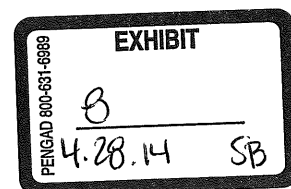


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Court of Appeals, Seat 7

1. NAME: Mr. Blake A. Hewitt
BUSINESS ADDRESS: 1208 3rd Avenue
Conway, SC, 29526
TELEPHONE NUMBER: (office): (843) 665-9779
2. Date of Birth: 1978
Place of Birth: Atlanta, GA
3. Are you a citizen of SC? Yes.
Have you been a resident of this state for at least the immediate past five years? Yes.
5. Family Status: Married to Emma Catherine Hewitt on December 10, 2005. Never divorced.
No children.
6. Have you served in the military?
From May 2001 to August 2001, I was an officer candidate in the United States Marine Corps. A week before the end of Officer Candidate School, I declined a commission as a Second Lieutenant and was released from my orders. To my knowledge, I did not have a rank or a serial number. The character of my discharge was an "administrative separation."
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) Georgia Institute of Technology, October 1996 to May 2001, BS in Civil Engineering, graduated May 5, 2001;
 - (b) USC, August 2002 to May 2005, JD, graduated May 6, 2005.
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.
Admitted to the SC bar in 2005.
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.
 - (a) I joined the Alpha Tau Omega fraternity during undergraduate school and held several offices in that organization. I was also active in the Georgia Tech Student Government Association, the Interfraternity Council, and the Campus Christian Fellowship. I held at least one office in each of those organizations. This occurred while I was attending the Georgia Institute of Technology from October of 1996 to May of 2001;
 - (b) During law school I was a member of the student committee on professionalism, the John Belton O'Neall Inn of Court, and I served as captain of the moot court bar's national competition team. These activities occurred during my second and third years of school; from August 2003 to May 2005.



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</u>
(a) 2014 Tort Law Update – presenter	02/27/14;
(b) Annual Convention – presenter	11/07/13;
(c) Annual Free CLE Ethics Seminar	11/01/13;
(d) Introduction to Birth Injury Litigation – presenter	10/18/13;
(e) Gideon at 50: How Far We’ve Come, How Far to Go – presenter	09/20/13;
(f) 2013 Annual Convention	08/01/13;
(g) What Every Lawyer Should Know to Enjoy (or Survive) the Practice of Law – presenter	06/21/13;
(h) 2012 Annual Convention – presenter	08/02/12;
(i) What Every Lawyer Should Know to Enjoy (or Survive) the Practice of Law – presenter	06/22/12;
(j) Words to the Wise – presenter	11/03/11;
(k) Sporting Clays CLE: Ethics with the Judges	10/13/11;
(l) Fourth Circuit Judicial Conference	06/24/11;
(m) J. Waites Waring and the Dissent	05/19/11;
(n) Sporting Clays CLE: Ethics with the Judges	04/14/11;
(o) 28th Annual Convention – presenter	11/04/10;
(p) SCAJ 2010 Annual Convention	08/05/10;
(q) Federal Law Clerk Seminar – presenter	10/30/09;
(r) New Edition from the FJC Supreme	09/10/09;
(s) 2004 National Sentencing Policy	08/13/09;
(t) CJA Mini Seminar-Spring 2009	05/01/09.

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 given several presentations on the topics of appellate advocacy, legal writing, and how to handle appeals. These have been for the SC Bar and for other organizations;
- (b) I have given several “case law update” presentations at the annual convention of the Injured Workers’ Advocates organization, of which I am a member. I have also given a case law update at a seminar for federal law clerks;
- (c) I was a member of a panel discussion on indigent defense funding at the Charleston School of Law’s symposium celebrating the 50th anniversary of the Supreme Court’s decision in *Gideon v. Wainwright*;
- (d) I have lectured on special filing procedures in professional negligence cases as a part of a seminar hosted by the SC Bar.

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

I have not authored any books or written any scholarly articles.

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) State Courts of SC, 11/14/05;
- (b) United States Court of Appeals for the Fourth Circuit, 06/01/09;

- (c) United States District Court for the District of SC, 08/05/09;
 (d) Supreme Court of the United States, 12/14/09.
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) From August 2005 to July 2008, I served as a judicial law clerk and legislative liaison to the Honorable Jean H. Toal, Chief Justice of the SC Supreme Court.
 (b) From July of 2008 to August of 2009, I served as a judicial law clerk to the Honorable Joseph F. Anderson, Jr., United States District Judge for the SC District.
 (c) From August of 2009 until the present time, I have been in private practice with the law firm Bluestein Nichols Thompson & Delgado. My primary area of practice has been appellate litigation. In the 4 ½ years that I have been in private practice, I have served as lead counsel for over 40 matters in South Carolina's appellate courts. I have also done trial work, but my trial work is not as extensive as my appellate work.
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 have never sought a rating from Martindale-Hubbell, and I do not actively participate in any professional or social networking services.
16. What was the frequency of your court appearances during the past five years?
 (a) federal: Rarely. Approximately 3% of cases. No in-court time.
 (b) state: Regularly. Five to ten oral arguments each year with various other in-court appearances.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years?
 (a) civil: 81%;
 (b) criminal: 11%;
 (c) domestic: 8%.
 (d) other:
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: 6%;
 (b) non-jury: 94%.
- Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters?
 Most of my trial court work has involved merits-based motions for which I had chief responsibility. My most recent trial work was as co-counsel in a criminal case that involved several serious felony charges. This was tried to a jury in January 2014.
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.
 Every case I have ever handled has been significant to me because every client's case is supremely important to them. With that qualification, some of the cases that I believe to have broader significance are described below:

- (a) Shatto v. McLeod Regional Medical Center, 406 S.C. 470, 753 S.E.2d 416 (2013). My partners Marti Bluestein and Allison Sullivan tried this case. I handled the appeal. The case involved whether a contract worker at a hospital was classified as an “employee” or an “independent contractor.” In my view, the case is significant for two reasons. First, the Supreme Court’s decision contains a comprehensive articulation of the employment test and the reasons why this test exists. The appellate courts consider several cases each year involving this issue, but they have not generally articulated why each factor of the test exists, and this has led to confusion in the test’s application. Second, if this decision had gone the other way, it would have opened the door for an unscrupulous employer to avoid its statutory obligation to provide certain mandatory employment benefits to individuals hired to work in the employer’s core business operations;
- (b) Bone v. U.S. Food Service, 404 S.C. 67, 744 S.E.2d 552 (2013). Attorney Bill Smith of the Chappell Smith & Arden firm tried this case and hired me to handle the appeal. I believe the case is significant because it resolves a long-standing conflict between the decisions of the Supreme Court and the decisions of the Court of Appeals about immediate appealability in administrative cases. The Supreme Court began to limit immediate appeals in administrative cases after the passage of the Administrative Procedures Act in 1977. Unfortunately, the court did not uniformly follow this approach, and that lack of uniformity led the Court of Appeals to issue a group of decisions that used pre-APA law to judge whether certain administrative matters were immediately appealable. This might not sound problematic, but it resulted in a substantial amount of waste for litigants. Someone would appeal an administrative case, the Court of Appeals would decide the appeal on the merits, and when the losing party petitioned for cert., the Supreme Court would vacate the decision of the Court of Appeals because the case was not immediately appealable. Bone is not a perfect decision, but it (finally) forces everyone to examine appealability in administrative cases through the lens of the APA;
- (c) Place on the Greene Homeowners Association v. W.G.R.Q., LLC, Op. No. 2013-UP-297 (S.C. Ct. App. filed July 3, 2013). This case is included because of its particular significance to a community. The decision of the Court of Appeals is unpublished; thus, it does not have any broad significance as precedent. Four businesses hired me in an appeal to overturn a circuit court decision which forced these businesses to close on account of a restrictive covenant. This covenant had never been previously enforced. Some of these businesses had deep ties to the community and had been in operation for over 15 years. We were fortunate enough to be successful, and it was wonderful to be able to call these clients and inform them that their businesses could remain open;
- (d) Milliken & Company v. Morin, 399 S.C. 23, 731 S.E.2d 288 (2012). I believe this matter is significant because it is the first time a SC appellate court addressed an employment contract that contained a clause called an “inventions assignment clause.” This clause granted a former employer the ownership rights of any ideas and inventions that a former employee conceived. This applied during employment and for a short time after the employment terminated. I represented the defendant in the proceedings at the Supreme Court level;

- (e) Ex Parte Brown, 393 S.C. 214, 711 S.E.2d 899 (2011). I was deeply honored to represent the SC Bar as an amicus in this case. I believe this case is significant because it held that when an attorney is appointed to represent an indigent defendant, the takings clause of the Constitution requires that the attorney receive reasonable compensation for his services. This was a break from precedent.
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. If you are a candidate for an appellate court judgeship please attach one copy of briefs filed by you in each matter.
- (a) Josey v. Josey, Op. No. 2013-MO-024 (S.C. Sup. Ct. filed Sept. 11, 2013);
- (b) Milliken & Co. v. Morin, Op. No. 27154 (S.C. Sup. Ct. filed Aug. 1, 2012), 399 S.C. 23, 731 S.E.2d 288;
- (c) SC Farm Bureau Mutual Insurance Company v. Kennedy, Op. No. 27147 (S.C. Sup. Ct. filed Apr. 3, 2012), 398 S.C. 604, 730 S.E.2d 862;
- (d) Argabright v. Argabright, Op. No. 27136 (S.C. Sup. Ct. filed Feb. 8, 2012), 398 S.C. 176, 727 S.E.2d 748;
- (e) Lewin v. Lewin, Op. No. 4918 (S.C. Ct. App. filed Dec. 14, 2011), 396 S.C. 349, 721 S.E.2d 1.
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. If you are a candidate for an appellate court judgeship please attach one copy of briefs filed by you in each matter.
- (a) State v. Torrence, Op. No. 2013-UP-152 (S.C. Ct. App. filed Apr. 10, 2013) (cert. petition pending);
- (b) State v. Whitesides, Op. No. 27110 (S.C. Sup. Ct. filed Apr. 4, 2012), 397 S.C. 313, 725 S.E.2d 487;
- (c) State v. Jennings, Op. No. 27043 (S.C. Sup. Ct. filed Sept. 19, 2011), 394 S.C. 473, 716 S.E.2d 91;
- (d) Ex Parte Brown, Op. No. 26991 (S.C. Sup. Ct. filed June 21, 2011), 393 S.C. 214, 711 S.E.2d 899.
22. Have you ever held judicial office?
No.
24. Have you ever held public office other than judicial office?
Not applicable.
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.
Not applicable.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
In 2012, I ran unsuccessfully for the SC House of Representatives, District #105. For a brief period in May, I was the Republican nominee for this office, however I was disqualified as a candidate as a result of the SC Supreme Court's decision in Florence County Democratic Party v. Florence County Republican Party, which held that the filing directions issued by the SC Election Commission did not comply with the law. I pursued a petition candidacy following this decision and was certified by the Election Commission as a petition candidate for the November 2012 general election. I did not win the general election, and I filed my final financial report in April 2013.

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?

From August 2001 to July 2002, I was a practicing civil engineer with Welker & Associates, Inc., a general civil engineering firm located in Marietta, Georgia. I served as a design engineer on several water and wastewater system projects. I left this job in order to move to USC for law school.

28. Are you now an officer or director or involved in the management of any business enterprise?

Not applicable.

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.

I do not own substantial amounts of stock, and I do not believe that I am involved in any financial or business relationships that would result in a possible conflict of interest. Of course, if I was ever in a situation where I had a potential conflict of interest, I would disqualify myself if my impartiality might reasonably be questioned. See Canon 3E, Rule 501, SCACR.

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?

I was arrested in Barrow County, Georgia, on February 9, 1998, and charged with four misdemeanor offenses: driving under the influence while under 21, possession of alcohol by a minor, possession of an open alcohol container, and speeding. I pled guilty to all of these offenses on March 17, 1998, and I received a sentence of 12 months probation, 80 hours of community service, and several fines (\$937.50 for DUI under 21; \$158.25 for possession of alcohol by a minor; \$156.25 for possession of an open container; and \$156.25 for speeding). I paid all fines, completed my community service, and I was released from probation in 1999. I will be happy to provide additional information at the commission's request, and I would add the editorial comment that although this was not a pleasant experience, I deserved every bit of the sentence I received. I embarrassed myself and my family, and I continue to be grateful that my foolishness did not come at a higher cost to me or to someone else.

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?

In May of 2014, I was personally named as a defendant in the case Von Herrmann v. SC Republican Party, which was filed in the Court of Common Pleas for the 15th judicial circuit and bears case number 2012-CP-26-3832. This lawsuit sought my disqualification as the Republican party's nominee for the SC House of Representatives,

District #105. This suit was resolved by a consent order shortly after the SC Supreme Court's decision in Florence County Democratic Party v. Florence County Republican Party, which controlled the legal issues in question. I will be happy to provide additional information at the commission's request.

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. 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?

My firm has malpractice insurance and I have been covered as long as I have been in private practice. I have never been covered by a tail policy. The deductible is \$10,000 per claim. The policy limits are \$1,000,000 per claim.

38. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.?

I previously maintained a Facebook page for my political campaign while I was an active political candidate. That page has been inactive since my campaign concluded in November of 2012. I do not have or maintain any social media accounts.

39. 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)?

I am a member of two organizations that employ lobbyists and that act as lobbyist's principals. These organizations are the "South Carolina Association for Justice" and "Injured Workers' Advocates." I am not on the lobbying committee of either organization.

40. 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.

41. 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."

Not applicable.

42. 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."

Not applicable.

43. 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.

\$9.20, postage stamps, 18 January 2014;

\$26.46, envelopes, 31 January 2014;

\$157.84, notecards and business cards, 8 February 2014;

\$110.62, copies and postage for introductory letters, 5 March 2014.

44. 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.
45. 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.
46. Have you requested a friend or colleague to contact members of the General Assembly on your behalf?
No.
47. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy?
No.
48. 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.
49. 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: Trial & Appellate Advocacy Section, Council Member (July 2010 - July 2013); Judicial Qualifications Committee, Committee Member (March 2011 - August 2012); Young Lawyers Division, Long-Range Planning Committee, Committee Member (July 2010 - July 2012); Young Lawyers Division, 15th Circuit Representative (July 2013 - present); Young Lawyers Foundation Board, Board Member (November 2013 - present);
 - (b) Horry County Bar Association;
 - (c) SC Supreme Court Historical Society;
 - (d) Injured Workers Advocates: Judicial Affairs Committee, Committee Member (March 2010 - present);
 - (e) SC Association for Justice: Legislative Steering Committee, Committee Member (November 2010 - present).
50. 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) Waccamaw Sertoma Club. Board Member (July 2013 - present);
 - (b) City of Conway Board of Zoning Appeals (April 2013 - present);
 - (c) City of Conway Downtown Alive.
51. 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.

Any good qualities that I possess are the result of the many strong and positive influences in my life. I was blessed to have parents who loved me and invested in me heavily. I was also fortunate to have several people outside of my immediate family show

interest in me and help shape my development by serving as mentors. My greatest professional goal has always been to honor these wonderful individuals. I know that any success I experience will be the result of them lifting me on their shoulders.

I felt it necessary to list my brief and unusual experience with the Marine Corps because it continues to have a large impact on my life. I joined the Marines with a contract to become a military lawyer, but I learned during boot camp that I did not gain acceptance to a law school. Because I was happy in boot camp I struggled with the decision to decline my commission. I was excited about the prospect of serving my country as a soldier, but I also felt strongly that my ultimate future involved going to law school. I eventually made the decision to decline a commission so that I could pursue admission to a law school more actively, and I was accepted to the USC the following academic year.

My life would obviously be quite different if I had stayed in the military. I doubt that I would have attended USC for law school, I doubt I would have met my wife; in short, had I stayed in the Marines, my life would look almost nothing like it looks today. I am happy with how my life has turned out, so I do not regret leaving. This experience nonetheless had a large impact on my personality and work ethic.

I have known for some time that I wanted to devote my career to public service. My passion as a lawyer has always been the desire to help the court system be the best that it can be – to treat people decently, to treat everyone’s case as important, and to help the court make the right decision for the right reasons. I gravitated towards appellate work because I enjoyed it and because I felt that it provided a platform for fulfilling these goals. On occasions when I realized these goals, I found great satisfaction. When I felt that the system did not act honorably, I experienced deep disappointment and frustration. Our court system must be the best that it can be, and this is what drives me as a lawyer. It would be the honor of my professional life to serve the citizens of SC by leveraging my experience and passion for their benefit by serving them as a judge on the Court of Appeals. This is where I feel that I could serve them best.

52. References:

- (a) John S. Nichols
P.O. Box 7965
Columbia, SC 29202
(803) 779-7599
- (b) Robert T. Bockman
USC – School of Law
Columbia, SC 29208
(803) 777-3613
- (c) H. Delan Stevens
400 Main Street
Conway, SC 29526
(843) 248-5746
- (d) William M. Goldfinch, IV
1208 Third Avenue
Conway, SC 29526
(843) 488-1200
- (e) Wells Fargo Bank
P.O. Box 5141

Sioux Falls, SD 57117-5141
1-800-869-3557

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature: Blake A. Hewitt
Date: 3/5/14