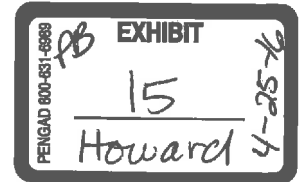


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE



Court, Position, and Seat # for which you are applying: Family Court, Thirteenth Circuit, Seat 3

1. Name: Mrs. Kimberly Boan Howard

Are you currently serving in some capacity as a judge? No

Home Address: [Redacted]

Business Address: 305 East North Street, Suite 325
Greenville, SC 29605

E-Mail Address: [Redacted]

Telephone Number: [Redacted]
(office): (864) 467-8780

2. Date of Birth: [Redacted] 1979
Place of Birth: Greenville, SC
SS Number: [Redacted]

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

4. SCDL# or SCHD#: [Redacted]
Voter Registration Number: [Redacted]

5. Family Status: Married on January 27, 2007 to Willie Mears Howard ("Billy")
Never divorced, two children
[Redacted]

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) University of South Carolina, August 1997 – May 2001, BA
- (b) University of South Carolina, August 2002 – May 2005, 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) South Carolina, 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) University of South Carolina:

- a. Delta Delta Delta Sorority 1997-2001;
- b. Delta Delta Delta Social Chair 1999-2000;
- c. Delta Delta Delta Vice President of Finance 2000-2001;
- d. Student Senate 1998;
- e. 360 Student Ministries 1998-2000;
- f. Rape Crisis Center, Volunteer 2001-2002.

(b) University of South Carolina School of Law:

- a. Juvenile Arbitration Program, Lexington County 2003-2005;
- b. Pro Bono Board 2003-2005;
- c. Phi Delta Phi Legal Fraternity 2003-2005.

10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/ CLE Name</u>	<u>Date(s)</u>
(a) Greenville County Year End CLE (incl. Family Law Course)	02/12/2016;
(b) In the Best Interests of the Child: Guardian ad Litem Training	01/29/2016;
(c) SC Bar Convention, Family Law Section	01/22/2016;
(d) 2015 South Carolina Solicitors' Association Conference	09/20/2015-09/23/2015;
(e) 2014 South Carolina Solicitors' Association Conference	09/21/2014-09/24/2014;
(f) Extraditions in South Carolina: A Step-by-Step	08/22/2014;
(g) Meth: The Real 'Breaking Bad' in South Carolina	07/18/2014;
(h) In House CLE for Prosecutors	05/01/2014;
(i) Gangs in SC: What You Need to Know	11/15/2013;
(j) 2013 South Carolina Solicitors' Association Conference	09/22/2013-09/25/2013;
(k) Practical Tips to Being a Better Prosecutor	04/19/2013;
(l) 2012 South Carolina Solicitors' Association Conference	09/23/2012-09/26/2012;
(m) Using One to Show the Other	05/10/2012;
(n) 2011 Children's Law Conference	11/04/2011;
(o) 2011 South Carolina Solicitors Association Conference	09/25/2011-09/28/2011;
(p) Prosecuting Cases in Family Court	08/19/2011;
(q) Trial Advocacy	06/16/2011;
(r) Effective Communication with the Defense Bar	02/18/2011;
(s) Greenville County Year End CLE	02/11/2011;
(t) Ethics for Prosecutors	11/18/2010;
(u) Solicitor's Office Annual Retreat	05/02/2010.

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) Meth & Drug Endangered Children, October 2015
 - a. This training was a webinar funded by the Department of Justice and organized by the United States Attorney's Office. I provided the legal education and the practical applications for investigating cases under South Carolina's methamphetamine laws. This webinar is now a statewide training course for law enforcement.
 - (b) Prosecuting Meth Labs, March 2015, January 2015, August 2014
 - a. This training is a legal outline for defining a "meth lab" and investigating and prosecuting methamphetamine cases in South Carolina. I have tailored the training twice for SLED as part of its recertification course for agents and once for the Circuit Court judges at their annual conference.
 - (c) Meth: The Real 'Breaking Bad' in South Carolina, July 2014
 - a. This course was organized by the South Carolina Prosecution Commission. My portion of the training covered the applicable laws and known defenses related to methamphetamine prosecutions.
 - (d) The Law on Search & Seizure- Know It or Blow It, June 2014
 - a. This lecture was given to local law enforcement, and it gave a general overview of the search & seizure laws as it relates to drug investigations.
 - (e) Primer on First Year Practice in SC, Charleston School of Law, June 2013
 - a. I was asked by the Honorable Letitia Verdin to be a guest speaker for a summer course she was teaching at the Charleston School of Law. My portion of the lecture covered topics such as starting your practice of law, how to negotiate with other parties, and how to be effective in those negotiations.

12. List all published books and articles you have written and give citations and the dates of publication for each.
Not applicable.

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) South Carolina, 2005

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) I have worked as an Assistant Solicitor with the Thirteenth Circuit Solicitor's Office from September of 2005 to the present. Throughout my career, I have worked on

various types of cases- violent crimes, domestic violence, drug crimes, crimes involving the abuse & neglect of children, and juvenile crimes.

- a. From 2005 to early 2010, I primarily handled the prosecutions of drug crimes, general crimes, and domestic violence.
- b. From early 2010 to late 2012, I was the managing attorney of our Family Court/ Juvenile Justice Unit. From 2013 to the present, I have focused on drug and violent crime prosecutions, as well as continuing to assist in juvenile justice matters.
- c. In 2013, I became the training coordinator for the annual Solicitors' Association conference, and I still continue in this role.
- d. In 2015, in addition to the caseload and duties listed above, I began handling cases in our newly-formed Domestic Violence Court.

15. Please answer the following (if you are a judge and are not seeking a different type of judgeship, this question is inapplicable):

- (a) If you are a candidate for Family Court, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background has prepared you to preside over such matters as a Family Court Judge.
 - a. Divorce/ Equitable Division of Property.
 - i. I have not handled any divorce cases.
 - ii. I have recently attended two legal education courses related to divorce and family law.
 - b. Child custody.
 - i. I have not handled any child custody cases.
 - ii. I have recently completed a Guardian Ad Litem training course.
 - c. Adoption.
 - i. I have not handled any adoption cases.
 - d. Abuse and Neglect.
 - i. In my capacity as a prosecutor, I have dealt with numerous cases, in both juvenile and General Sessions court, that involve the abuse and neglect of children and vulnerable adults. During the prosecution of these cases, I have worked with DSS to in finding resolutions that best protect the child or vulnerable adult involved.
 - ii. I have also attended and observed many hearings in Family Court where DSS matters were at issues. To ensure that I was current with DSS legal standards, timelines, and procedures, I recently consulted with the DSS legal department.
 - e. Juvenile justice
 - i. I ran the juvenile justice unit for the Thirteenth Circuit Solicitor's Office, Greenville and Pickens counties, for close to three years, and I continue to assist in the resolution of those cases. I handled waiver cases, trials and pleas. I coordinated with DJJ on many issues,

including the resolution of cases, the community resources available to juveniles, the referral process, and the creation of the new juvenile facility in Greenville County. I also helped oversee the implementation of a new juvenile arbitration program and a reorganization of the Youth Court program in our circuit.

Throughout my career, I have evaluated hundreds of cases, and on each of those, I have been entrusted with the responsibility and autonomy to make the final decision on what is submitted to the Court. My decision-making process on every case is not limited to what one client or one side thinks is appropriate, but instead, on what is the fairest resolution for all parties. The ability to be able to think through a resolution, even in the case where a tough decision is the right decision, is an invaluable skill that has prepared me for the Family Court Bench.

16. 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.
As a prosecutor, I am not rated nor do I pursue any rating with legal rating organizations.
17. What was the frequency of your court appearances during the past five years?
 - (a) federal: none
 - (b) state: approximately three appearances a month, however, when solely in Family Court, the number of appearances was three times a week
18. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years?
 - (a) civil: 0%
 - (b) criminal: 100%
 - (c) domestic: 0%
19. 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: 10%
 - (b) non-jury: 90%Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Sole counsel
20. 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) State vs. Sabrina Campbell 2013-GS-23-10687, et al.
This case involved a string of crimes that spanned over a year in time and involved twelve codefendants. The crimes ranged from armed robbery and conspiracy to manufacturing methamphetamine and abuse of a vulnerable adult. Sabrina Campbell was the main defendant, and at the time of her arrest, she was known as one of the biggest meth cooks in Greenville County. Resolution of this case

required a clear strategic plan, one which involved coordinating the investigations of multiple law enforcement agencies, negotiations with twelve defense attorneys, and deferred sentences for cooperating witnesses.

(b) State vs P.S 2015

The defendant in this case was charged with two counts of manufacturing methamphetamine, and with his prior record and the mandatory minimums associated with the charges, he was faced with significant jail time. The defendant admitted to being a user and through his defense attorney, expressed the desire to get clean and off of drugs. I made the decision to allow him to go into our Drug Court program. The Drug Court program in the Thirteenth Circuit is a rigorous and time-consuming program, but one that has rehabilitation of the defendant as its main goal. Because of Drug Court, P.S. is now a small business owner and is one of the certified recovery coaches with FAVOR (“Faces and Voice of Recovery”) of Greenville. I believe that Drug Court and other diversionary programs are very important pieces of our justice system and it is always significant to me when the actions of those enrolled in the program(s) validates this importance.

(c) State vs. C.G, a Juvenile 2011-JU-23-155

This case involved the murder of a homeless man by two adults and one juvenile codefendant. The juvenile defendant was fourteen years old at the time of the murder. Once this juvenile was charged, I filed a motion to transfer jurisdiction to General Sessions court. At the waiver hearing, I outlined the State’s case using the eight Kent factors, and argued that waiver was appropriate. The transfer of jurisdiction was ultimately denied by the Family Court judge, but seeing the process from start to finish was insightful and educational. The transfer of a juvenile from Family Court to General Sessions is the most serious of hearings that a juvenile can face, and because the stakes are so high, I believe it is important for a Family Court judge to be familiar with this process.

(d) State vs. Wallace Evatt 2009-GS-23-09628

This was a murder/ domestic violence case that resulted in a conviction after a four day trial in General Sessions court. The defendant was the victim’s live-in boyfriend at the time of the murder. The evidence in the case was purely circumstantial and the outcome rested heavily on the results of the forensic testing. DNA, gunshot residue, blood spatter, and ballistics were all utilized in the investigation and prosecution of this case. Preparation for this trial began weeks in advance of the trial date and it required research on multiple issues of law.

(e) State vs. Travis Jackson 2006-GS-23-02438

This case involved an eighteen year old defendant who was charged at school with Threatening the Life of a Public Official. He was having problems at school with behavior and failing grades, but he had a supportive mother at home. I made the decision to let him enter the pre-trial intervention program (“PTI”) and he successfully completed the program. While Mr. Jackson was finishing up his PTI, his mother reached out to thank me for allowing her son to enter the program, telling me that as a result of being in the program, he was drug-free and doing well in school. It was a good reminder early in my career that even if similar in facts, each case is different, and each case deserves careful consideration as to what would be a fair and just resolution.

21. 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.
I have not handled any civil appeals.
22. 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.
I have not handled any criminal appeals.
23. Have you ever held judicial office?
No.
24. If the answer to question 23 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.
Not applicable.
25. Have you ever held public office other than judicial office?
No.
26. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor.
Not applicable.
27. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
No.
28. 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? If so, give details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer.
Yes.
In September 2001 to July of 2002, between college and law school, I was a waitress at Wings & Ale restaurant in Columbia, SC.
In October of 2012, I became as a consultant/ salesperson with Rodan & Fields, a skincare company. In January of 2016, I made the decision to discontinue my status as a consultant. I am currently in the process of closing out my sales account.
29. Are you now an officer or director or involved in the management of any business enterprise?
No.
30. Provide, as a separate attachment, a complete, current financial net worth statement that itemizes in detail:

- (a) the identity and value of all financial assets held, directly or indirectly, including, but not limited to, bank accounts, real estate, securities, trusts, investments, and other financial holdings; and
- (b) the identity and amount of each liability owed, directly or indirectly, which is in excess of \$1,000, including, but not limited to, debts, mortgages, loans, and other financial obligations.

See attached Financial Statement.

- 31. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest.
None.
- 32. 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?
■
- 33. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute?
No.
- 34. 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.
- 35. 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? If so, give details, including, but not limited to, dates and resolution.
No.
- 36. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been sanctioned or disciplined for lawyer, judicial, or other professional misconduct or has any jurisdiction found that you committed any misconduct? If so, give the details and describe any final disposition.
■
- 37. Have you ever been investigated by the Department of Social Services?
No.
- 38. 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? If so, please explain when you were covered by a tail policy. Also, if

applicable, indicate your coverage and deductible for your current malpractice policy.
Not applicable.

39. 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?
Yes. I currently have an Instagram account. I use this account to share pictures of experiences and activities with my family and friends. I previously had a Facebook account that I deactivated in 2015. I make particular effort in my capacity as a prosecutor to ensure that the contents of my pictures and comments are appropriate, private, and void of any controversial material. If elected to the Family Court Bench, I would continue to limit my exposure on social media and would discontinue my Instagram account if any appearance of impropriety arose.
40. 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.
41. 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? If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist’s principal involved.
No.
42. 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. Include the disposition, if any, of such charges or allegations.
None.
43. 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. Include the disposition, if any, of such charges or allegations.
None with the exception of my Letter of Intent to the Judicial Merit Selection Commission. I sent this letter from my personal email account, but used my work computer to forward the letter.

44. 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.
\$10, name badge, January 2016.
45. 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.
46. 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.
47. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? If so, give details. Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? If so, give details.
I have not requested anyone to contact members of the General Assembly for purposes of obtaining, directly or indirectly, pledges, commitments, or promises of such. I have been introduced to members of the General Assembly through family members and friends.
48. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? If so, please specify the amount, solicitor, donor, and date of the solicitation.
No.
49. 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.
50. 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) South Carolina Bar Association;
 - (b) Greenville Bar Association;
 - (c) South Carolina Women Lawyers Association;
 - (d) Greenville Bar Association Executive Committee 2012-2014;
 - (e) Greenville Young Lawyers, Executive Committee 2006-2008.
51. 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) Grace Church, Sunday School teacher;
- (b) Project Host Soup Kitchen & Culinary School, Board Member;
- (c) Augusta Circle Elementary School PTA;
- (d) Augusta Circle Elementary School PTA, Executive Board elect, 2016-2017;
- (e) Augusta Circle Elementary School, Red Ribbon Week Co-Chairman, 2015-2016;
- (d) Junior League of Greenville, Advisor Board, 2012-2015;
- (e) The Circle of the Children's Museum;
- (f) Meals on Wheels;
- (g) Greenville Country Club;
- (h) Commodore Dance Club;
- (i) Carolina Alumni Association.

52. 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 been married to my husband Billy for nine years. He and I have two girls, a seven and a five year old. I work very hard to maintain a work life-home life balance, and my husband is supportive of me in both my career and in our parenting.

I am not aware of any situation that would reflect negatively on my candidacy.

53. List the names, addresses, and telephone numbers of five (5) persons, including your banker, from whom you are providing references.

- (a) Brenda K. McKay, Senior Vice President
Southern First Bank
P.O. Box 17465
Greenville, SC 29606
(864) 679-9000
- (b) Frank L. Eppes, Esquire
1225 South Church Street
Greenville, SC 29605
(864) 235-2600
- (c) Elizabeth Fletcher
16 Bartram Grove
Greenville, SC 29605
(864) 380-5945
- (d) Candice A. Lively, Esquire
Children's Law Center
1600 Hampton Street, Suite 502
Columbia, SC 29208
- (e) Solicitor Walt Wilkins
Thirteenth Circuit Solicitor's Office
305 East North Street, Suite 325
Greenville, SC 29601
(864) 467-8647

54. Describe any interest you or a member of your immediate family has in real property:
- (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency.
My husband owns property in Greenville, SC, and has begun discussions with the Greenville County Redevelopment Authority about its interest in purchasing the property. Ownership of this property is held both personally by my husband and through an LLC, WM Howard Properties, LLC.
 - (b) in which there have been public improvements of \$200 or that adjoins property in which there have been public improvements of \$200.
None.
 - (c) which was sold, leased, or rented to a state or local public agency in South Carolina.
None.

List the interest you hold and the value and location of the property. Identify as applicable the:

- (a) nature of any potential conflict of interest.
My husband, Billy Howard, the sole owner of the property, and I have no interest in the property. With WM Howard Properties, LLC, my husband is the sole member of this LLC.
The property is located along both sides of Conwell Street, Greenville, SC 29601. The address 43 & 41 Conwell Street for two parcels. The other parcels do not have addresses.
The value is unknown at this time. For this property, my husband is signed on to a \$250,000 note with Southern First Bank.
- (b) nature and value of any public improvements; and
- (c) South Carolina state or local public agency which purchased or is leasing or renting such property.

55. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its amount or value, and the name of the agency. Attach a copy of any contract or agreement.
Not applicable.

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: Kimberly Boan Howard /s
Date: March 7, 2016

