

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. Eric K. Englebardt
BUSINESS ADDRESS: 200 E. Broad Street, Ste 250
Greenville, South Carolina 29601
E-MAIL ADDRESS: eenglebardt@turnerpadget.com
TELEPHONE NUMBER: (office): (864 552-4600)
2. Date of Birth: 1964
Place of Birth: New York, New York
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 November 10, 1980, to Helen Elizabeth Burriss.
Never divorced. 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) University of North Carolina, B.A., 1986
 - (b) University of North Carolina School of Law, J.D., 1989.
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.

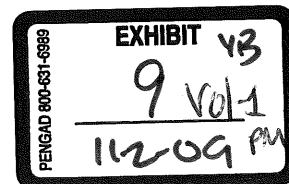
South Carolina, 1989 and North Carolina, 1990.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.

College:

 - (a) Sigma Chi Fraternity (Rush Chairman), 1984-86;
 - (b) WXYC-FM Radio, 1982-1986 (Sports Director 1983-86)
 - (c) Resident Assistant, 1984-86;
 - (d) Youth Coach, Chapel Hill Parks and Recreation, 1983-89;
 - (e) Umpire/Referee, 1982-86

Law School:

 - (a) Board of Governors, Student Bar Association, 1986-89;
 - (b) Member, Holderness Moot Court, 1988-89



- (c) Chairman, J. Braxton Craven Moot Court Competition, 1988-89
- (d) Phi Delta Phi, 1986-89
- (e) Order of Banisters (honorary) 1989.

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>Dates</u>
(a) SCDTAA Joint Meeting	7/22/2004;
(b) NBI How to Litigate Your First Civil Trial in South Carolina	2/17/2004;
(c) District of South Carolina CM/ECF	2/3/2005;
(d) ABA Transportation MegaConference	3/3/2005;
(e) SCDTAA Joint Meeting	7/28/2005;
(f) SCDTAA Annual Meeting	11/3/2005;
(g) Changes to South Carolina	2/25/2006;
(h) SCDTAA Joint Meeting	7/27/2006;
(i) Changing the Rules, a Review	11/8/2006;
(j) SCDTAA Annual Meeting	11/9/2006;
(k) Uni-State Lawyers	3/3/2007;
(l) NBI The Art of Settlement	4/24/2007;
(m) SCDTAA Trial Academy	6/6/2007;
(n) NBI Mediation A Valuable Tool	7/24/2007;
(o) SCDTAA Annual Meeting	11/1/2007;
(p) Ounce of Prevention is Worth a Pound of Cure	2/27/2008;
(q) SCDTAA Joint Meeting	7/24/2008;
(r) SCDTAA Annual Meeting	11/13/2008;
(s) SCDTAA Trial Academy	6/5/2009.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?

I have taught sections on opening and closing arguments, expert cross-examination as a group leader at the SCDTAA Trial Academy.

I have also served as an instructor at NBI CLEs including "Mediation A Valuable Tool", "How to Litigate Your First Civil Trial" and "The Art of Settlement".

I also recently served as a judge at the most recent SCDTAA Trial Academy, presiding over a civil case tried by young attorneys, and critiquing them during jury deliberations.

12. List all published books and articles you have written and give citations and the dates of publication for each.

I have authored course materials for NBI Seminars "What to Expect in Your First Civil Trial in South Carolina", December 2004 and "How a Mediator

Can Help You”, a chapter in course materials for NBI Course “Mediation, A Valuable Tool for Litigation”, July 2007.

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.

I was admitted to the South Carolina Bar in November 1989 and North Carolina Bar in February of 1990 and I have also had been admitted to the United States District Court in South Carolina and all three Federal districts in North Carolina.

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.

Since I graduated from law school my legal practice has been with three law firms. I began as an associate at Haynsworth, Marion, McKay & Guerard where I had served as a law clerk between my second and third year of law school. I started work in August 1989 and was admitted to the Bar in November of that year. I then was admitted to the North Carolina Bar after the February Bar Exam in 1990 and have been admitted to the United States District Court in South Carolina and all three districts in North Carolina. As a result of having spent some time working in the defense of the asbestos cases I have practiced in all three federal districts in North Carolina as well as the district of South Carolina on a variety of other cases as well. Additionally, I have tried cases in State Court of North Carolina as well as many cases in South Carolina.

In January of 1998 I became a shareholder at Haynsworth, Marion, McKay & Guerard where I continued until January of 2001, shortly after the merger where that firm became known as Haynsworth Sinkler Boyd.

In January of 2001 I became a partner at Clarkson, Walsh, Rheney & Turner, P.A. I served as managing shareholder at that firm from July 1, 2004 through December 31, 2004.

In September 2005 I became a shareholder at Turner, Padgett, Graham & Laney, P.A. My practice has focused generally on the areas of insurance defense litigation, though I have handled a variety of plaintiff's cases as well as a small number of criminal/domestic matters. In 2000 I became certified as a mediator and have practiced as a mediator, mediating over 500 cases pending in both State and Federal Court. I am proud to have been listed in “Best Lawyers in America” since 2007 for my ADR practice and recently was pleased to receive notice that I will be so included in 2010. Also, I am now serving with regularity as an arbitrator, requiring me to make rulings and decisions as a nonjury judge.

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 farther 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.

My experience in criminal matters is admittedly limited. I have appeared in traffic court on a couple of occasions in the past for clients, but have never fully handled a significant criminal matter. Recently, however, I have begun participating in Youth Court, presiding over misdemeanor criminal matters arising in the schools. This has given me some additional exposure to the criminal process in terms of the procedures and penalties, as well as interaction with members of law enforcement and members of the Criminal Defense Bar who oversee the program.

Additionally, several times in the last few months I have attended General Sessions Court as an observer, trying to get a feel for the ebb and flow of criminal procedure.

Obviously, I will need to overcome my lack of experience in criminal matters were I to be elected as a circuit judge, however, I have always prided myself as being a quick learner and, despite not having had a true criminal practice, I have always kept abreast of the case law involving criminal cases by reading the advanced sheets regularly.

Obviously, it will take some study as well as listening to become familiar with criminal procedure, however, I believe I have a good handle of the Rules of Evidence and would be able to overcome my lack of experience in criminal matters to be an effective circuit judge.

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: 4-5 times;
 - (b) State: I have had 5 or so jury trials and many court appearances in State Court in this time period. As the practice has shifted toward more mediation, many few cases have gone to trial in the Upstate. I would estimate that I have tried 50 trials before a jury in my career.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
- (a) civil: 96%;
 - (b) criminal: 2%;
 - (c) domestic: 2%.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury?
- (a) jury: 85%;
 - (b) non-jury: 15% - Motion Hearings. I have not had any non-jury trials in that time period.

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) South Carolina Distributors and Livingston v. Livingston, et.al. This was a multimillion dollar case involving a breach of contract and probate dispute over a family business tried in Cherokee County.
 - (b) _____ v. CSX. This was a wrongful death and personal injury case involving two occupants of a car hit by a CSX train at a crossing in Joanna, South Carolina. This was a jury trial in front of The Honorable G. Ross Anderson in Federal Court in Anderson, South Carolina. After a week of trial, the jury granted us a defense verdict.
 - (c) Davis v. King Chris d/b/a McDonalds. This was a lawsuit against McDonalds Corporation over an injury which occurred in one of its parking lots. This case received much media exposure as at issue was the safety of the McDonalds playlands for children outside many of their restaurants. The case involved many complicated engineering and design issues.
 - (d) Register v. US Steel Corporation. This was a premises liability case involving a severe injury. It was tried to a verdict in Anderson County.
 - (e) Martha Knecht v. Linda Long, Melvin Dennis Long, Sherlon Tench,

Dennis Tench, Cynthia Masters and David Masters. This was a lawsuit involving 8 separate causes of action for malicious prosecution, civil and criminal assault allegations, abuse of process, conversion, breach of fiduciary duties, financial exploitation, etc. It lasted for more than 3 years, and involved several criminal hearings, motion hearings and eventually a 3-day jury trial resulting in dismissal of all causes of action against 5 of my clients prior to trial and defense verdicts for my remaining client.

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. If you are a new applicant for family court, answer this question using domestic appeals. If you are a candidate for an appellate court judgeship, please attach one copy of briefs filed by you in each matter.

(a) Bear Enterprises v. County of Greenville, 319 SC 137, 459 S.E.2d 883 (Ct. App. 1995).

(b) Camlin v. Bilo, 311 SC 197, 428 S.E. 2d 6(Ct. App. 1993).

(c) Threatt Michael Construction Company v. C&G Electric, 305 SC 147, 406 S.E.2d 374 (Ct. App. 1991).

(d) Preckler v. Owens- Corning, 60 F.3d 824, 1995 WL 417731 (4th Cir. 1995).

(e) Lindsey v. Vann, 2004-UP-442 (Ct. App).

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. N/A.

22. Have you ever held judicial office? No.

23. If the answer to question 22 is yes, describe or attach 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. N/A

24. Have you ever held public office other than judicial office? No.

25. List all employment you have 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 have served as an arbitrator in a variety of cases, and as a judge in Mauldin, South Carolina's Youth Court.

26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?

Thirteenth Judicial Circuit Seat 4 in 2003. I was a candidate for Circuit Court Seat #4. There were 7 candidates in that race, and I was found qualified and nominated by the Judicial Merit Screening Commission. I withdrew prior to the election in the General Assembly.

Thirteenth Judicial Circuit Seat 3 in 2009. I was once again honored to have been found qualified and nominated, and withdrew prior to the election.

27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? No.
28. Are you now an officer or director or involved in the management of any business enterprise? No.
29. A complete, current financial net worth statement was provided to the Commission.
30. Describe any financial arrangements or business relationships 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.
I would not hear any cases which were pending in my firm while I was still a member, nor do I believe I would preside over any case, for which I served as a mediator. I would be guided by the Canons of the Judicial Code of Conduct in such decisions.
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? 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? 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. I have instructed anyone inquiring as to how they can help with regard to the rules governing pledging prohibitions.
 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? Not to my knowledge.
 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) North Carolina Bar;
 - (b) South Carolina Bar;
 - (c) Greenville County Bar;
 - (d) SCDTAA (Executive Committee Member since 2000);
 - (e) North Carolina Bar Association;
 - (f) Upstate Mediation Network (Vice President 1999-2001).
 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) Temple of Israel Board of Directors (2nd VP 2005-07);
 - (b) Greenville Little League (Coach);
 - (c) PTAs of Stone Academy, League, Academy and Greenville High School;
 - (d) Greenville High All-Star Booster Club;
 - (e) Educational Foundation of the University of North Carolina (Upcountry Chapter Development Committee); and
 - (f) UNC and UNC School of Law Alumni Association;
 - (g) Best Lawyer's in America (included from 2007 to the present)
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.

When I ran for a Circuit Court seat in 2003, I wrote about watching my parents work as volunteers as drug counselors while I was a child and how their experiences affected my views on equal justice under the law. While I still have those feelings, obviously a great deal has happened in my life since that time.

In 2005 my wife, sons and I made the decision to add the 13 year-old daughter of a family friend who had passed away to our family. This child had been adopted by her grandmother (the family friend who died) at a young age after her birth parents lost their parental rights. This forced me to quickly learn to have a great deal of patience and to be firm with my judgments in dealing with not only the normal issues of a larger family but also with raising a teenager (now two teenagers).

Additionally, obviously there are some special issues that arise in raising someone who has been through what my daughter has been through. Not only did her birth parents lose custody of her and both eventually end up in prison, but also she had to deal with losing the only parent she ever really knew to cancer. As a result I think I've had to develop a sensitivity and at the same time a toughness that I'm not sure I had previously.

Moreover, I've been exposed to a different side of our legal system as I've watched her birth parents work in and out of the criminal justice and prison systems. While I've only been an interested observer as to these machinations, I've found the actions of the solicitor's office, the appointed defense counsel, the parole officers, and even the sentencing judges to be quite educational, especially since that area of the law is the one I've had the least exposure to in my career.

As a result of all of this, I believe I am better suited to sit on the circuit court bench than I was at the time of my first campaign. I also believe that the patience and friendships I've made during my previous runs for a

seat on the Circuit Judge bench will serve me well if elected.

49. References:

- (a) John S. Nichols
Bluestein, Nichols, Thompson & Delgado, LLC
1614 Taylors Street
Columbia, South Carolina 29202
(803) 779-7599
- (b) Leigh Booth Paoletti
13th Circuit Solicitor's Office
Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, South Carolina 29601
(864) 467-8647
- (c) John T. Lay
Ellis Lawhorne & Sims, PA
P. O. Box 2285
Greenville, South Carolina 29202
(803) 254-4190
- (d) Dennis Tench
City of Mauldin Police Department
5 East Butler Road
Mauldin, South Carolina 29662
(864) 346-4422
- (e) Shields Cochran
South Carolina Bank and Trust
200 E. Broad Street, Ste 100
Greenville, South Carolina 29601
(864) 250-1503

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.

Date: August 11, 2009

Signature: Eric K. Englebardt

TURNER PADGET

TURNER PADGET GRAHAM & LANEY P.A.

CHARLESTON
COLUMBIA
FLORENCE
GREENVILLE
MYRTLE BEACH

Eric K. Englebardt
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October 27, 2009

Jane O. Shuler
Chief Counsel South Carolina
Judicial Merit Selection Commission
P. O. Box 142
Columbia, South Carolina 29202

Re: At Large Seat 8

Dear Jane:

Please allow this letter to amend my response to 49 of the Personal Data Questionnaire to substitute Linda Long for Dennis Tench. Mrs. Long's information is as follows:

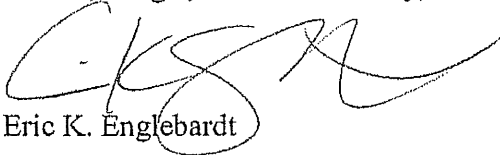
Linda Long
11 Merritt View Terrace
Greenville, South Carolina 29607
(864) 246-8496

If you have any questions, please do not hesitate to call.

With kind regards, I remain

Very truly yours,

Turner, Padget, Graham & Laney, PA



Eric K. Englebardt

EKE/pls

cc: Heather Anderson

BUSINESS • LITIGATION • SOLUTIONS

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