

JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE

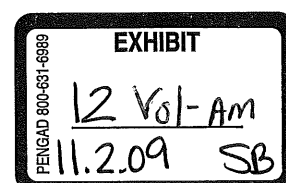
Court, Position, and Seat # for which you are applying:  
Court of Appeals, Seat 5

1. NAME: Ms. Alison Renee Lee  
BUSINESS ADDRESS: Post Office Box 192  
1701 Main Street, Suite 324  
Columbia, S.C. 29202  
E-MAIL ADDRESS: aleej@sccourts.org  
TELEPHONE NUMBER: (office): 803 576-1765
2. Date of Birth: 1958  
Place of Birth: Washington, D.C.
3. Are you a citizen of South Carolina? Yes  
Have you been a resident of this state for at least the immediate past five years? Yes
5. Family Status: Married on May 3, 1986, to Kenzil Franklin Summey. Never divorced. Two children.
6. Have you served in the military? Not applicable
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) Vassar College, September 1975 to May 1979, Bachelor of Arts
  - (b) Georgetown University, summer 1976
  - (c) Tulane University Law School, September 1979 to May 1982, Juris Doctor
  - (d) University of Grenoble, France, summer law program 1980
  - (e) University of South Carolina Law School, summer 1984
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) Texas, 1982
  - (b) Louisiana, 1983

I am currently on inactive status in these two states. I was a member in good standing at the time I requested inactive status and continue to pay any fees associated with inactive status.

South Carolina, 1984

In each state listed above I took the bar exam only once.
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.



Vassar College:

- (a) Student Advisor to Freshman Class of 1982 (1978-79)
- (b) Cuba Field Study Trip – one of 20 students selected to go to Cuba to study the effect of the Castro regime on the culture. Made a presentation (March 1978)
- (c) Vassar College Gospel Choir, Business Manager (1977-78)
- (d) Summer Jobs Coordinator, Office of Career Planning and Placement (1976-79)

Tulane Law School:

- (a) Vice President Freshman Class (1979-80)
- (b) Best Oralist Freshman Moot Court Competition
- (c) National Appellate Moot Court Team (1980-81)
- (d) Mardi Gras Coalition, Legal Services (1981)
- (e) Tulane Moot Court Board (1981-1982)
- (f) Academic Affairs Representative Senior Class (1981-82)
- (g) Quarter Finalist Senior Appellate Competition (1982)

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(s)</u> |
|--|----------------|
| (a) Annual Criminal Law Update                 | 01/23/04;      |
| (b) Annual Civil Law Update                    | 01/23/04;      |
| (c) Matthew J. Perry: The Man,                 | 04/23/04;      |
| (d) S.C. Circuit Judges Conference             | 05/05/04;      |
| (e) S.C. Judicial Conference                   | 08/19/04;      |
| (f) Annual Civil Law Update                    | 01/21/05;      |
| (g) Annual Criminal Law Update                 | 01/21/05;      |
| (h) Circuit Judges Conference                  | 05/11/05;      |
| (i) Annual Judicial Conference                 | 08/24/05;      |
| (j) ABCs of Effective & Ethical Trial Practice | 10/14/05;      |
| (k) Annual Civil Law Update                    | 01/28/06;      |
| (l) Annual Criminal Law Update                 | 01/28/06;      |
| (m) Circuit Judges' Conference                 | 05/10/06       |
| (n) Annual Judicial Conference                 | 08/23/06;;     |
| (o) Annual Civil Law Update                    | 01/21/07;      |
| (p) Annual Criminal Law Update                 | 01/21/07;      |
| (q) Circuit Judges' Conference                 | 05/14/07;      |
| (r) Annual Civil Law Update                    | 01/25/08;      |
| (s) Annual Criminal Law Update                 | 01/25/08;      |
| (t) Annual Judicial Conference                 | 08/20/08;      |
| (u) American Bar Association Meeting           | 08/2008;       |
| (v) Lunch and Learn                            | 10/29/08;      |
| (w) SCDTAA                                     | 11/13/08;      |

- (x) Circuit Judges Conference 05/09.
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- (a) JCLE - Basic Elements of Proof in the Family Court (August 1985)  
Topic: Settling the Family Court Record on Appeal
  - (b) Basic Federal Court Practice (September 1985)  
Topic: Pretrial Orders, Sanctions & Local Rules
  - (c) Drafting Criminal Laws under the Sentencing Classification Act (November 1993)
  - (d) Bridge the Gap (May 1996, March 1997, May 1997, March 1998, May 1998)  
Topic: Practice Tips for the Administrative Law Judge Division
  - (e) 1996 That Was the Year That Was (January 1997)  
Topic: 1996 Update for the Administrative Law Judge Division
  - (f) Rules, Rules, Rules: S.C. Practice & Procedure Update (March 1998)  
Topic: Rules of the Administrative Law Judge Division
  - (g) South Carolina Woman Advocate: Moving into the Millennium (May 1998)
  - (h) Tips from the Bench III (December 2002)
  - (i) Women Lawyers in the New Millennium (April 2003)  
Topic: Ethics – Circuit Court
  - (j) S.C. Black Lawyers Summit & Retreat (October 2004)  
Topic: S.C. Judiciary on Civility & Ethics (panel discussion)
  - (k) ABC's of Effective and Ethical Practice (October 2005)  
Topic: Enhancing Persuasion in Trial: Civil and Criminal Advocacy in S.C. (panel discussion)
  - (l) South Carolina Black Lawyers Summit & Retreat (September 2006)  
Topic: Tips from the Bench (Panel discussion)
  - (m) South Carolina Municipal Association (December 2006)  
Topic: Ethics – Circuit Court
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) Supreme Court of Texas, November 1982
  - (b) Supreme Court of Louisiana, October 1983
  - (c) Supreme Court of South Carolina, September 1984
  - (d) U.S. District Court, District of South Carolina, Fall 1984
  - (e) U.S. Court of Appeals, Fourth Circuit, April 1985
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) 1982-83 Law Clerk, Honorable Israel M. Augustine, Jr., Louisiana Fourth Circuit Court of Appeals
- (b) 1983-84 Law Clerk, Honorable C. Tolbert Goolsby, Jr., South Carolina Court of Appeals
- (c) 1984-89 Associate, McNair Law Firm, P.A., primarily litigation in contract or consumer related issues. Last two years practice labor and employment related litigation.
- (d) 1989-94 Staff Counsel, S.C. Legislative Council, drafting legislation and amendments for members of the General Assembly in the areas of transportation, crime, corrections and prisons, and education.
- (e) 1994-1999. Administrative Law Judge presiding over administrative hearing relating to insurance, environmental permitting, alcoholic beverages, wages, taxes, video poker, bingo, appeals from occupational licensing boards, and hearings on regulations promulgated by certain state agencies.
- (f) 1999-present. Circuit Court Judge. Court of general jurisdiction in criminal and civil matters. Appellate jurisdiction over municipal, magistrate, and probate cases.

15. What is your rating in Martindale-Hubbell?

Not rated to my knowledge. Listed as an associate with the McNair Law Firm 1985-1989.

Retired judges/justices and judges/justices applying for reelection to their current position may omit Questions 16-21. If a candidate is seeking a judgeship different than his or her current position, Questions 16-21 should be answered based on experience prior to serving on the bench.

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

- (a) federal: (1984-89) 90%;
- (b) state: 10%.

17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years? Years 1984-1989

- (a) civil: 80%;
- (b) criminal: 20%;
- (c) domestic: handled 2-3 appointed cases.

18. What percentage of your practice in trial court during the last five years involved matters that went to a jury, including those that settled prior to trial? Years 1984-89

- (a) jury: 10% cases were resolved by motion or through settlement;
- (b) non-jury:

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters?

I was associate counsel on cases that were tried.

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) Atkinson v. Citicorp Acceptance Co. (Federal district court) – case decided on summary judgment motion involving the Fair Debt Collection Act, then a new federal statute.
  - (b) McClain v. Westinghouse (Federal district court) – employment law case involving sex discrimination, sex harassment, equal pay, as well as other employment claims. Case decided on summary judgment.
  - (c) State of South Carolina v. Norris Stroman (state criminal case) – defendant (with limited intelligence) charged with murder and allegedly confessed. Jury acquitted.
  - (d) Valerie Smith v. Kroger (Federal district court) – either a slander or malicious prosecution case resulting from shoplifting.
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) Purdie v. Smalls, 293 S.C. 216, 359 S.E.2d 306 (Ct. App. 1987)
  - (b) Hooten v. Carolina Treatment Center, Inc. 200 S.C. 37, 386 S.E.2d 287 (Ct. App. 1989). I was not the lead attorney.
  - (c) Condon v. Best View Cablevision, Inc., 292 S.C. 117, 355 S.E.2d 7 (Ct. App. 1987). I was not the lead attorney.
  - (d) Davis v. U.S. Steel Corp., 779 F.2d 209 (4<sup>th</sup> Cir. 1985) on brief only.
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).
- I did not handle any criminal appeals while in private practice. However, as a circuit court judge I have presided over appeals from magistrate and municipal court involving criminal matters.
22. Have you ever held judicial office?
- Elected by the General Assembly in February 1994 to the office of Administrative Law Judge which is a quasi-judicial function within the executive branch of government. Jurisdiction is limited to fact finding within the context of administrative hearings involving taxes, licensing, permitting and rate-making. Act as an appellate body in matters involving occupational licensing and foster care licensing, among others. Conduct public hearings and decide the reasonableness and need for regulations promulgated by certain state agencies.
- Elected by the General Assembly in February 1999 to Circuit Court.  
Re-elected in February 2002 and February 2008. Court of general jurisdiction covering civil and criminal matters. Also appellate jurisdiction over municipal, magistrate, and probate cases.

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) Ward v. South Carolina, 98-CP-40-4069, reversed 538 S.E.2d 245 (S.C. 2000).

Ward, a federal retiree, filed suit against the state seeking to have declared unconstitutional statutes enacted providing state retirees a "rebate" on income taxes in response to Davis v. Michigan. The State filed a motion to dismiss the lawsuit which was granted on the basis that Ward failed to exhaust her administrative remedies before the Department of Revenue and the Administrative Law Judge Division. The Supreme Court reversed the decision stating that exhaustion of remedies was not required when the sole issue for determination involves the constitutionality of a statute. Neither the Department of Revenue nor the ALJD has jurisdiction to determine the constitutionality of a statute.

(b) Collins Holding Co. v. Defibaugh, Ct. App. reversed on one issue, 2007 WL 1148140.

Collins Holding Co. filed suit seeking damages against a competitor for a variety of claims. The issue was whether the Defendant engaged in unfair trade practices for allowing certain video game machines that employed a "reflexive payout" feature. A number of other issues were raised by Collins on appeal.

(c) Sloan v. Greenville County, et al., 99-CP-23-4464.

Mr. Sloan sued Greenville County seeking to declare its action unlawful in connection with the procured construction of the family Court Building Expansion. The County sought dismissal of the lawsuit claiming Mr. Sloan did not have standing to bring the lawsuit. The decision found that Sloan had standing to bring the action against the County as a taxpayer when the legislative acts sought to be enjoined are unlawful.

(d) Jordan, et al v. Holt, et al., 96-CP-26-3792, reversed by Ct. App. ; Ct. App. reversed by S. Ct., 362 S.C. 201, 608 S.E.2d 129 (2005).

This was a non-jury trial in partners in a failed restaurant venture sought dissolution of the partnership, an accounting of the assets and claims for damages from the operation of the business. The trial lasted one week and involved voluminous documents, checks, records and photographs.

(e) Cooke v. Palmetto Health Alliance, affirmed by Ct. App., 367 S.C. 167, 624 S.E.2d 439 (Ct. App. 2005).

Workers' Compensation case in which Mr. Cooke sought to receive benefits under the Act. The legal issue was whether Cooke was a statutory employee.

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. Specify your dates of employment, employer, major job responsibilities, and supervisor. None.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?  
Yes. Candidate for Circuit Court At Large Seat 10. Election in April 1997, withdrew two days before the election. Seat won by James R. Barber, III. Also candidate for Circuit Court At Large, Seats 1 and 7. Withdrew candidacy when Commission nominated me as a candidate for Seat 11 in February 1999.  
Candidate for Court of Appeals, Seat 1, Seat 3, and Seat 6. Elections occurred in 2003 and 2004. In all cases I was found qualified by the Judicial Merit Selection Commission, but I was not nominated. In Spring 2008 I was a candidate for the Court of Appeals Seat 3. I was nominated by the Commission but withdrew my candidacy before the election.
27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? No.
28. Are you now an officer or director or involved in the management of any business enterprise? No.
29. A complete, current financial net worth statement was provided to the Commission.
30. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest. None.
31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? No.
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.
33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? Not applicable.
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?  
(a) Yes. I was named, in my capacity as an Administrative Law Judge, in an action in York County (C/A No. 97-CP-46-1679). This action sought injunctive relief to compel a stay of a contested case pending before me. The Administrative Law Judge Division was also named a

party. We were dismissed from the action. The remaining parties reached an agreement.

- (b) I was named, in my capacity as a Circuit Court Judge, in an action filed in bankruptcy court by Ruben Dwayne Taylor, Case No. 05-05299B. The action sought to include any judgment issued by me in circuit court against the pro se plaintiff in the bankruptcy court. The action was dismissed as to all of the judges in the lawsuit on June 29, 2005.
- (c) As a result of the SLED background investigation conducted in conjunction with previous applications, I learned I was named in a lawsuit filed by Ruben DeWayne Taylor in federal district court in April 2005. The lawsuit listed a number of judges and attorneys. According to the Docket Report summary from the district court, the summons and complaint were not served pursuant to an order by Federal Magistrate Judge Joseph McCrorey. The complaint was subsequently dismissed. I had no knowledge of this lawsuit until the SLED report was completed and since I was not served I have no knowledge of the contents of the lawsuit. I did notice, however, that this lawsuit preceded the one filed by Mr. Taylor in federal bankruptcy court in September 2005.
36. 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.
37. 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.
38. 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. Not applicable.
39. 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.
40. 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.



41. 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.
42. 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.
43. 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.
44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
45. 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.
46. 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) American Bar Association (1985-90; 2006 – present)
  - (b) South Carolina Bar Association
  - (c) South Carolina Women Lawyers Association
  - (d) Richland County Bar Association
  - (e) Young Lawyers Division representative to the Committee on Continuing Legal Education (July 1987-June 1988)
  - (f) Associate Commissioner, Board of Grievances and Discipline(1987-89)
  - (g) National Conference of State Trial Judges Delegate (2007 to present)
47. 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) Columbia Chapter of The Links, Inc. (1987 - present)  
 President 1994-98  
 Vice President 1993-94  
 Corresponding Secretary 1990-93
  - (b) Columbia Chapter, Jack and Jill of America, Inc. (1992 - 2009)  
 Parliamentarian 1995-97, 2001-2007
  - (c) St. Peter's Catholic School Board (1993-97)  
 Chairperson 1995-96
  - (d) St. Peter's Catholic Church Parish Pastoral Council (1998-2001)
  - (e) Honored by the S.C. Chapter of the National Association of Bench and Bar Spouses in April 1999.
  - (f) Leadership South Carolina, Class of 1999

48. 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.

49. References:

- (a) James Bennett  
Executive Vice President  
First Citizens Bank & Trust  
1230 Main Street  
Columbia, South Carolina 29201  
(803) 931-8549
- (b) Felicia Goins, DDS  
105 Wild Cherry  
Columbia, South Carolina 29223  
803 865-5385
- (c) John Nichols, Esq.  
Bluestein Nichols Thompson & Delgado, LLC  
1614 Taylor Street  
Columbia, South Carolina 29202  
803 779-7599
- (d) J. Patrick Hudson, Esq.  
413 Old Course Loop  
Blythewood, South Carolina 29016  
803 786-1001
- (e) Deacon John Stetar  
267 Rushing Wind Drive  
Irmo, South Carolina 29063  
803 732-8526

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: Allison Renee Lee

Date: August 13, 2009