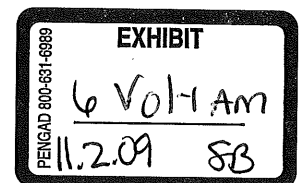


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:
Supreme Court, Justice, Seat #5

1. NAME: Mr. Donald W. Beatty.
BUSINESS ADDRESS: 180 Magnolia Street
Spartanburg, SC 29306
E-MAIL ADDRESS: dbeattyj@scccourts.org
TELEPHONE NUMBER: (office): 864-596-3450
2. Date of Birth: 1952
Place of Birth: Spartanburg, S.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: Divorced in 1981, Richland County Family Court. One Year's Separation. Married on February 23, 1985, to Angela Chestnut Beatty. Three children.
6. Have you served in the military? 1974-76 U.S. Army (Active Duty); 1976-81 Army Reserves; Captain; XXX-XX-XXXX, Honorable Discharge
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) South Carolina State University-B.S., 1970-74
 - (b) University of South Carolina Law School – J.D., 1976-79
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 - 1979
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 Government Association 1972-74
 - (b) ROTC 1972-74
 - (c) Tutor for Migrant Workers 1972-74
 - (d) Omega Psi Phi Fraternity 1972-74
 - (e) Vice President, Dean of Pledges
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) Judicial Symposium	01/27-28/2005;
(b) Science in the Courts	4/07-13/2005;
(c) Economics of Tort Law; Economic Theory of Contract Law; Crime	05/25-27/2005;
(d) Post Conviction Relief Seminar	06/09/2005;
(e) Forum for State Appellate Court Judges	06/23/2005;
(f) Annual Judicial Symposium-Torts and Scientific Evidence	07/15/2005;
(g) Forum for State Appellate Court Judges	07/23/2005;
(h) 2005 Annual Judicial Conference	08/24/2005;
(i) Judicial Symposium	11/2-4/2005;
(j) Fourth Annual Civil Law Update	01/27/2006;
(k) 21st Annual Criminal Law Update	01/27/2006;
(l) Trial and Appellate Advocacy	01/28/2006;
(m) Critical Issues in Construction Defects Litigation	03/29/2006;
(n) Court Security and Operations after a disaster	06/29/2006;
(o) Essential Skills for the Appellate Judge	07/01/2006;
(p) Forum for Appellate State Court Judges	07/15/2006;
(q) Mini Summit on Justice for Children	08/22/2006;
(r) 2006 Annual Judicial Conference	08/23/2006;
(s) "Insurance and Risk Allocation in America: Economics Law and Regulation"	09/20/2006;
(t) Employment Law; Immigration Law; Civil Procedure	09/28/2006;
(u) SCDTAA Annual Meeting	11/09/2006;
(v) 5th Annual Civil Law Update	01/26/2007;
(w) 22nd Annual Criminal Law Update	01/26/2007;
(x) The Confrontation Clause of the 6th Amendment	02/28-03/01/07;
(y) NC/SC Appellate Judges Conference	03/01/2007;
(z) E-Discovery and Spoliation	06/29/2007;
(aa) New Appellate Judges Training	07/8-13/07;
(bb) 2007 Annual Judicial Conference	08/22/2007;
(cc) 23rd Annual SC Crim. Law Update	01/25/2008;
(dd) 23rd Annual SC Crim. Law Update	01/25/2008;
(ee) Breakfast Ethics Seminar	01/27/2008;
(ff) Justice In Jeopardy?	07/11-12/08;
(gg) Summary Judgment on the Rise	07/12/2008;
(hh) SCAJ Annual Convention	08/7-9/2008;
(ii) 2008 Annual Judicial Conference	08/20/2008;
(jj) Federalist Papers	0/23/2008;
(kk) Annual Summit & Retreat	10/30/2008;
(ll) Appellate Summit	11/13/2008;
(mm) 7th Annual Civil Law Update	01/23/2009;
(nn) Mapping the Legal Frontier-Preemption by Federal Court	07/10-12/09;
(oo) Preemption: Will Traditional State Authority Survive	07/25/2009;

(pp) SCAJ Annual Convention

08/6-8/2009;

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.
 - (a) Business Law – Limestone College
 - (b) Appellate Practice CLE-Wofford College
 - (c) Appellate Practice and Ethics CLE-Charleston Law School
 - (d) Civil and Criminal Law CLE-S.C. Black Lawyers Conference
 - (e) Ethics-National Bar Association
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.
 - (a) Admitted to practice before all South Carolina State Courts-November 1979
 - (b) Admitted to practice before the Federal District Court -May 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.

Prior to enrolling in law school I decided that I would commit myself to initially work in an area of the law that would benefit those who could not afford paid legal representation. To that end I enrolled in the legal clinics offered at the University of South Carolina School of Law. The clinics program provided me an opportunity to work with the Legal Services Corporation. During the summers, I interned with Legal Services and the Law Students Civil Rights Intern Program. As a result I was offered, and accepted, a position with Legal Services upon graduation from law school.

From 1979 to 1981 I worked with Neighborhood Legal Assistance Program (NLAP). The work at NLAP was exclusively civil. I gained experience in family law, social security, landlord tenant, and public benefits. I appeared in court on a weekly basis.

I left legal services in 1981 and started my own practice. I was a solo practitioner from 1981-1989. My practice was general in nature and primarily consisted of family law, personal injury and criminal law. I was in court at least two to three times a week and handled a considerable and varied case load.

In 1989 I joined Beatty, Vick, & Tullis. Our focus was personal injury, criminal law, family law and bankruptcy. In 1991 I left the firm and founded my own firm. We were a small firm with two attorneys, three paralegals and other support staff. The Beatty Law Firm maintained a general practice with emphasis on family law, personal injury and criminal law. Our civil practice represented plaintiffs and defendants, businesses and individuals.

15. What is your rating in Martindale-Hubbell?

I have never concerned myself with Martindale-Hubbell ratings and am unfamiliar with any rating I may have had prior to taking the bench. I have never had a client to ask me about my Martindale-Hubbell rating nor have I had a client to say that they came to me for representation because of a Martindale -Hubbell rating. Thus, I have not found Martindale-Hubbell to be beneficial or relevant to my practice. I have never reviewed Martindale-Hubbell ratings.

22. Have you ever held judicial office?
 - (a) S.C. Circuit Court 1995-2003, Elected – General Jurisdiction
 - (b) S.C. Court of Appeals 2003-2007, Elected- Appellate Review
 - (c) S.C. Supreme Court 2007-Present, Elected- Appellate Review
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) Colleton Preparatory Academy, Inc. v. Hoover Universal, Inc., 379 S.C. 181, 666 S. E.2d 247
 - (b) Donna Moore v. Lance Moore, 376 S.C. 467, 657 S.E.2d 743
 - (c) Laura McCann v. Jane Doe and John Doe, In re Baby McCann, 377 S.C. 373,660 S.E.2d 500
 - (d) Charles Salmonsens v. CGD, Inc. f/k/a Charleston Gypsum Dealers & Supply Co., Inc., 377 S.C. 442, 661 S.E.2d 81, Prod.Liab.Rep. (CCH) P 17,994
 - (e) Donney S. Council a/k/a Donnie S. Council v. State of South Carolina, 380 S.C. 159, 670 S.E.2d 356 (Certiorari denied by U.S. Supreme Court, June 8, 2009)
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?
 - (a) S.C. House of Representatives 1991-95 (elected)
 - (b) Spartanburg City Council 1989-91 (elected)
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? No
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? Military Service – 1974-76 (Active Duty); 1976-82 (Reserves)
28. Are you now an officer or director or involved in the management of any business enterprise? No
29. A complete, current financial 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.

I own a small amount of stock in two local banks and a utility company. I would offer to recuse myself in matters involving these companies.

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?

I have had tax liens in the past which resulted from disputed recalculated tax bills however; I do not have any tax liens at this time. I have never defaulted on a student loan and I have never filed bankruptcy.

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?

I have been sued on four occasions that I am aware of:

- (a) As a guarantor on a loan for a family member. The case was settled over 25 years ago.
- (b) Involved a credit card debt of my ex-wife. The case was settled over 25 years ago.
- (c) Involved a disputed title opinion. I did not provide a title opinion and the bank never paid for one. The case was dismissed after discovery.
- (d) Involved claims and counter-claims resulting from repairs to an office building owned by me. All claims were withdrawn and the case dismissed.
35. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been sanctioned for lawyer, judicial, or other professional misconduct or been found to have committed such misconduct? No
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? 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.
S.C. 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.
 - (a) Omega Psi Phi Fraternity
 - (b) Sigma Pi Phi Fraternity
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. .

Most of my adult life has been focused on public service. For more than three decades I have been involved with public service in varied capacities including military service as an officer, City Councilman, member of the House of Representatives, Judge, Justice, and numerous civic boards and commissions.

In addition, I have served on committees and task forces concerning the judiciary. Most recently, I served as an organizer and participant in the S.C. Summit on Children. The focus here was to devise a plan to expedite the movement of children from foster care to permanent placement via adoption or otherwise. I am a member of a multi agency task force concerned with the continued operation of courts in a catastrophic situation. I am currently planning and organizing the annual judicial conference. This conference is primarily an educational program for judges.

Currently, I am a member of the Chief Justice's Task force on Access to Public Information. I am also a member of the Sentencing Reform Commission. Service in the judiciary is more than an employment opportunity, it is an opportunity to serve the public and I welcome it.

In conclusion, I graduated cum laude from college, was selected to *Who's Who in American Colleges and Universities*, and I have received numerous leadership awards from government and civic organizations.

49. References:

- (a) Albert V. Smith
410 Magnolia Street
Spartanburg, SC 29303,
(864) 585-8174
- (b) Barry Slider
First South Bank
1450 Reidville Road
Spartanburg, SC 29306
(864) 595- 0455
- (c) Samuel Foster
4065 York Highway
Rock Hill, SC 29732,
(803) 328-6636
- (d) Dr. William A. Ross
Piedmont Community Actions
300 S. Daniel Morgan Ave, Suite A
Spartanburg, SC 29306
(864) 327-4546
- (e) Dr. Sean Foster
121 Pimmitt Run
Moore, SC 29369
(864) 594-4482

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: Donald W. Beatty

Date: Augsut 10, 2009