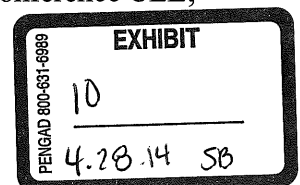


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

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

1. NAME: The Honorable David Garrison Hill
BUSINESS ADDRESS: 305 E. North St., Ste. 213
Greenville, SC 29601
TELEPHONE NUMBER: (office): 864.467.8484
2. Date of Birth: 1964
Place of Birth: Greenville, SC
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: Divorced from Amanda T. Hill in November 2012. Moving party-Judge Gary Hill. One year's continuous separation. Three children. Divorced from first wife in 1995. Moving party-Judge Gary Hill. One year's continuous separation. No children in first marriage.
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) Wofford College 1982-86, BA, magna cum laude;
 - (b) USC School of Law 1986-89, 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.
 - (a) SC - 1990;
 - (b) District of Columbia - 1990;
 - (c) Took Bar Exam twice.
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) 1988-89 Blue Key National Honor Society at Wofford College;
 - (b) 1988-89 Wig & Robe;
 - (c) 1987-89 S.C. Law Review.
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>Date</u> | <u>Conference/CLE Name</u> |
|-------------|--|
| 1/24/2014 | Trial and Appellate Advocacy Section Civil Law Update; |
| 8/21/2013 | 2013 Annual Judicial Conference; |
| 7/10/2013 | 2013 Orientation School for New Circuit Court Judges; |
| 5/1/2013 | Spring Conference CLE; |



| | |
|------------|--|
| 11/7/2013 | SCDTAA Annual Meeting; |
| 10/17/2013 | Fall Sporting Clays: Ethics with the Judges; |
| 05/02/2012 | Annual Circuit Court Judges Conference; |
| 05/24/2012 | Ethics Update; |
| 08/02/2012 | 2012 SCAJ Annual Convention; |
| 08/22/2012 | 2012 Annual Judicial Conference; |
| 10/18/2012 | Fall Sporting Clays; |
| 11/08/2012 | SCDTAA Annual Meeting; |
| 01/25/2013 | Trial & Appellate Advocacy Section; |
| 01/25/2013 | Part 2: Criminal Law Section; |
| 05/04/2011 | SC Circuit Court Judges' Conference; |
| 07/06/2011 | 2011 Orientation School for New; |
| 08/17/2011 | 2011 Annual Judicial Conference; |
| 09/12/2011 | The Fourth Amendment; |
| 10/13/2011 | Ethics; |
| 01/20/2012 | Part 2 Criminal Law Section; |
| 01/20/2012 | Trial & Appellate Advocacy Section; |
| 05/06/2009 | Judge's Conference; |
| 07/08/2009 | 2009 Orientation School; |
| 08/06/2009 | SCAJ Annual Convention; |
| 08/19/2009 | 2009 Annual Judicial Conference; |
| 10/22/2009 | Sporting Clays CLE: Ethics with; |
| 11/05/2009 | SCDTAA Annual Meeting; |
| 01/22/2010 | Criminal Law Update-Part 2; |
| 01/22/2010 | Civil Law Update; |
| 05/05/2010 | Circuit Court Judges Association; |
| 07/07/2010 | Orientation School for New; |
| 08/18/2010 | Judicial Conference; |
| 10/28/2010 | Sporting Clays CLE: Ethics with; |
| 11/11/2010 | SCDTAA Annual Meeting; |
| 01/21/2011 | Criminal Law Section; |
| 01/21/2011 | Trial & Appellate Advocacy Section. |

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 appeared on panels at SC Bar Ethics CLEs;
- (b) I have appeared on panels at the Solicitors' conference;
- (c) I have spoken on trial advocacy at a CLE held at the Southeastern Asbestos Conference;
- (d) I have spoken on Crawford v. Washington and the Confrontation Clause at a conference held by the Greenville Bar, Batson v. Kentucky at a SCAJ conference, Ethics to the SCDTAA Trial Academy, given a caselaw update at a conference sponsored by the Colleton County Bar Association, and spoken at the York County Bar Association;
- (e) As a member of the Circuit Judges Advisory Committee, I have given annual presentations on "Judicial Ethics" and "Inherent Powers of Courts" to the New Judges' Orientation School sponsored by SC Court Administration;

- (f) I have taught a January Interim course at Wofford College entitled “The Bill of Rights and Modern Citizenship.” This course involves intensive study of the origins and development of the Bill of Rights, and also provides the students the opportunity to be exposed to volunteer community service as they in turn teach what they have learned to students of a local literacy association who are preparing for the civics portion of the GED exam or the Naturalized Citizenship exam;
 - (g) “Doing Business with SC Local Governments,” SC Bar CLE, 2001;
 - (h) “Construction Contracting for Public Entities,” Lorman, 2001;
 - (i) “Appellate Advocacy,” SC Bar 2000;
 - (j) “Representing a Public Body,” SC Bar 1997;
 - (k) “Freedom of Information Act Update” SC Ass'n of counties CLE, 1999;
 - (l) I have spoken on the Freedom Information Act to a seminar for employees of the S.C. Department of Revenue and at conferences held by the SC Ass'n of Public Service Districts.
12. List all published books and articles you have written and give citations and the dates of publication for each.
- (a) Back to the Future: United States v. Jones and the search for Fourth Amendment Coherence,” May 2012 SC Lawyer;
 - (b) “Celebrate the Bill of Rights and act as its Guardian,” December 12, 2010 Op-Ed column in The Greenville News (article also published in The State);
 - (c) “Celebrate That We’re a Nation of Laws, Not Men,” May 2, 2008 Op-Ed column in The Greenville News;
 - (d) “Lay Witness Opinions,” September 2007 SC Lawyer at 34;
 - (e) “Rule 30(j), Charlie McCarthy and The Potted Plant,” September 2005 SC Lawyer at 26;
 - (f) Doing the Public’s Business, (2001) (book authored with Leo H. Hill);
 - (g) “Recent Changes to the SC Freedom of Information Act,” SC Lawyer May/June 1999;
 - (h) “The Fourth Amendment, Substance Abuse and Drug Testing in the Public Sector,” SC Lawyer, May/June 1997;
 - (i) “Mayhem,” 7 S.C. Juris. 213 (1991);
 - (j) “Direct Criminal Contempt,” SC Lawyer, Sept/Oct 1992.
- From approximately 1994 to 1998 I served on the editorial board of the SC Lawyer magazine published by the S.C. Bar. I served as editor-in-chief for three of these years.
- I also published three student Notes in volume 40 of the SC Law Review (1988). These Notes examined recent state supreme court and U.S. Court of Appeals cases dealing with post-conviction relief, the 6th amendment right to counsel, and federal civil procedure.
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 - 1990;
 - (b) Also admitted to practice before the Federal District Court and Fourth Circuit Court of Appeals in 1990;

- (c) U.S. Supreme Court - 1993;
 - (d) D.C. Bar -1993.
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.
- From 1989-90, I was a law clerk to Judge Billy Wilkins on the United States Court of Appeals for the Fourth Circuit. In 1990, I joined the law firm of Hill, Wyatt & Bannister. I became a partner in the firm in 1994. I had a general practice that included civil and criminal cases and appeals in all courts. In 2000, I started the law firm of Hill & Hill, LLC with my late father, Leo H. Hill. We enjoyed a wide client base and practice area, concentrating in business litigation and representation of governmental bodies including municipalities and special purpose districts. I also handled numerous civil and criminal appeals. We were fortunate to be listed in the Martindale-Hubbell Register of Pre-Eminent Lawyers.
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 as of 2004 was "AV" by Martindale-Hubbell. I was also listed in the Martindale-Hubbell Register of Preeminent Lawyers.
16. What was the frequency of your court appearances during the past five years?
- (a) federal: From 1999-2004 I was appearing in federal court on civil and criminal matters several times each month;
 - (b) state: Once or more each week.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years?
- (a) civil: 65%;
 - (b) criminal: 15%;
 - (c) domestic: 20%.
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: Not more than 10%. Like most trial attorneys, most of my litigation cases began as potential jury trials but settled before trial;
 - (b) non-jury: The remaining 90% of my practice in trial court consisted of motion practice and bench trials.
- 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) American Heart Association, et al. v. County of Greenville, et al., 331 S.C. 498, 489 S.E.2d 921 (1997). In this case I represented pro bono the American Heart Association and the American Cancer Society. These two charities were the residuary beneficiaries under the Will of Mrs. Kate Jackson, the widow of Baseball Legend Joseph "Shoeless Joe" Jackson. The charities sought possession and

ownership of Mr. Jackson's original Last Will and Testament, on the ground that it was an asset that passed to Mrs. Jackson at her husband's death. The original was extremely valuable, as it contained one of the few known genuine signatures of "Shoeless Joe," who rarely gave autographs. Experts contend that an original "Shoeless Joe" signature is the third most valuable signature in the world, outranked only by that of Martin Luther and Button Gwinnett, a Georgia signer of the Declaration of Independence. The charities wanted to auction the original Will and use the proceeds for medical research.

Although we lost the case, it was significant to me because of the uniqueness of the parties, the subject matter and the legal principles involved.

- (b) United States v. Carnell Sanders. Early in my career I was fortunate to be on a list of qualified attorneys willing to accept appointments to represent indigent defendants in federal court. This gave me a great opportunity to gain valuable experience trying cases in federal court. Around 1993 I represented Mr. Sanders in a bank robbery case. The jury acquitted Mr. Sanders. Judge Joe Anderson has been kind enough to include my closing argument in Mr. Sanders' case in his book, The Lost Art: An Advocate's Guide to Effective Closing Argument (S.C. Bar CLE Division 2002).
 - (c) State v. Joseph Sheppard. This was a death penalty case tried over a two-week period. The jury returned a life sentence. The case was significant to me because it gave me an appreciation of the death penalty trial process, and the difficulties the parties, the victims, the prosecution, the defense, the judge, the clerk's office and the jurors confront during these intense trials. The case also involved challenging legal issues, including substantive change of venue and Jackson v. Denno issues, expansive voir dire, and other matters.
 - (d) SCDOT v. Antonakos. I represented the Landowner in this condemnation case that arose out of construction of the "Southern Connector" toll road in Greenville County. The case was significant because the jury returned a sizeable verdict in favor of the Landowner, and the trial also involved some novel issues under the Eminent Domain Procedures Act, S.C. Code section 28-2-10 et seq.
 - (e) In Re: Safety Kleen Litigation. This was a class action case litigated in federal district court for the District of SC. It involved allegations of securities fraud, corporate wrongdoing, and other causes of action on behalf of certain Safety Kleen shareholders. I served as local counsel to one of the lead Plaintiffs.
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) Poole v. Incentives Unlimited, Inc., 338 S.C. 271, 525 S.E.2d 898 (S.C. Supreme Court June 4, 2001);
This employment law case presented the issue of whether continued at-will employment constitutes sufficient consideration for a covenant not to compete.
 - (b) Nedrow v. Pruitt, 336 S.C. 668, 521 S.E.2d 755 (S.C. Court of Appeals September 13, 1999);
This appeal from a jury verdict involved a challenge to the trial court's jury instructions and rulings on the admissibility of impeachment evidence.
 - (c) Nalley v. Nalley, 53 F.3d 649 (4th Cir. 1995)

This appeal concerned the appropriate measure of damages for violations of the federal wiretap act;

- (d) Medlock v. 6.18 Acres of Real Property (S.C. Sup. Ct. 1992)

This arose out of and was the companion case to Medlock v. 1985 Ford F-150, 308 S.C. 68, 417 S.E.2d 85 (1992), which established the right to a jury trial under the civil forfeiture statute, S.C. Code section 44-53-30;

- (e) Bradley v. Cherokee School District, 322 S.C. 181, 470 S.E.2d 570 (SC Supreme Court May 2, 1996)

This appeal addressed the constitutionality of Act No. 588 of 1994, specifically whether the Act constituted special legislation, amounted to taxation without representation, and unlawfully delegated taxing power.

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) United States v. Holmes, et al., 2002 WL 440225 (4th Cir. 2002)

This appeal raised Bruton issues, and challenged the admissibility of expert testimony and juror conduct;

- (b) State v. Anders, 331 S.C. 474, 503 S.E.2d 443 (S.C. Supreme Court July 20, 1998).

This appeal involved whether a defendant's statement was admissible under the co-conspirator exception to the hearsay rule, SCRE 801, or as a statement against penal interest, SCRE 804;

- (c) State v. Harry, 321 S.C. 273, 468 S.E.2d 76 (S.C. Court of Appeals February 5, 1996)

This appeal raised issues related to circumstantial evidence, impeachment evidence, and severance;

- (d) State v. Thrift, 312 S.C. 282, 440 S.E.2d 341 (S.C. Supreme Court January 17, 1994) (on brief)

This appeal from a State Grand Jury prosecution decided important questions concerning enforceability of plea agreements and immunity from prosecution;

- (e) United States v. Winchester, 993 F.2d 229 (4th Cir.1993).

This appeal presented the issue of whether the offense of entering a bank with the intent to commit a felony constituted a "crime of violence" sufficient to support a conviction for 18 U.S.C. section 924(c).

22. 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.

Since April 2004, I have been privileged to serve as Resident Circuit Judge for the 13th Judicial Circuit, Seat No. 4.

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) Cornelius v. Oconee County, 369 S.C. 531, 633 S.E.2d 492 (2006)

I was invited to sit as an acting Associate Justice of the S.C. supreme court, and wrote this opinion for the unanimous court concerning whether a 1976 voter referendum and the S.C. Constitution precluded Oconee County from expanding its sewerage system using certain financing sources;

- (b) Hackworth v. Greenville County, 371 S.C. 99, 637 S.E.2d 320 (2006)

This was a claim by the Hackworths against the Greenville County Sheriff's office for return of monies forfeited under the gambling laws. The Court of Appeals affirmed dismissal of the claim based on the Statute of Limitations;

(c) State v. Jeffrey Motts

I wrote the trial court order granting Mr. Motts' request waiving his right to appeal his death sentence. The supreme court affirmed. State v. Motts, 391 S.C. 635, 707 S.E.2d 804 (2011);

(d) In Re SC Asbestos Docket

Since 2009 I have been assigned by the supreme court to handle the asbestos trial docket throughout the state, which consists of hundreds of civil lawsuits claiming personal injury due to asbestos exposure. I have written several significant orders in this capacity, involving such issues as product identification, proximate cause, product liability, and the sophisticated user defense;

(e) In Re ITG Merger Litigation

This case, which I was assigned through the complex case procedure, is a shareholder and derivative class action related to the merger of two Upstate textile companies. The plaintiffs alleged hundreds of millions of dollars in damages. During the pre-trial phase, I wrote opinions dealing with Rule 23 class certification, civil conspiracy, fiduciary duty, discovery, damages and numerous other issues arising under both SC and Delaware law.

24. Have you ever held public office other than judicial office?

N/A.

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.

N/A.

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?

I am a member of two LLCs that act as holding companies for real estate that is beneficially owned by a Trust created by my Father's Estate upon his 2010 death. I serve as Co-Trustee of this Trust. I manage the LLCs and the Trust, pay expenses, file taxes and perform general bookkeeping.

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?

In 1983, when I was 18, I was held briefly along with several friends by a resort security guard for suspicion of having some of the resort's street signs. No one was arrested or charged.

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 1988, my law school roommate and I were sued in magistrate's court by the purchaser of an apartment we had previously rented for allegedly leaving the apartment unkempt. We counterclaimed for refund of the security deposit and the case was settled upon return of our security deposit.

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?

N/A.

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.? If so, 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 am a member of Instagram, primarily to keep track of my children's postings. To my knowledge I am not featured or depicted on any other social networking site. I was a member of Facebook for several months some years ago, but am no longer a member. A judge has to be extremely circumspect in using social media to ensure such use does not affect impartiality or otherwise violate the Canons.

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)?

No.

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." 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.

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.” 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.
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.
- 9/4/13—Stationery & Postage--\$128.20.
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.
- N/A.
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. Are you aware of any friends or colleagues contacting 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?
- I have seen and spoken to members of the Commission at social functions but have not discussed my candidacy.
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
Member House of Delegates, 1997-2004
President, Government Law Section, 1999;
- (b) Greenville County Bar Association, Member of Executive Committee;
- (c) Haynsworth-Perry Inn of Court, 2012-current.
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.
- None.
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.

I am grateful to this Commission and the Legislature for the faith they placed in me 10 years ago when I was elected a circuit judge. I have done my level best to contribute to the fair and impartial administration of justice. There is nothing more professionally satisfying than having a positive impact on others, and knowing you made a difference in an important matter in a fellow person's life.

If given the opportunity, I would like to continue to serve the public in a different position in our judicial branch. I would strive to uphold the great traditions of our bench and bar and to improve the public image of the justice system. I firmly believe we have the finest justice system in the world, and it is a humbling honor and solemn responsibility to be entrusted with a judicial office.

52. References:

- (a) Hon. Richard W. Riley
Poinsett Plaza, Suite 900
104 South Main Street
Greenville, SC 29601
864-250-2300
- (b) James C. Parham, Jr.
44 East Camperdown Way
Greenville, SC 29601
864-242-8208
- (c) Frank N. Wilson
121 Wilderness Lane
Greenville, SC 29607
864-255-8233
- (d) Rev. Lud Weaver
2310 Augusta St.
Greenville, SC 29605
864-232-2424
- (e) Patrick Martin
First Citizens Bank
Greenville, SC 29601
864-282-1281

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

Signature: D. Garrison Hill
Date: 3/6/14