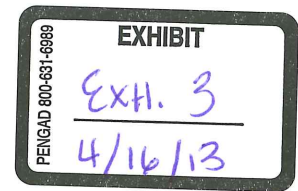


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE



Court, Position, and Seat # for which you are applying:
Circuit Court, Seat One, Sixth Judicial Circuit.

1. NAME: The Honorable Brian M. Gibbons
BUSINESS ADDRESS: P.O. Drawer 580, Chester, SC 29706
TELEPHONE NUMBER: (office): 803-581-4115
2. Date of Birth: 1966
Place of Birth: Orangeburg, SC
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 November 9, 1991, to Lorena Crouch Gibbons. Never divorced; three 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.
The Citadel August 1985- May 1989; BS Biology, Cum Laude;
USC School of Law, JD 1992; August 1989- May 1992.
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 – 11/18/92
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.
The Citadel:
 - (a) Inn of Court 1989;
 - (b) Tri Beta Biology Honor Society 1987-89;
 - (c) Round Table 1988-89;
 - (d) Deans List;
 - (e) Gold Stars;
 - (f) SC Student Legislature 1987-89;
 - (g) Cadet Corporal;
 - (h) Sergeant;
 - (i) Rugby Football Club.USC School of Law: Phi Delta PHI.
10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date</u>
(a) Annual Judicial Conference for past 6 years	August of each year;
(b) SC Conference of FC Judges past 6 years	April of each year;
(c) SC Bar Convention – Seminar	January of each year;

- (d) Family Court Bench/Bar Seminar December of each year.
I have always carried over the full slate of CLE hours since I have been a judge.
11. 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.
- | <u>Course/ Lecture Name</u> | <u>Date</u> |
|--|------------------------------------|
| (a) Presented at the 2010 SC Bar Program “Bridge the Gap” for new lawyers as part of a panel dealing with Family Court. | 2010; |
| (b) National Business Institute “What Family Court Judges want you to know. | May 2010 Panel and May 2012 Panel; |
| (c) SC Rules of Family Court | 2/08, 2/10; |
| (d) SC Bar - Rules, Rules, Rules Seminar
I have also presented and moderated at the Family Court Bench/Bar seminars broadcast statewide | December 2010 & 2011; |
| (e) SCAJ Convention –
Participated in a panel discussion on Family Court matters | 2009. |
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) All State Courts;
(b) Court of Appeals;
(c) Supreme Court;
(d) US District Court–SC, December 1992;
(e) US Court of Appeals- November 1994.
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) Associate – Hamilton, Hamilton & Delleney, PA - August 1992 through December 1993;
(b) Partner - Hamilton, Delleney & Gibbons, PA–1994-May 25, 2005;
(c) City Attorney – Chester – 1994-2000;
(d) Town Attorney – Great Falls, 1997-May 2005;
(e) Town Attorney – Fort Lawn – 1998-January 2005.
- Prior to being elected to the Family Court Bench, I was involved in a general practice law firm. I primarily practiced in the areas of Family Law, Criminal, and Personal Injury for almost thirteen (13) years prior to being elected to the Family Court bench. I have represented clients in civil litigation in Common Pleas and Magistrate Courts–both plaintiff and defense. I have represented many criminal defendants ranging in seriousness from DUI offenses to Armed Robbery. Being from a small, rural county, I was able to practice law in many different areas, which I believe has trained me to be a good judge who would understand all the different areas of practicing law, thus ensuring fairness and justice for litigants, defendants, and lawyers.

I have represented the Municipalities of Chester, Great Falls, and Fort Lawn in various litigations, in addition to drafting ordinances and assisting in running the meetings.

In May of 2005, I was elected to the Family Court bench. I run an efficient and proper courtroom, and I am confident I will continue to do so.

- 14.(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, 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 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.

Experience in Criminal Matters:

When I started practicing law back in 1992, the court appointment process was different than it is now. We had a public defender, but many cases were sent out to the local bar. Being the new associate at a law firm and since there were only 7 lawyers in Chester County in private practice (3 in my law firm), I learned to juggle a large criminal defense caseload while I was building my private practice. I have handled an extensive number of appointed cases as well as retained cases. I have defended people charged with misdemeanors and felonies. I have represented people in Municipal Court, Magistrate Court, Family Court and Circuit Court. I have argued all types of evidentiary motions and have tried many jury trials. I have visited the local jail to meet with clients. I have negotiated plea deals with the Solicitor. I have extensive criminal experience.

Experience in Civil matters:

I also enjoyed a healthy caseload of civil matters. As mentioned earlier, I was the City Attorney for Chester, Great Falls, and Fort Lawn. At various times while employed in this capacity, lawsuits were either filed against us, or we pursued litigation against other entities.

I represented people injured in automobile accidents or in premises liability claims. If their cases did not settle, I filed suit and represented them throughout the litigation process, including discovery and defending and arguing motions non-jury. I have represented people in medical and dental malpractice lawsuits and I have represented contractors foreclosing on mechanics liens. I have been appointed and represented many convicted people filing PCR applications. I am intimately familiar with the SC Rules of Civil Procedure. Most of my civil practice was on the Plaintiff's side ranging from Magistrate Court to Circuit Court, even to Administrative Law Court. I also filed and represented people in Chapter 7 Bankruptcy Petitions.

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.? If you are currently a member of the judiciary, list your last available rating, if any. My last rating before I was elected to the Bench was BV.
16. What was the frequency of your court appearances during the past five years?
- (a) federal: less than 10%;

- (b) state: 90% plus, ranging from Municipal Court to Magistrates to Family Court and Circuit Court.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years?
- (a) civil: 10%;
- (b) criminal: 20%;
- (c) domestic: 70%.
- When Judge Goldsmith was elected to the Family Court Bench 2001, my domestic practice dramatically increased. Prior to that, my practice was about 50/50 between civil/criminal and domestic.
18. What percentage of your practice in trial court during the past five years involved matters that went to a jury, including those that settled prior to trial?
- (a) jury: 30% most settled;
- (b) non-jury: 70%.
- 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) Wagner v. Wagner
Family court case which went all the way up to South Carolina supreme court. Won every step of the way. Had numerous contempt hearings. Client was awarded significant amounts of real estate and custody. SCDSS became intertwined as well. Significant because just about all areas of family law were covered in this one case. Everything was contested. Husband had to be ruled in for contempt on numerous occasions. SCDSS got involved with abuse and neglect issues. Per curiam unpublished decisions in both the court of appeals and supreme court in favor of client.
- (b) Toth v. Toth
Significant equitable apportionment case which settled at trial. Dealt with valuation of a construction company where the husband was the sole shareholder. Both parties had competing CPAS. Matter was litigated for three years and involved almost all areas of domestic practice.
- (c) Town of Fort Lawn vs. IRF, budget and control board. The town was sued by its ex-police chief on both a contract theory and tort theory. Town's carrier refused to cover alleging contractual in nature. We sued in a declaratory judgment action and won the case mandating coverage. IRF had to provide coverage, hired an employment law expert and the case was dismissed in favor of the town six months later.
- (d) State of South Carolina vs. Camille Hankins.
I tried this case back in 1995. My client was charged with cruelty to animals. She had in excess of 80 dogs and cats in her house. A representative of PETA charged her and we had a day long trial in magistrate's court in front of a jury. The 6th circuit solicitor actually prosecuted the case due to the media scrutiny. Significant for the intense media scrutiny, both regional and national with PETA. Client convicted, received a small fine and last I heard is still rescuing animals in North Carolina.

- (e) Darla Wynne vs. Town of Great Falls
I represented the town in this litigation brought by a wiccan seeking a court order restraining the types of prayer offered at public meetings. Intense media scrutiny. This case was tried in federal court and was heard on appeal by the US Court of Appeals for the 4th Circuit. We petitioned for certiorari to the US Supreme Court but were unsuccessful.
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) Wagner v Wagner---- SC Supreme Court, SC Court of Appeals.
Per Curiam Unpublished Decisions. Ended May 2000;
- (b) Scott v Scott----- SC Court Of Appeals. Unpublished;
- (c) Ewing v Ewing---- SC Court Of Appeals. Unpublished;
- (d) Sladek v Sladek---- Pending In Court of Appeals;
- (e) Adkins v Piedmont Medical Center—Settled in US Court of Appeals.
21. List up to five criminal appeals that you have personally handled.
I have not handled a criminal appeal. I have filed the notices and then would send the information to the SC Office of Appellate Defense.
22. Have you ever held judicial office?
Elected May 25, 2005, to Seat One of the Family Court, Sixth Judicial Circuit. Serving continuously since. Re-elected in 2/07. Re-elected on 1/30/13 for another six year term to expire in 2019.
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.
- (a) Pittman v. Pittman (07-DR-46-967) SC Court of Appeals Opinion 4858;
- (b) Pappas v. Pappas (08-DR-46-2324);
- (c) Doe v. Lingerfelt, Creel, and Baby Girl B (11-DR-11-11);
- (d) Purser v. Owens (05-DR-29-496) SC Ct. App Opinion 4898;
- (e) Miles v. Miles (06-DR-24-439) SC Sup. Ct. Opinion 26980 (a).
24. Have you ever held public office other than judicial office?
All appointed Town/City attorney positions from 1994 through May 2005. These were appointed positions.
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. 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? No
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.
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? No
Have you ever defaulted on a student loan? No
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? No Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? No
37. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? n/a
38. 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
39. 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
40. 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." None
41. 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." None
42. 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
43. 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
44. 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? No
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
45. 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
46. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No
47. 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

48. 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- Sixth Circuit Representative – Young Lawyers Division;
 - (b) SC Trial Lawyers Association – Board of Governors, Sixth Circuit Representative;
 - (c) Chester County Bar – Sec/Treas;
 - (d) Municipal Attorneys Association;
 - (e) SC Conference of Family Court Judges.
 - (f) National Conference of Juvenile and Family Court Judges
49. 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) Chester Rotary Club/Past President, Paul Harris Fellow;
 - (b) Chester YMCA Board/Past President;
 - (c) Chester/Fairfield Citadel Club – Past President, Sec/Treas;
 - (d) Blackstock Bluegrass Inc. – Past President;
 - (e) The Citadel Alumni Association;
 - (f) Richard Winn Academy – Board member;
 - (g) Palmetto Boys State Staff;
 - (h) Board of Deacons, Chester ARP Church – Past Chairman/Current Chairman.
50. 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.
- I have always been very involved in my church and community. I coach all of my children in their various sports. I have been actively involved with American Legion Palmetto Boys State program for the past almost 28 years.
51. References:
- (a) Brenda McBrayer, Vice President– First Citizens
1612 Cochran By-Pass
Chester, SC 29706
office (803) 377-7151
 - (b) Clint H. Davis, Pastor
Chester ARP Church
569 Great Falls Hwy,
Chester, SC 29706
(803) 581-6209
 - (c) David S. Fleming
Graduate Program Coordinator Clemson University,
Office of Graduate Program
G-01 Tillman Hall
Box 340702
Clemson, SC 29634-0702
(864) 656-2370
 - (d) Stephen T. Savitz, Attorney
Gignilliat, Savitz & Bettis, LLP
900 Elmwood Avenue

Suite 100
Columbia, SC 29201
(803)-799-9311
e) Vick Meetze, Attorney
311 Lipscomb Street
Marion, SC 29572
(803) 423-3417

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: Brian M. Gibbons

Date: February 13, 2013