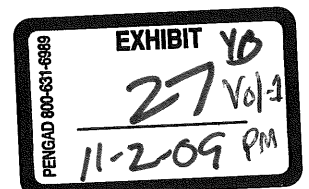


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:
Circuit Court, At-Large, Seat 8

1. NAME: Mr. William K. Witherspoon
BUSINESS ADDRESS: 1441 Main Street, Suite 500
Columbia, SC 29201
E-MAIL ADDRESS: William.K.Witherspoon@usdoj.gov
TELEPHONE NUMBER: (office): (803) 929-3026
2. Date of Birth: 1959
Place of Birth: Lancaster County, South Carolina
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
6 622 975
5. Married on August 8, 1992, to Sythiner Bracey Witherspoon. never divorced. two children.
6. Have you served in the military? I have never served in the military.
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) June 1977 - August 1977, University of South Carolina-Lancaster
 - (b) August 1977 - May 1981, University of South Carolina (B.S.)
 - (c) August 1981 - May 1991 USC School of Law (J.D.)
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.

I was admitted to practice law in South Carolina in November 1991. I took the bar exam only once in South Carolina. I have not taken the bar examination in any other state.
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) Student Bar Association 1988-91
 - (b) Law School Senator 1989-90
 - (c) President Student Bar Association 1990-91
 - (d) John Belton O'Neal Inns of Court 1990-91
 - (e) Law School Student/Faculty Partnership Board 1990-91
 - (f) Law School Pro Bono Board of Directors 1990-91
 - (g) Black Law Students Association (BLSA) 1988-91



- (h) Treasurer BLSA 1989-90
 - (i) Phi Alpha Delta Legal Fraternity 1989-91
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 Judicial Conference	08/21/06;
(b) Ethics 2000	12/13/05;
(c) Title III training	January 2004;
(d) U.S. Attorney Training Retreat	July 2004;
(e) Revised Lawyer's Oath	November 2004;
(f) Annual Ethics Seminar	November 2004;
(g) U.S. Attorney's Oath Seminar	July 2004;
(h) U.S. Attorney's Criminal Division Conference	February 2005;
(i) International and National Security Coordinator's Conference	June 2005;
(j) Attorney Supervisor's Seminar	July 2005;
(k) U.S. Attorney's Office Criminal Attorneys Training	September 2005;
(l) Crisis Management Coordinator's Conference	October 2005;
(m) Annual Ethics Seminar	November 2005;
(n) National Security Conference	January 2006;
(o) 2006 Criminal Division Update	January 2006;
(p) Anti-Terrorism Advisory Council	February 2006;
(q) Anti-Terrorism Prosecutors	March 2006;
(r) 2006 Civil and Criminal Division	June 2006;
(s) Annual Free CLE Ethics Seminar	November 2006;
(t) Annual Office Training	December 2006;
(u) Foreign Intelligence Training	April 2007;
(v) United States Attorney's Office Mentor Training	June 2007;
(w) E-Discovery 2.0: Merging Law	June 2007;
(x) Annual District Training	December 2007;
(y) Evidence for Criminal Litigators	February 2008;
(z) International & National Security	April 2008;
(aa) Superior Direct & Cross-Examination	April 2008;
(bb) United States Attorney's Office Training	September 2008;
(cc) United States Professional Training	January 2009.

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 at the SC Bar Program "Bridge the Gap" for new lawyers.
 - (b) I have made presentations on the topics of appellate advocacy and domestic relations to lawyers attending the Annual SC Bar Meeting
 - (c) I have taught an upper level Business Law class at Benedict college.
 - (d) I have taught a Trial Advocacy class at the U.S.C. School of Law.

- (e) I have lectured at the SC Bar CLE program "20/20: An Optimal View of Significant Developments".
 - (f) I have lectured at the Richland County Bar Association's annual ethics seminar.
 - (g) I have lectured to federal paralegals on "Pretrial Discovery" issues.
 - (h) I have lectured to federal paralegals on "Fifth Amendment" issues.
 - (i) I have lectured to federal paralegals on "Witness Immunity" issues.
 - (j) I have lectured to new federal employees on federal criminal procedure.
 - (k) I have lectured to law students on criminal conspiracy issues.
 - (l) I have lectured to several classes at USC on mental health issues in criminal matters.
 - (m) I have lectured at Narcotics Commanders School on "Preparing Search Warrants" to law enforcement officers attending the school.
12. List all published books and articles you have written and give citations and the dates of publication for each.
- (a) S.C. Appellate Practice Handbook (S.C. Bar CLE 1985), Contributing Author;
 - (b) Marital Litigation in S.C., Roy T. Stuckey and F. Glenn Smith (S.C. Bar CLE 1997), Editorial Board;
- I have not written any articles.
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 1977;
 - (b) Also admitted to practice before the Federal District Court and Fourth Circuit Court of Appeals in 1980.
 - (c) Admitted to practice before the State Courts of South Carolina in 1991
 - (d) Also admitted to practice before the Federal District Court and Fourth Circuit Court of Appeals in 1993
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) August 1991 – July 1992
Law clerk to the Honorable Randall T. Bell, SC Court of Appeals
 - (b) August 1992 – August 1993 Law clerk to the Honorable Matthew J. Perry, Jr. US District Court for the District of South Carolina
 - (c) September 1993 – November 1995
Berry, Dunbar, Daniel, O'Connor, Jordan & Eslinger
My practice was a general civil plaintiff's oriented practice.
 - (d) November 1995 – August 1996 Law clerk to the Honorable Matthew J. Perry, Jr. US District Court for the District of South Carolina
 - (e) September 1996 – July 1998 Attorney, Berry, Adams, Quackenbush & Stuart

My practice was a general practice with both plaintiff's and defense cases. Cases included employment matters, contract matters, criminal defense, automobile accidents and other personal injury cases.

(f) July 1998 – May 2000

Associate General Counsel, SC Budget & Control Board

As a member of the General Counsel's Office, I served as legal advisor, provided legal advice and representation to different Board offices and staff. I reviewed contracts, proposed legislation and represented the Board offices in legal disputes.

(g) May 2000 – present

I am involved in the prosecution of federal narcotics and firearms crimes. I have held several positions in the US Attorney's Office including, Anti-Terrorism Coordinator, interim Violent Crimes Section chief and First Assistant.

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.

Criminal Experience

Over the last nine (9) years, my practice has been exclusively in criminal matters. I have handled cases involving violations of federal narcotics and firearms statutes, immigration laws, armed robbery matters and narcotics related murders.

Civil Experience

Over the course of my career, I have represented both plaintiffs and defendants in civil matters. My civil practice has included personal injury cases and other intentional torts. I have handled automobile accident cases, contract disputes and employment matters. In addition, I have continued to review reported civil cases from both the state and federal courts. I would continue to study the Rules of Civil Procedure

and the reported civil cases to overcome any deficiency in my experience.

15. What is your rating in Martindale-Hubbell?

My current Martindale-Hubbell rating is AV.

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: 100%;

(b) state: 0%.

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

(a) civil: 0%;

(b) criminal: 100%;

(c) domestic: 0%.

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: 30%;

(b) non-jury: 70%.

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

19. List five of the most significant litigated matters you have personally handled in either trial or appellate court or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.

(a) Tobias, et al. v. The Sports Club, et al., 332 S.C. 90, 504 S.E.2d 318 (1998).

I served as co-counsel in this case. This was a first party cause of action against the Defendants for serving alcohol to an intoxicated plaintiff under the theory of Christiansen v. Campbell, 328 S.E.2d 351 (Ct. App. 1985). After the jury returned a verdict for the defendants, my firm appealed on behalf of the plaintiffs. The jury verdict was upheld and the Supreme Court overruled Christiansen.

(b) United States of America v. Jorge Gonzalez-Vasquez, et al., 77 Fed.Appx.

(4th Cir. (S.C.) October 20, 2003). I served as co-counsel in this case. This case was tried in federal court in March 2002. This case arose from the discovery of an organized drug smuggling and sports betting ring in the federal prison in Edgefield, South Carolina. A total of 22 defendants, including inmates and their family members, were charged. Four of the defendants went to trial and were convicted. The remaining eighteen (18) defendants pled guilty to a number of different charges. Because several of the defendants did not speak English, this case involved the use of Spanish interpreters for the defendants, the use of

translated recorded prison telephone calls and the use of historical evidence of drug smuggling from other federal prisons.

- (c) United States v. David Michael Woodward, et al., 430 F.3d 681 (4th Cir. 2005). I served as co-counsel in this case. This case arose out of a pain management clinic in Myrtle Beach. The clinic was dispensing powerful narcotic pain medication to its patients. We alleged that the doctors were over prescribing and illegally prescribing these medications to patients who were not in need of the medication. In some cases, the doctors did not perform any physical examination of the patients or the patients were intoxicated when they came to the clinic. Patients, allegedly in severe pain, were traveling more than three (3) hours to visit the clinic. The doctors alleged that they were in a better position to diagnose and treat the patients. After a two (2) week trial, the doctors were convicted. This case was the first of its kind in South Carolina
 - (d) United States v. Kenneth Reid, et al., 523 F.3d 310 (4th Cir 2008). I served as co-counsel in this case. This case arose out of an undercover drug deal in Rock Hill, South Carolina. After Mr. Reid determined who the undercover informant was, he hired another drug dealer to kill the informant. They were successful in killing the informant. The local police sought federal help in investigating and prosecution of this case. After the shooter was located in Texas and brought back to South Carolina, he then faked being mentally ill which required a mental evaluation. Only Mr. Reid went to trial. At trial, we tried Mr. Reid on a number of different charges. He was convicted of several of the charges and sentenced to life imprisonment.
 - (e) United States v. Thomas Ravenel, et al. I served as lead counsel in this case. This case arose as a result of cocaine usage by former State Treasurer. Both Mr. Ravenel and his co-defendant pled guilty to drug conspiracy charges.
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) Walker v. South Carolina Department of Health and Environmental Control, 1998 WL 637298 (4th Cir. (S.C.) August 31, 1998);
 - (b) Heyward v. Monroe, 1998 WL 841494 (4th Cir. (S.C.) December 7, 1998)
21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported. If you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter).
- (a) United States v. Cash, 2008 WL 4699771 (4th Cir. (S.C.) October 27, 2008).

- (b) United States v. Hallman, 2007 WL 1423758 (4th Cir. (S.C.) May 10, 2007).
 - (c) United States v. Charley, 2006 WL 521735 (4th Cir. (S.C.) March 03, 2006).
 - (d) United States v. Brown, 2005 WL 2248712 (4th Cir. (S.C.) September 15, 2005).
 - (e) United States v. Rufus, 2004 WL 2012581 (4th Cir. (S.C.) November 4, 2004).
22. Have you ever held judicial office?
I was appointed Substitute Municipal Court judge for the City of Columbia in August 1998. I served in this position until May 2000.
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.
As a Substitute Municipal Court judge, I did not issue any order or opinion.
24. Have you ever held public office other than judicial office? Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty? 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.
I was appointed Substitute Municipal Court judge for the City of Columbia in August 1998. I resigned in May 2000. During this time, I worked as an attorney for the Budget and Control Board.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
Yes. I ran for the Circuit Court, At-Large Seat No. 9 in September 2002. was found qualified but not nominated by the Judicial Merit Screening Committee. I also ran for the Circuit Court, At-Large Seat No. 9 in May 2006. I was found qualified and nominated by the Judicial Merit Screening Committee. I was not elected. I was one of five (5) finalists for a Federal Magistrate Judge position in August 2008.
27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office?
- (a) 1981 – 83 Celanese Corporation – I worked as a lab analyst for a chemical company. Duties included collecting and testing chemicals used in dye production.
 - (b) 1983 – 85 Celion Carbon Fibers - I worked as a lab analysts for a graphite producer. Duties included collecting and testing graphite

material produced by manufacturer. During 1984, I managed the day to day operations of the lab.

- (c) 1985 – 88 Lancaster County Sheriff’s Office -I worked as a deputy sheriff. I answered and responded to emergency calls by county residents.
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. Not applicable
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. In 2005, I was sued by a criminal defendant who I prosecuted. The defendant sued a federal judge, deputy US Marshal, Drug Enforcement agent and me. The matter was dismissed without service of the complaint.
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)?
(a) 1994 – 95 SC Broadcasters Association
(b) 1997 Roper Ventures
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.

I have no knowledge of any charges or allegations filed against me or any other candidate.

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.

I have no knowledge of any charges or allegations filed against me or any other candidate.

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.

I have spent ninety-four dollars and eighty cents (\$94.80) in furtherance of my candidacy. This amount includes stationery for printing material and postage.

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. Not applicable
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?

I wrote each member of the General Assembly, including members of the Judicial Merit Selection Commission, a letter to announce my candidacy. I now realize sending this letter to the Judicial Merit Selection Commission members was a mistake. Otherwise, I have not contacted any member of the Commission.

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
House of Delegates June 2000 - present
 - (b) Richland County Bar
President January 2001 – December 2001

Executive Committee January 1996 – December 2002

- (c) Columbia Lawyers' Association
President January 1995 – December 1997

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) Salvation Army Board of Directors

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 believe that my diverse legal background would benefit me as a Circuit Court judge. I have worked as a law enforcement officer, in private practice, in public service and over the last nine (9) years, I have gain valuable courtroom experience as a federal prosecutor. I believe these experiences would be an attribute to me if I am selected as a Circuit Court judge.

I have also tried to continue my involvement in civic and professional activities in addition to practicing law. I have served on several committees and boards in the South Carolina Bar including the Board of Grievances and Discipline, CLE, Diversity, Professional Responsibility, Long Range Planning and the Nominating Committee. As a result of my bar and community service, I was awarded the Compleat Lawyer Silver Medallion by USC School of Law in 1999. The Silver Medallion is awarded to lawyers practicing less than fourteen (14) years for service to the legal profession and the community at large. The recipients of the award are chosen by the Chief Justice of the Supreme Court, the Chief Judge of the Court of Appeals, the Dean of the Law School, the Executive Director of the SC Bar and the President of the Law School Alumni Board.

These activities are important and beneficial to me in that they have provided an opportunity to improve both the legal profession and the community at large. I believe that it is important that judges come from varied backgrounds and perspectives. Having involvement in professional and civic activities is a way of achieving that diversity of experience and allow me to gain valuable insight into other ideas and perspectives.

49. References:

- (a) Melissa Littlefield
Vice-President, FirstSouth Bank
1450 John B. White, Sr. Blvd.
Post Office Box 1928
Spartanburg, SC 29306
- (b) I.S. Leevy Johnson, Esquire
Johnson, Toal & Battiste, PA
1615 Barnwell Street
Columbia, SC 29201

- (803) 252-9700
- (c) Edwin E. Evans, Esquire
General Counsel
State Budget & Control Board
Post Office Box 12444
Columbia, SC 29211
(803) 734-2320
- (d) Reginald I. Lloyd
Director, State Law Enforcement Division
Post Office Box 21398
Columbia, SC 29221
(803) 896-7001
- (e) Jonathan S. Gasser, Esquire
Harris & Gasser
1529 Laurel Street
Columbia, SC 29201
(803) 779-7080

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: William K. Witherspoon

Date: August 10, 2009

William K. Witherspoon
3 Pepperwood Court
Columbia, South Carolina 29229
(803) 736-5958

September 25, 2009

Jane O. Shuler
Chief Counsel, Judicial Merit Selection Commission
and Attorney, Senate Judiciary Committee
Room 104 Gressette Building
Post Office Box 142
Columbia, South Carolina 29202

Re:

Dear Ms. Shuler:

I need to correct a typographical error on my Personal Data Questionnaire. Currently question number 7 on page 1 states the following:

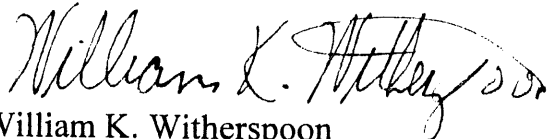
(c) August 1981 - May 1991 University of South Carolina School of Law (J.D.).

It should read:

(c) August 1988 - May 1991 University of South Carolina School of Law (J.D.).

Thank you very much for your assistance in this making this correction.

Sincerely,


William K. Witherspoon