

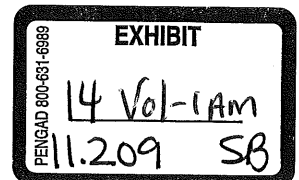
JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

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

1. NAME: Mr. Daniel F. Pieper
BUSINESS ADDRESS: 100 Broad Street
Blake #200
Charleston, S.C. 29401
E-MAIL ADDRESS: dpieper@scccourts.org
TELEPHONE NUMBER: (office): 843-958-5142
2. Date of Birth: 1961
Place of Birth: Charleston, SC
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: Single. Never divorced. No 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) College of Charleston; 8/79 - 5/82; B.S. Business Administration; completed program in three years.
 - (b) The Citadel; Summer 1981 to take undergraduate courses; Spring 1985 to take MBA courses; once I started the MBA program, I left to attend New York University.
 - (c) University of South Carolina School of Law; 8/82 - 12/84; Juris Doctor Degree; finished program early.
 - (d) New York University School of Law; 9/85 - 8/86; Masters of Law degree (LL.M) in Tax Law.
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.

South Carolina; admitted May 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.

Student Bar Association Representative at USC Law School, First Year class, 1982. Generally, I worked during my school years.



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>Dates</u>	<u>Conference/CLE</u>
(a) 01/23/2009	Civil Law Update;
(b) 01/23/2009	Criminal Law Update;
(c) 08/20/2008	Judicial Conference;
(d) 02/15/2008	Tips from the Bench;
(e) 01/25/2008	Criminal Law Update;
(f) 12/19/2007	Law Clerk and Staff Code of Conduct seminar;
(g) 08/22/2007	Judicial Conference;
(h) 01/26/2007	Criminal Law Update;
(i) 01/26/2007	Civil Law Update;
(j) 08/23/2006	Judicial Conference;
(k) 01/27/2006	Criminal Law Update;
(l) 01/27/2006	Civil Law Update;
(m) 12/09/2005	Tips from the Bench;
(n) 08/24/2005	Judicial Conference;
(o) 01/21/2005	Criminal Law Update;
(p) 01/21/2005	Civil Law Update;
(q) 12/10/2004	Seminar for Chief Judges;
(r) 08/19/2004	Judicial Conference;
(s) 01/23/2004	Criminal Law Update;
(t) 01/23/2004	Civil Law Update.

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 lectured on the law before the Masters-in-Equity regarding civil procedure.
- (b) I also have made presentations to the Magistrates and Municipal Judges on Judicial Ethics.
- (c) I prepared a "Tips from the Bench" seminar for a few years for the SC Bar that covers every level of court in SC. I have been asked to do it again in 2010 but I have not yet committed to it.
- (d) In addition, I am an adjunct professor of law at the Charleston School of Law. I have taught courses in Criminal Law, Advanced Criminal Law and Equity.
- (e) I have also spoken on Ethics during the same law school's professionalism series.

12. List all published books and articles you have written and give citations and the dates of publication for each. None at this time.

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 before the State Courts of South Carolina in 1985;
 - (b) Federal District Court - 1986
 - (c) Fourth Circuit Court of Appeals – 1987.
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.

March 1985 - August 1985; Lawclerk, U.S. District Court, for United States Magistrate Judge Robert Carr. I was responsible for researching the law and writing reports and recommendations for disposition of various cases such as employment and civil rights cases, social security, habeas corpus and other prisoner litigation, and all other civil cases referred to the office. Also, I attended and prepared for all criminal proceedings before Judge Carr. In August, I left to attend N.Y.U.

Attorney - In summer 1986, for a short period after I returned from N.Y.U., I worked as an attorney with the Joye law firm handling foreclosures, estate planning and civil matters.

Fall 1986 - Fall 1988; Senior Lawclerk, U.S. District Court for Judge Sol Blatt, Jr. I worked on a wide variety of civil and criminal matters involving issues of statutory and constitutional law, including habeas corpus review of decisions of the S.C. Supreme Court. Essentially, I received training and exposure to all aspects of trial, including complex litigation.

Private Practice - August 1988 - December 1990. During part of this time, I was associated with a lawyer under the name of Pieper & Stokes; six months thereafter, we moved to another office owned by another lawyer but chose to operate as separate entities. Character of practice - real estate, probate, estate planning and general civil matters.

Counsel, U.S. District Court, Summer 1990 – December 1990. Career Clerk December 1990 -Summer 1993; part-time Summer 1993 - Summer 1995; returned to U.S. District Court at request of Judge Blatt, because of my class action experience, to assist with the complicated bankruptcy class action for Patriots Point. After the case was completed, I was asked to stay in a career position. [During the first six months of this period, I was still in private practice time above because I was serving in a special “of counsel” sort of position to the Court for the bankruptcy proceedings]. From Summer

1993 - Summer 1995, I assisted the court one day a week since I was appointed Master-in-Equity.

April 1989 - October 1991, part-time Berkeley County Magistrate (I worked at night). Presided over all cases assigned to my office. Eventually, I was appointed Chief Magistrate with administrative oversight of sixteen offices and the budget for each office.

June 1993 - June 1996; Berkeley County Master-in-Equity and Special Circuit Judge. Duties - I presided over all circuit court nonjury trials and proceedings referred to my office for disposition; in addition, as Special

Circuit Judge, I presided over most pretrial proceedings and motions in civil jury and nonjury cases; minor settlements; civil or criminal appeals from magistrate, municipal and probate courts, as well as judicial review of state agency cases such as workers' compensation appeals, and grand jury proceedings. I gained a wide variety of circuit court judicial experience.

June 1996 – October 2007. Resident Circuit Judge, Ninth Judicial Circuit; presided over all civil and criminal matters and appeals within the jurisdiction of the circuit court. I have also been assigned as an Acting Supreme Court Justice. I completed eleven years as circuit judge.

November 2007 – present; Court of Appeals Judge, Seat 7. As previously indicated, I actually was performing the duties of circuit judge and appellate judge for a few months before I started in November 2007. As an appellate judge, I preside over cases with a panel of judges, or with the court en banc, on a variety of civil, domestic, criminal and administrative matters on appeal from the lower courts and administrative agencies.

15. What is your rating in Martindale-Hubbell?

To my knowledge, I am not listed; reason unknown.

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?
None – I have been a judge for approximately 20 years.

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

(relying on time before becoming judge)

- (a) civil: 90%;
(b) criminal: 5%;
(c) domestic: 5%.

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?

- (a) jury:
(b) non-jury: 100%.

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

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.

I handled tax and estate planning matters as well as collection and foreclosure proceedings which were routine and did not involve significant litigation.

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). None

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). None

22. Have you ever held judicial office?

April 1989 - October 1991, part-time Berkeley County Magistrate; appointed position; civil jurisdiction of \$2500 and limited criminal jurisdiction depending on the statute involved. Presided over all cases assigned to my office. Eventually, I was appointed Chief Magistrate with administrative responsibility for sixteen offices.

June 1993 - June 1996; Berkeley County Master-in-Equity and Special Circuit Judge; appointed position. Duties - I presided over all circuit court nonjury trials and proceedings referred to my office for disposition; in addition, as Special Circuit Judge, I presided over most pretrial proceedings and motions in civil jury and nonjury cases; minor settlements; civil or criminal appeals from magistrate, municipal and probate courts, as well as judicial review of state agency cases such as workers' compensation appeals, and grand jury proceedings. I gained a wide variety of circuit court judicial experience.

June 1996 - October 2007. Resident Circuit Judge, Ninth Judicial Circuit; elected by the General Assembly. Presided over all civil and criminal matters and appeals within the jurisdiction of the circuit court. I was also assigned on occasion to serve as an acting Supreme Court Justice.

November 2007 to present; Court of Appeals Judge, Seat 7. As previously indicated, I actually was performing the duties of circuit judge and appellate judge for a few months before I started in November 2007. As an appellate judge, I preside over cases with a panel of judges, or with the court en banc, on a variety of civil, domestic, criminal and administrative matters on appeal from the lower courts and administrative agencies.

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) Mr. T. v. Mrs. T., 378 S.C. 127, 662 S.E.2d 413 (2008). This case involved a very significant issue involving the law of equity, the rules of civil procedure, and preclusion principles. This case has been brought up at conferences as being significant as it works through prior precedent to address a gap in the law. In this case, a few years after divorce, a father alleged he learned by DNA testing that he was not the father of the children and contended it was inequitable to make him continue to pay child support. Certiorari was denied by the S.C. Supreme Court on Feb. 20, 2009.

- (b) State v. Christopher Pittman, 373 S.C. 527, 647 S.E.2d 144 (2007). This was an interesting but tragic case involving a 12 year old who killed his two grandparents. The primary defense was a “zoloft” defense. The case was transferred from family court and received world-wide attention and coverage as it raised many issues relating to the juvenile justice system and sentencing. The S.C. Supreme Court affirmed the decision and the U.S. Supreme Court declined to accept it for review.
- (c) State v. Harvin, 345 S.C. 190, 547 SE2d 497 (2001); murder/armed robbery case. This case involved a novel issue of the applicability of New York law to a statement given by the defendant while detained in that state on an unrelated charge. Affirmed.
- (d) State v. Reid, 2009 WL 1851327 (Ct App. June 25, 2009); attempted criminal sexual conduct case. This case deals with contemporary issues in the criminal justice system as it involves the use of an internet chat room. The case focuses upon the primarily undeveloped law in the area of attempted crimes.
- (e) Capital City Insurance Company v. BP Staff, Inc., 382 S.C. 92, 674 S.E.2d 524 (Ct. App. 2009). I think this case is a good case involving the doctrine of exhaustion of administrative remedies and the interplay between a pending, related administrative proceeding and an ongoing circuit court case.
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.
Adjunct Professor of Law, Charleston School of Law, 2005 to present. I teach criminal law, advanced criminal law, as well as equity and equitable Remedies. The Dean of Academic affairs is my supervisor.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
Yes – I previously ran for the Court of Appeals in Spring 2004. The Commission found me qualified and nominated me for consideration by the General Assembly; however, I withdrew my name from consideration.
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?
Other than the career or professional positions that I have previously listed, the only other positions that I have held were non-career / professional minor jobs that I held while I was attending high school, college, and law school. I also like to invest in real estate.
28. Are you now an officer or director or involved in the management of any business enterprise?

I am an officer/owner of my real estate LLC. This LLC invests in real estate rental property.

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 that I recognize. I assume that if something came up which related to any real estate investment, I could either recuse myself or disclose the matter to the parties. However, I have never had this problem arise.

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? 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?

Yes, but I was not served with process as far as I know. In *Singleton v. State*, 02-CV-3916, filed November 27, 2002, a petitioner for habeas relief in federal court named me as a judge in the pleadings also although not required. The case was dismissed.

The only other matter I am aware of is one labeled "Addision vs Daniel F. Pieper Chief Judge and Agency Party." However, I don't believe this proceeding was ever officially filed and the litigant was ordered in another case by a different judge to follow certain procedures since he constantly is filing all types of matters in the courthouse. The ALJ would not proceed on the matter either. I was previously advised by the Attorney General's office (which handles cases involving judges) that no proceedings are pending.

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. Include the disposition, if any, of such charges or allegations. None

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 at this time.
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 – although I may have said hello as they entered the statehouse.
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) SC Bar Association
(b) Honorary member Charleston and Berkeley County Bar Association
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.

As indicated, I involve myself with educational organizations and I am on advisory boards at the Charleston School of Law and the College of Charleston. Because of my judicial position, I have generally avoided other civic activities so that I would not run afoul of the judicial code prohibition on

judges in regard to fundraising activities. I have not listed anything previously mentioned.

By appointment of the Supreme Court, I do serve as a member of the Commission on CLE and Specialization. This commission oversees the certification of members of the Bar to specialty practice areas and also certifies courses which qualify for continuing legal education. We have recently been designated by the Supreme Court to oversee the new lawyer mentoring program.

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.

I think one of my strongest points is that I have been involved in so many different levels of the court system. My work ethic is well-known by the Bar. Having been a magistrate, master-in-equity, special circuit judge, circuit judge, court of appeals judge, as well as acting Supreme Court Justice, I have a great appreciation for the types of matters before these courts that would be useful as chief judge of the Court of Appeals.

I also worked in the federal court system for a few years. As chief magistrate, I was responsible for administrative and budgetary oversight of sixteen different magistrate offices and the personnel associated with each office. I immediately set out to come up with forms that made judicial tasks much easier for everyone involved to understand and to make sure everything was covered. I worked hard to find office locations convenient to the public. We also set out to streamline the system and make it more efficient, including the creation of a central traffic court, which I am told is very successful.

I have always been innovative, diligent and imaginative. I am also technology oriented in the operation of my office. I feel these qualities are very useful as the judiciary strives to adjust to increasing caseloads. I feel that I have a broad working knowledge of the court system and courtroom, having spent a great many years presiding over court. As an appeals court judge, I was successful in requesting and getting our courtrooms wired for internet access. I have made other suggestions adopted by the chief judge. I wish to experiment with videoconferencing at the appellate level, and have a great interest in e-filing for the benefit of the public and the court. I have strong writing and communication skills, and have offered my colleagues my private thoughts since I have been on the court; several of my colleagues have thanked me for the extra time and attention I give to the area of legal writing.

As a circuit judge, I was exposed to a wide range of matters, including hundreds of appeals from the magistrate, municipal and probate courts, as well as from administrative agencies. We generally drafted and produced most of our substantive orders and I think this extensive legal writing experience is very useful as an appellate judge. I was also assigned as chief

administrative judge on numerous occasions and worked very diligently and closely with clerk of court personnel to achieve various objectives. I helped the clerk of court reduce costs and improve efficiency. All of my judicial experience would be invaluable as it relates to the disposition of matters on the appellate court.

In addition, my passion for teaching at the law school reflects my devotion to the academic side of the law, which I hope will lend itself well to the appellate process. I believe the chief judge should be a dedicated and devoted individual with a passion for the law and the court. As previously indicated, by appointment of the Supreme Court, I also serve as a member of the Commission on CLE and Specialization. This commission oversees the certification of members of the Bar to specialty practice areas and also certifies courses which qualify for continuing legal education. We recently have been designated by the Supreme Court to oversee the new lawyer mentoring program. The duties of this commission closely parallel my views about quality, skills, and dedication to the study of law. I am eager to work in the mentoring program as we implement ways to assist new lawyers in the practice of law as a profession.

Finally, throughout my entire career, I have always realized that there is room for improvement and the ability to grow as a judge. I am a much different judge than I was in my earlier years. I have tried to adjust and refine my skills as I have received feedback over the years and as I have learned new techniques and approaches from conferences, colleagues, as well as judicial evaluations. I am not afraid of criticism and I am the first person to admit error if error occurs, or if something can be done better. When I last ran for the Court of Appeals, I was humbled by the finding of the Lowcountry Citizen's Committee that I was "eminently qualified and a most highly regarded candidate," as well as the finding by the Judicial Merit Selection Commission that I have "raised the bar in this State on outstanding judicial temperament." These findings motivated me to work even harder since my last election and I hope to continue to work hard to continue improving as a judge.

As for being chief judge if elected, I think my ability to achieve and my grasp of the future of the court system would serve us well. Fortunately, we are blessed with a wonderful clerk of court and chief staff attorney, both of whom are doing a great job. They have done a great job in hiring excellent staff and the role of chief judge is much easier because of this fact. Further, the current chief judge will leave the court in excellent shape through her involvement and guidance over many years. I see my role more as an idea person, administrator and problem solver. I tend to reach out to capable individuals like those persons I have mentioned in order to achieve success in anything we may attempt together as an institution. Further, I would solicit the participation, support and comments of all of my colleagues, staff, and

the Chief Justice before attempting any changes to make sure I have considered all important aspects of an issue.

I have included a few attachments for consideration of the Commission.

49. References:

- (a) Congressman Henry Brown
1035 Dominion Drive
Hanahan, S.C. 29406
843-747-4175
- (b) Holly O'Quinn
2011 Wharf Landing Ct.
N. Charleston, SC 29418
843-514-0588
- (c) Dee Deaton
916 Dickinson St
Bamberg, SC, 29003
843-682-2634
- (d) Aprile Hiott
1019 Bakers Landing Dr.
N. Charleston, SC 29418
843-514-1019
- (e) Jim Ray, Heritage
Trust Federal Credit Union
201 St. James Ave.
Goose Creek, SC 29445
843-832-7495.

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: Daniel Pieper

Date: August 10, 2009