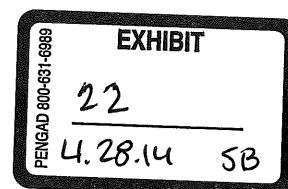


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:
Circuit Court, Sixteenth Judicial Circuit, Seat 2

1. NAME: Mr. James M. Morton
BUSINESS ADDRESS: Post Office Box 707
Rock Hill SC 29731
TELEPHONE NUMBER: (office):803-366-3388
2. Date of Birth: 1954
Place of Birth: Rock Hill, S.C.
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. Divorced on January 8, 1996 from L. Lisa McPherson, Family Court of the Fifth Judicial Circuit, on the grounds of one (1) year's separation. Married on November 14, 1998 to Mary Frances Moses Morton. 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) USC 1972-76, BA in Political Science;
(b) USC School of Law 1982-85, 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 - November 1985.
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.
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) NACDL Capital Voir Dire Training	5/16/08;
(b) Commission on Lawyer Conduct Seminar	10/21/08;
(c) SC Conference on Lawyer & Judicial Conduct	10/22/09;
(d) A Look Back: Lessons of Trial Lawyers	11/20/09;
(e) York Co. Bar Assoc. Ethics Seminar	3/12/10;
(f) SC Traffic & DUI Updates	9/17/10;
(g) SC Conference on Lawyer Conduct	10/26/10;
(h) Powerful Advocacy Seminar	12/10/10;
(i) SC Conference on Lawyer Conduct	11/01/11;
(j) Symposium on Prosecutorial Ethics	3/15/12;



- | | | |
|-----|---|-----------|
| (k) | DL-585: 2012 Criminal Law Seminar | 6/08/12; |
| (l) | United States Sentencing Guidelines | 11/07/12; |
| (j) | Top Trial Lawyers Tackle Evidence | 2/15/13; |
| (k) | Commission on Judicial & Lawyer Conduct Seminar | 10/30/13; |
| (l) | The Ethics of Innocence | 11/12/13; |
| (m) | Winning DUI Cases | 2/14/14; |
| (n) | Criminal Practice-SC | 2/28/14. |
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.
- (a) I spoke at a Criminal Law CLE at the SC Bar Association Offices;
- (b) I have lectured at various classes at the USC Law School regarding wrongful convictions;
- (c) I served as a panelist at a Criminal Law CLE at the USC Law School;
- (d) I spoke to a psychology class regarding false confessions at Williams College, Williamstown, MA.
12. List all published books and articles you have written and give citations and the dates of publication for each.
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) Admitted to practice to all SC State Courts in 1985;
- (b) Also admitted to practice before the U.S. District Court in December 1996.
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) 1985-87, Richland County Public Defender's Office;
- (b) 1987-91, Richland County Solicitor's Office;
- (c) 1991-2001, Private Practice;
- (d) 2001-Present, Morton & Gettys, LLC.

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.

My career over 29 years has been in criminal law. I served as an assistant public defender for 1.5 years, and have prosecuted and defended thousands of cases. I prosecuted at least a dozen murder cases and hundreds of felonies. I have defended an equal number of

murder cases, including two death penalty cases (one of them twice). I have handled two death penalty PCRs, and was hired (while in private practice) to prosecute two murder cases and a felony DUI in different circuits in state court. I have handled felony cases in federal court and tried three federal court cases. I have handled numerous felony and misdemeanor cases over the last five years. I have not had as much experience in civil matters, although I have handled numerous personal injury matters, cases involving complaints against police, including a current case involving a police shooting of an unarmed 70 year old man. I have handled workers compensation cases and an Unfair Trade Practice Act case. I am currently involved in a conversion case, and have handled numerous PCRs. All of these cases I acted as a plaintiff attorney. I have been co-counsel as plaintiff on a case that went to trial on a nuisance claim. Several of the above have been trials, but none in the last five years. I would research all statutes and most relevant issues involving as many areas/issues as possible. I would also consult others for advice.

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.

I received a Martindale-Hubbell rating of AV.

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

- (a) federal: Approximately ten appearances;
(b) state: Five-seven times/month.

17. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years?

- (a) civil: 2%;
(b) criminal: 98%;
(c) domestic: 0%;
(d) other: 0%.

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: 20%;
(b) non-jury: 80%.

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. Do NOT attach a separate list.

- (a) State v. Bobby Lee Holmes – 604 S.E.2d.19 (2004). This death penalty conviction was reversed by the U.S. Supreme Court (9-0) and set a precedent as to how judges are to evaluate third party guilt testimony and evidence;
(b) State v. Jerry Evans – 316 S.C. 303 (1994). Was trial counsel, and argued before S.C. Supreme Court. This was a vehicle hit and run murder and felony DUI charges involving the deaths of two children in Richland County. The use of hypnotically enhanced testimony was affirmed by the S.C. Supreme Court;
(c) State v. Billy Wayne Cope – 405 S.C. 317 (2013). Defendant and co-defendant were charged with the murder and rape of defendant's 12 year old daughter. The conviction for conspiracy was reversed, and later reinstated by S.C. Court of

Appeals. Afterwards, it was affirmed by S.C. Supreme Court. Issues of Rule 404(b) evidence of other crimes, false confessions, and evidence of conspiracy, all currently on petition for cert to U.S. Supreme Court;

- (d) State v. Murray Adkins - 353 S.C. 12. Contract murder execution in Lancaster County. Appeal on jury charge that “failure” of defendant to testify language was violation of a defendant’s Sixth Amendment right. Appeal was denied;
 - (e) State v. Edward Cronell – (Was unable to find site) I was hired, while in private practice, to prosecute murder of 22 year old school teacher during a nighttime home invasion by a real estate agent. He was convicted and his conviction was affirmed. The S.C. Supreme Court ruled that search warrants for obtaining bodily fluids (DNA) was legal.
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) Death Penalty PCR, Richard Moore v. S.C. (04-CP-42-2715) Numerous issues including res gestae evidence;
 - (b) Death Penalty PCR, Kenneth Simmons v. S.C. (03-CP-18-1192) Death Penalty set aside by Circuit Court Judge because defendant ruled mentally ill and thus ineligible for death per Atkins v. Virginia.
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. Jerry Evans 316 S.C.303, (1994);
 - (b) State v. Billy Wayne Cope 405 S.C 317 (August 28, 2013).
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.
- No.
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.
- 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?
- (a) Clerk, Richland County Public Defender’s Office, 1983-85;
 - (b) Assistant, U.S. Senate Sergeant-At-Arms, 1978-82;
 - (c) Bowater Carolina Corporation (paper mill), summers during college, 1972-75;
 - (d) SC House of Representatives, page, 1976.
28. Are you now an officer or director or involved in the management of any business enterprise? Yes.
- (a) James M. Morton, Attorney at Law, 1991-2001;
 - (b) Law Office of Morton & Gettys, LLC, partner, 2001-present.

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.
- (a) Simple possession of marijuana, 1975, arrested as college student while at USC, completed PTI;
 - (b) Arrested for disorderly conduct, dismissed, 1976;
 - (c) Arrested for DUI, dismissed 1977;
 - (d) Arrested for simple possession marijuana, 1977, pled guilty.
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. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance?
I am covered by malpractice insurance and have carried it since entering private practice in 1991. I have never had a tail policy. My firm carries a \$2,000,000 malpractice insurance policy.
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 joined Facebook, but do not know how to post, or view my page. No, it would not affect my service in a judicial capacity.
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.

None.

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? 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?

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 Association, Member;
- (b) York County Bar Association, Member;
- (c) SC Association of Criminal Defense Lawyers, Member;
- (d) National Association of Criminal Defense Lawyers, Member.

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) ACLU, State of SC, current Board Member;
- (b) MUSC, Board of Visitors, current Board Member.

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 was born and raised in Rock Hill, SC, and attended Rock Hill public schools. My mother was from Fountain Inn, SC, and graduated from Winthrop College. My father grew up in Rock Hill, SC, served as a bombardier and was shot down during World War II, receiving a Purple Heart. After the war he graduated from the USC, and afterwards received his Masters in Journalism from Columbia University in New York City. My mother grew up on a farm, and my father was raised in the mill village during the Depression, and both taught me the value of hard work. Another lesson learned from them was to always try to walk in another man's shoes, and only then can you pass judgment.

I began working summers at 14 years of age and throughout high school as an electrician's assistant. I worked every summer during college at Bowater Carolina Corporation, swinging shifts in a pulp mill.

At Rock Hill High School, where I graduated in 1972, I was the starting quarterback on the football team, and starting pitcher on the baseball team. I graduated from the USC with a B.A. in political science in 1976. After college I had the fortunate experience of working in the U.S. Senate from the beginning of 1978 until I started law school in 1982. I worked in the Senate chamber with much time on the floor of the U.S. Senate. I watched senators legislate and debate, often heatedly, and then walk off the floor together arm in arm. It taught me the lesson to always, no matter how passionately you believe in a cause or an issue, remain professional, never personal.

My experience as a prosecutor and criminal defense attorney has afforded me the unique opportunity to understand victims of crimes, as well as the accused. This background, I believe, benefits me greatly.

52. References:

- (a) Tom Camp, President, SC Bank and Trust
1127 Ebenezer Road
Rock Hill, SC 29732
803-329-1222
- (b) Sherri A. Lydon, Law Offices of Sherri A. Lydon
1529 Laurel Street
Columbia, SC 29201
803-753-1592
- (c) Lane Estes, Estes Insurance
209 Black Street
Rock Hill, SC 29731
803-328-0145
- (d) Mary Stewart
6610 Longbrook Road
Columbia, SC 29206
(803) 238-9168
- (e) Barrett Maners
773 Milton Avenue
Rock Hill, SC 29731
803-517-1196

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

Signature: James M. Morton

Date: March 9, 2014

Jaynie Jordan

From: Edward Bender
Sent: Friday, April 25, 2014 2:58 PM
To: Jaynie Jordan
Subject: FW: application

From: James Morton [<mailto:James.Morton@mortongettys.com>]
Sent: Friday, April 25, 2014 1:30 PM
To: Edward Bender
Cc: Rixie Dunn
Subject: application

Edward, I am emailing you regarding my answer for question #9 on my application and my answer to that question should be not applicable. Please let me know if you have any other questions. Thanks, Jim Morton

James M. Morton, Partner
MORTON & GETTYS
334 Oakland Avenue
PO Box 707
Rock Hill, SC 29731

Direct Tel: 803.366.3432
Fax: 803.324.3768
Web: www.mortongettys.com

A Limited Liability Company

MORTON & GETTYS

ATTORNEYS AT LAW

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