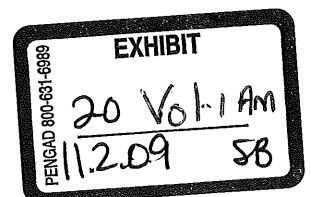


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:
Circuit Court, 8th Circuit, Seat 1

1. NAME: Mr. Bryan C. Able
BUSINESS ADDRESS: 916 West Main Street
PO BOX 428
Laurens, SC 29360
and
128 Maxwell Ave
Greenwood, SC 29646
E-MAIL ADDRESS: bable@backroads.net
TELEPHONE NUMBER: (office): 864-984-6100 – Laurens;
and 864-323-0315 - Greenwood
2. Date of Birth: 1961
Place of Birth: Greenwood, SC 29360
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 June 5, 2004, to Ruth Esther Myers Able. Never divorced, widowed June 15, 2000. Three 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) Lander College – August 1979 to May 1983 – B.S. Political Science
 - (b) Univ. of South Carolina – August 1984 to May 1987 – Juris Doctor
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 November 1987. I took the bar exam once – July 1987
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) Kappa Sigma Fraternity – Lambda Omega 1981-83
Grand Master of Ceremonies
 - (b) Lander College: Entertainment Council 1980-81
Student Body Senate: 1981-82
Cheerleader: 1980-82



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) Blues, Bar-B-Q, and Bar C-L-E	07/11/08;
(b) Handling the Auto Injury Claim	06/20/08;
(c) Handling a Social Security Disability Case	06/17/08;
(d) A Successful Law Practice	05/19/06;
(e) 2 nd Annual Blues, Bar-B-Q and 2006 Public Defenders Conference	07/14/06; 09/25/06;
(f) Blues, Bar-B-Q, and Bar C-L-E	06/15/05;
(g) 2005 SC Public Defender Conference	09/26/05;
(h) South Carolina Family Ct. Bench/Bar	12/2/05;
(i) SCDSS-OGC CLE Seminar	9/17/04;
(j) Hot Tips from the Coolest Domestic	9/24/04;
(k) Greenwood County Bar Seminar	9/30/04;
(l) Revised Lawyers Oath CLE	9/24/04.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? No

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

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.

All courts of the State of South Carolina – Admitted November 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.

- (a) Culbertson, Whiteside & Turner – Associate 1987-91 – General Practice
- (b) Culbertson, Whiteside, Turner & Able – Partner – 1991-96
General Practice
- (c) Contract Attorney for the South Carolina Department of Social Services
1992 - September 2004
- (d) Turner & Able – Partner – 1996-99 – General Practice
- (e) Turner, Able and Burney – Partner – 2000-01 – General Practice
- (f) Bryan C. Able, Attorney at Law – 2001 to present – General Practice
- (g) Assistant Laurens County Public Defender - 2005-06

If you are a judge and are not seeking a different type of judgeship, the following questions are inapplicable:

- (b) 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.

Over the past 22 years I have handled all aspects of criminal cases from beginning to jury verdict. I have attended preliminary hearings, negotiated with solicitors, prepared for trial, tried cases to jury verdicts and perfected appeals. In that time I have represented defendants charged with murder, assault and battering of a high and aggravated nature, unlawful carrying of a pistol, grand larceny more than \$5,000.00, lynching, burglary, criminal domestic violence of high and aggravated nature, criminal sexual conduct, kidnapping, resisting arrest, possession of unlawful handgun, forgery, possession of illegal video gaming machine, operating a gaming house, unlawful conduct toward a child, unlawful neglect by a legal guardian, impersonating a law enforcement officer, financial transaction card theft, malicious damage to personal property, armed robbery, disseminating obscenity, contributing to the delinquency of a minor, pointing and presenting a firearm, breaking in vehicles, distribution of crack cocaine, distribution of crack cocaine within proximity of a school or park, criminal conspiracy, breach of trust with fraudulent intent, failure to stop for law enforcement officer, possession of a stolen vehicle, distribution of a controlled substance, presenting a forged document, possession with intent to distribute marijuana, possession with intent to distribute marijuana within proximity of a school, filing a false police report, conspiracy to hunt turkeys, DUI 2nd offence and greater, possession of methamphetamines, receiving stolen goods, and arson. This list is representative and does not completely list all the types of cases I have handled in criminal court. Over the past five years I have handled in excess of 100 General Sessions Court cases.

As for my experience in civil court I have handled cases from the filing of initial pleadings through appeal. While handling civil cases I have prepared and filed pleadings, filed and argued pretrial motions, engaged in every form of pretrial discovery, interviewed clients and witnesses, prepared cases for trial, researched the issues of the case, tried cases, researched appealed issues and prepared and filed appellate briefs. During that time I have handled civil cases involving

slip and fall, actions to set aside foreign judgments, personal injury (accident claims), wrongful death, medical malpractice, fraud, negligent misrepresentation, unfair trade practices, malicious prosecution, unlawful arrest, intentional infliction of emotional distress, property line disputes, claim and delivery, assault and battery, collection of debts, action to set aside deeds, Probate Court Appeals, Zoning Board Appeals, Post Conviction Relief Applications and other issues. I have represented both Plaintiffs and Defendants in civil court.

15. What is your rating in Martindale-Hubbell? BV
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: 0%;
(b) state: 100%.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
(a) civil: 10%;
(b) criminal: 20%;
(c) domestic: 70%.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury?
(a) jury: 5%;
(b) non-jury: 95%.
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 that 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 v. Howard Steven Davenport
94-GS-30-386; tried June 2, 1994, in the Laurens County Court of General Sessions.
Mr. Davenport was charged with unlawful possession of diazepam and possession with intent to distribute diazepam. The judge directed a verdict on the possession with intent to distribute diazepam charge and the jury returned a verdict of not guilty on the possession charge although Mr. Davenport admitted having diazepam in his possession that had not been prescribed to or for him.
- (b) State v. Robert Jones
94-GS-30-629; tried in the Laurens County Court of General Sessions.

Mr. Jones was charged with committing or attempting a lewd act upon a child under fourteen. This case was significant because the defense moved to exclude a majority of the evidence introduced by the State pursuant to State v. Lyle.

- (c) Johnson v. Flaughner
90-CP-39-180; tried in the Pickens County Court of Common Pleas on August 13 and 14, 1991.

The nature of this case was based in common law master-servant and negligence. Plaintiff was injured while employed by defendant but was not covered by workers compensation. As a result the action was brought on the common law theory of master-servant and negligence. At trial the jury returned a verdict for plaintiff. Upon appeal, the issues submitted for review were whether the issue of contributory negligence could be decided as a matter of law without being submitted to the jury, whether the issue of assumption of risk could have been decided as a matter of law without being submitted to the jury, if the judge had given a proper charge on the issue of contributory negligence, whether the judges charge on the issue of permanent injury and the use of life expectancy (mortality) table was proper and whether the jury's verdict was excessive.

- (d) Satterfield v. Dillard Department Stores, Inc.
97-CP-23-1431; tried in the Greenville County Court of Common Pleas on October 29, 1998

This case was significant because the appellate court reviewed the issue of a party's right to amend pleadings pursuant to Rule 15 SCRPC and if allowing a late amendment of pleadings was prejudicial to the other party.

- (e) In the case of Donnie L. Thacker
Claim for Period of Disability and Disability Insurance Benefits before the Social Security Administration.

I began representing Mr. Thacker on October 12, 1988, on his claim for Social Security Disability Benefits. After numerous hearings, reviews by the Appeals Council and an appeal to the United States District Court, Mr. Thacker was awarded his benefits by decision of the Administrative Law Judge on December 19, 2000. My representation of Mr. Thacker in this case lasted twelve (12) years and ended successfully.

20. List up to five civil appeals that you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported.

- (a) Johnny Lee Johnson v. Phillip Flaughner – SC Supreme Court
(b) Jennifer Satterfield, by her Guardian Ad Litem, Pam Satterfield v. Dillard Department Store – SC Court of Appeals
(c) South Carolina Department of Social Services v. Jason Ihnatiuk et al.

SC Court of Appeals

- (d) South Carolina Department of Social Services v. Jacqueline D. Sims et al. SC Court of Appeals
- (e) David A. Babb v. Betty Anne Scott et al. – SC Court of Appeals
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. Please attach one copy of briefs filed by you in each matter. None
22. Have you ever held judicial office?
Yes – Appointed - Laurens City Judge - March 1991 – 1994
Criminal Jurisdiction up to limit of statutory fine or Thirty (30) days in jail.
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. None
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.
- (a) 1987-91 Culbertson, Whiteside & Turner – Associate/Attorney – General Practice – J. Mike Turner
- (b) 1991-96 Culbertson, Whiteside, Turner & Able – Partner/Attorney – General Practice
- (c) 1992–September 2004 Contract Attorney for the South Carolina Department of Social Services. Providing legal services to the S.C. Dept. of Social Services, Eighth Judicial Circuit. – County Directors of Laurens, Greenwood, Abbeville, Newberry Counties DSS offices.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? Yes
- (a) Circuit Court, 8th Circuit, Seat 2 - 2008
- (b) Solicitor, Eighth Judicial Circuit - 2004
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? Yes
- (a) District Executive – Blue Ridge Council, Boy Scouts of America
- (b) January 1984 – July 1984. Employment responsibilities included: fundraising, membership recruitment, volunteer recruitment and program coordinator for Greenwood and Abbeville Counties
28. Are you now an officer or director or involved in the management of any business enterprise? Yes – Bryan C. Able, Attorney at Law – Providing legal services, day to day operations of law firm.
29. A complete, current financial net worth statement was provided to the Commission.
30. Describe any financial arrangements or business relationships that 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.

During my legal career I have been partners with four (4) other lawyers. Three of those lawyers are still practicing law and could appear before me if elected to the bench. I have not had a law partner since December 2001.

The manner by which I would resolve any potential conflict or appearance of partiality would be to disclose on the record that I had previously been a partner of one of the lawyers appearing before me but that I do not consider that fact a basis for disqualification. I would ask all parties or their lawyers if they desired that I disqualify myself. Based upon the response of the parties I would make a determination if my impartiality could reasonably be questioned. My initial inclination would be to disqualify myself if requested to do so.

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? No
Have you ever defaulted on a student loan? – No
Have you ever filed for bankruptcy? – No
34. Have you ever been sued, either personally or professionally? Yes
 - (a) Ronald A. Savage v. Rhett Burney, Turner & Able Law Firm, Bryan Able & Mike Turner, Laurens County Magistrates Court.
Civil Case Number 981722
Mr. Savage sued my partners and I individually and my law firm. The Complaint of Mr. Savage was dismissed by Judge James A. Davis upon motion of Defendants pursuant to Rule 12(b)(6) SCRCP on March 9, 1999. Mr. Savage's appeal to the Court of Common Pleas was abandoned.
 - (b) Victoria McDuell & Ernest McDuell, III v. Bryan C. Able as Personal Representative for the Estate of Lydia Blocker, Laurens County Court of Common Pleas, 03-CP-30-496
I was appointed personal representative of the Estate of Lydia Blocker for the sole purpose of allowing the case to be filed and litigated. There were no allegations of any negligence, misconduct or wrong doing against me personally or professionally.
 - (c) Annie W. Little v. Bryan C. Able as the personal Representative of the Estate of Fannie W. Hill, et al. Laurens County Court of Common Pleas, 06-CP-30-167
I was appointed personal representative of the Estate of Fannie W. Hill for the sole purpose of allowing the case to be filed and

litigated. There were no allegations of any negligence, misconduct or wrong doing against me personally or professionally. I was dismissed as a party by finding of the Special Referee that the pleadings of the case properly referred to Fannie W. Hill's children as heirs and possible heirs.

- (d) The First National Bank of Chicago as Trustee for BankBoston Home Equity Loan Trust 1998-1 v. Nancy C. Wilkerson, AmerUS Home Equity, Inc. and Bryan C. Able. Laurens County Court of Common Pleas, 05-CP-30-902

This was a foreclosure action against Nancy C. Wilkerson. I was named as party because of possible claim or lien I may have held or had upon the real property that was subject of the lawsuit.

- (e) J.P. Morgan Chase Bank et. al. v. Lawrence Edmunds and Bryan C. Able, 08-CP-30-399

This was a foreclosure action. I was named a party as a possible judgment creditor. There were no allegations of any negligence, misconduct or wrong doing against me personally or professionally.

- (f) Branch Banking and Trust Company et. al. v. Roman P. Fuller et. al. 08-CP-30-268

I was named a party by virtue of a creditors claim filed against the Estate of Huston Fuller

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. 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

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? No
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? No. 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) South Carolina Bar Association
 - (b) South Carolina Association of Criminal Defense Lawyers
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) Laurens Exchange Club
 - (b) Rosemont Society of Laurens
48. Provide any other information which 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. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.
49. References:
 - (a) Tom Hardy
The Palmetto Bank
101 West Main Street
Laurens, SC 29360
864-984-8300
 - (b) William J. Craine, Jr.
103 Leftbank Court
Laurens, SC 29360
864-984-3953
 - (c) Barbara Wasson

516 Academy Street
Laurens, SC 29360
864-984-7416

(d) Len J. Bornemann
117 Creekside Court
Greenwood, SC 29649
864-229-7744

(e) Gary C. Ray
106 Boulder Road
Mauldin, SC 29607
864-297-1242

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: Bryan C. Able

Date: October 26, 2009