SC Equity Court Association President 2011-12 VP 2010-11.
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.

Member of Lexington United Methodist Church-attend Pelion United Methodist Church where I teach adult Sunday school, work with youth and as trustee, help clean church.

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.
50. References:
- (a) Aaron Krech/BB & T
126 E. Main St.
Lexington, SC 29072
359-1725
- (b) Pat Frawley, Esq.
PO Box 489
Lexington, SC 29072
359-2512
- (c) Pastor George Gain, PUMC
PO Box 27
Pelion, SC 29123
894-3652
- (d) Sgt Lawrence Pathel
205 East Main Street
Lexington, SC 29072
785-8459

(e) Terry Burnette
PO Box 608
Columbia, SC 29202
771-0333

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: James Otis Spence

Date: February 10, 2012