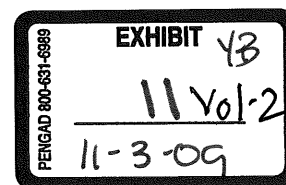


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Family Court, Fifth Judicial Circuit, Seat 4

1. NAME: Mrs. DeAndrea Gist Benjamin
BUSINESS ADDRESS: 4400 North Main Street
Columbia, SC 29203
E-MAIL ADDRESS: DeAndreaBenjamin@gistlawfirm.com
TELEPHONE NUMBER: (office): 803-771-8007
2. Date of Birth: 1972
Place of Birth: Columbia, SC
3. Are you a citizen of South Carolina? Yes.
Have you been a resident of this state for at least the immediate past five years? Yes.
5. Family Status: Married on June 8, 2002, to Stephen K. Benjamin. Never divorced, two 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) Winthrop University – August 1990 – May 1994;
 - (b) USC School of Law – August 1994 – May 1997.
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.
 - (a) South Carolina - November 18, 1997;
 - (b) Federal District Court of South Carolina – September 21, 2001;
 - (c) Fourth Circuit Court of Appeals – November 18, 2002.
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) Winthrop University – Political Science National Honor Society (1993-94)
Delta Sigma Theta Sorority, President (1992 – 94);
 - (b) USC School of Law – Student Bar Association, Executive Council (1994-97)
Black Law Students Association (1994-97)
Women in the Law (1994-97)
W.G. Kellogg Foundation Child Advocacy Fellow (1996).



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) Ethics 2008	July 14, 2009
(b) 24 th Annual Criminal Law Update I & II	January 23, 2009
(c) SC Black Lawyers Annual Conference	October 30, 2008
(d) Ethics 2007	July 14, 2008
(e) CDV: Law Enforcement Response	October 10, 2008
(f) A Day in Discovery Part 2	January 26, 2008
(g) 23 rd Annual Criminal Law Update I & II	January 25, 2008
(h) STOP Domestic Violence	July 19, 2007
(i) Ethical Considerations in Criminal Cases	June 29, 2007
(j) 22 nd Annual Criminal Law Update I & II	January 26, 2007
(k) SC Bar Young Lawyers Division CLE	January 28, 2007
(l) SC Black Lawyers Retreat	September 28, 2006
(m) STOP Domestic Violence	September 21, 2006
(n) 21 st Annual Criminal Law Update I & II	January 27, 2006
(o) Orientation School for Municipal Judges	July 25, 2005
(p) SC Black Lawyers Retreat	October 2004
(q) ABA Young Lawyers Division Meeting	August 5, 2004
(r) Electronic Courtroom	March 24, 2004
(s) 19 th Annual Criminal Law Updates	January 23, 2004

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) While employed at the Attorney General's Office, I assisted in training Summary Court Judges Criminal Domestic Violence classes. (1999-2001);
- (b) SC Black Lawyers Association – Family Law Panel Discussion (Fall 2008);
- (c) I have also presented to the Young Lawyers Division Section at the Division's Conferences in the past.

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

"Why Doesn't She Leave? The Psychology of a Domestic Violence Victim." The American Bar Association Affiliate Newsletter, Volume 26 Number 2, Nov/Dec 2000.

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 on November 18, 1997;

(b) Also admitted to practice before the South Carolina Federal District Court on September 21, 2001 and Fourth Circuit Court of Appeals on November 18, 2002.

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) South Carolina Judicial Department, Judicial Law Clerk, The Honorable L. Casey Manning. (August 1997 – August 1998);
- (b) Fifth Circuit Solicitor's Office, Assistant Solicitor, Juvenile/Family Court Division. (August 1998 – November 1999) – I prosecuted felonies and misdemeanors involving juvenile offenders. I also served on the local Juvenile Drug Court;
- (c) South Carolina Attorney General's Office, Assistant Attorney General (November 1999- July 2001). I was assigned to the prosecution division where I prosecuted cases involving violent acts against women and children, sexual assault offenses, elder abuse cases, and civil commitments under the Sexually Violent Predator (SVP) law;
- (d) South Carolina Juvenile Parole Board, Member and Vice Chair (July 2001 – June 2004). I was a member of a ten-member board that presided over the retention and release of juveniles from the South Carolina Department of Juvenile Justice. I served as Vice-Chair from July 2002-June 2003;
- (e) Gist Law Firm, Partner (July 2001 – present). I am a partner in my family law firm. I handle all of the family court cases in our office. My family law practice includes marital litigation, child custody disputes, child support cases, DSS abuse and neglect cases, adoptions, and representation of juveniles in family court. My practice also includes Employment Law, Criminal law, and some Personal Injury work. I have also been appointed in the past to serve as a Guardian ad Litem in DSS cases and in child custody disputes;
- (f) City of Columbia Municipal Court, Municipal Judge (July 2004 – present). Presides over the municipal courts for the City of Columbia. I handle misdemeanor criminal and traffic offenses, specialized Criminal Domestic Violence court and Quality of Life court. I preside over a term of Jury Trials every six weeks.

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

- (a) If you are a candidate for Family Court, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you

have not practiced in an area, describe how your background has prepared you to preside over such matters as a Family Court Judge.

Divorce and Equitable Division of Property - My divorce litigation experience expands from simple divorces to divorces in long-term marriages. I have handled a significant amount of property distribution cases to include cases that deal with the division of personal assets, real and personal property and retirement accounts to include military retirement accounts;

Child Custody – I have handled child custody cases that are a part of marital litigation and independent of marital litigation. I am currently handling a child custody dispute where my client has filed for custody of his fifteen year old incorrigible child. I have also represented a former professional athlete in an extensive child custody and child support dispute;

Adoptions – My adoption experience has been limited to DSS adoptions. I enjoy doing adoptions, particularly DSS adoptions of hard to place children. The most significant adoptions that I have handled have been the adoption of a physically and mentally disabled little boy (2-3 years old) and the adoption of an emotionally disabled little girl who had spent the first 4-5 of her life in DSS custody and foster care. I also recently handled the adoption of a 12-year old little boy to a loving family;

Abuse and Neglect Cases - My most significant work with abuse and neglect cases was during law school when I was selected as a University of Michigan/WG Kellogg Child Welfare Fellow. As a part of my fellowship I worked in the SC Department of Social Services General Counsel's Office as a law clerk. My primary responsibility was to draft termination of parental rights pleadings and documents for court to assist in the elimination of South Carolina's termination parental rights backlog. I have also handled a limited amount of abuse and neglect cases in my private practice. I have also been appointed as a Guardian ad Litem in abuse and neglect cases;

Juvenile Justice – I have handled cases for both the State and juveniles charged with criminal offenses. As a prosecutor, I have handled detention hearings, juvenile trials, juvenile truancy cases, and I was part of the Juvenile Drug Court team. In my current practice, I defend juveniles charged with juvenile offenses. I also served as a member of the Juvenile Justice Parole Board from 2001-2004. I was elected by the board as Vice-Chair from 2002-2003.

15. What is your rating in Martindale-Hubbell?

I do not have a Martindale-Hubbell rating. I have never applied for a rating.

16. What was the frequency of your court appearances during the last five years?

(a) federal: A part of my private practice is employment law. I currently have five pending Civil Federal Court cases;

- (b) state: I appear in the Family Courts weekly, Court of Common Pleas bi-monthly, and I handle approximately 5-6 criminal cases a year in my private practice and I exclusively handle criminal matters as a Municipal Judge. I have limited my criminal private practice due to potential conflicts with my Municipal Judgeship and City of Columbia criminal cases.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
- (a) civil: 35%;
- (b) criminal: 10% of my private practice, 100% of my Municipal Court work is criminal;
- (c) domestic: 55% of my private practice is domestic.
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: 35%;
- (b) non-jury: 15%.
- Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters?
- My law partner and I work together during Federal Court trials. I solely handle my Family Law trials and civil trials.
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) Staley v. Brown – This was a family court child support/child custody case that was tried in Richland County. The issues in the case dealt with child support outside the guidelines and custody of an incorrigible child. My client ultimately prevailed in a case where the custodial parent was seeking an increase in support and a significant amount of attorney’s fees and cost;
- (b) Vinson vs. DSS – I represented a foster family in a termination of parental rights case and adoption case. This case was significant because I was able to help get a special needs child who would not ordinarily be adoptable adopted by a loving and caring family;
- (c) Weston v. Margaret J. Weston Medical Center – This was a contract dispute between my client and his former employer. It was significant because my client was a trailblazing doctor who was wronged by his employer. The jury returned a verdict in my client’s favor. The case was appealed to the S.C. Court of Appeals and S.C. Supreme Court where both courts upheld the jury’s verdict;
- (d) In the Matter of The Care and Treatment of Billy Ray Tucker – I tried this case in Aiken County not long after the Sexually Violent Predator Law was enacted. This case was one of the first cases that was tried and won under the Sexually Violent Predator Law;

- (e) McKinney vs. Richland County Sheriff's Department (431 F.3d 415, 4th Cir. 2005) – This was a civil action in the Federal District Court of South Carolina. My client was successful at the District level and the Defendant appealed the case to the Fourth Circuit Court Of Appeals. Although the case was not decided in my clients favor, it afforded me the opportunity to appear before the Fourth Circuit Court of Appeals in Richmond, Virginia.
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).
McKinney vs. Richland County Sheriff's Department, 431 F.3d 415 (4th Cir. 2005)
21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported. If you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter). None.
22. Have you ever held judicial office? Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.
I am a City of Columbia Municipal Judge, I was appointed in July of 2004.
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 Municipal Judge I handle traffic court, criminal court (misdemeanors), criminal Domestic Violence court and quality of life court. These cases do not usually warrant judicial opinions and orders other than form orders.
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?
I served on the Juvenile Parole Board from July 2001 – June 2004. I was appointed by Governor James H. Hodges, Jr. I timely complied with State Ethics reports.
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.
My current employment with the Gist Law Firm. I have been affiliated with the firm since July 2001 to present. I currently serve in the role of managing partner.
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? 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 you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest. None.
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, that is, have you ever been named as defendant or respondent in any court of law? 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.
 - (a) South Carolina Bar Board of Governors - 2007–09;
 - (b) South Carolina Bar, Chair, Young Lawyers Division – 2006–07;
 - (c) South Carolina Bar, House of Delegates – 2002-09;
 - (d) South Carolina Bar, Young Lawyers Division, Fifth Circuit Representative 2001-03;
 - (e) American Bar Association, Young Lawyers Division, District Representative – 2003–05;
 - (f) American Bar Association, Minorities in the Profession Scholar – 1998-99;
 - (g) Women Lawyers Association;
 - (h) South Carolina Black Lawyers Association;
 - (i) Columbia Lawyers Association;
 - (j) Appleseed Legal Justice Center, Board Member.
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) Edventure Children’s Museum;
 - (b) Congaree Girls Scouts;
 - (c) Appleseed Legal Justice Center Board;
 - (d) St. John Preparatory School Board;

- (e) Columbia Alumnae Chapter of Delta Sigma Theta;
- (f) USC Community Advisory Board.

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.

My interest in Family Law goes back to my childhood. For 13 years my mother worked as a Child Protective Services Social Worker with the South Carolina Department of Social Services. I can remember not understanding my mother being called out in the middle of the night to assist the police with children who were being removed from their families and homes because of abuse and neglect. I know now that she was taking children into emergency protective custody for their safety and welfare.

During law school I was selected by the University of Michigan and W.G. Kellogg Foundation as a Child Welfare Fellow. I attended a training session at the University of Michigan in Ann Arbor focused on child welfare law. Following my training in Michigan, I clerked/interned for the Honorable William Byars, at the time a Fifth Circuit Family Court Judge for the summer.

I also worked at the Department of Social Services in the General Counsel office handling the then huge backlog of termination of parental rights cases in South Carolina. The following year I clerked in the Fifth Circuit Solicitor's office in the Juvenile Division. I was later hired as an Assistant Solicitor, assigned to the Juvenile Division.

The most remarkable part of my work with the Solicitors office was Juvenile Drug Court. We worked with juveniles who at a young age had become addicted to illicit drugs. It gave me an opportunity to work with families and children in improving their lives and getting their lives back on track. The court actually gave me a chance to see the court system having a positive effect on the lives of young people and their families.

I have always had a strong interest in Family Law and Children's issues. My vast amount of experience in all areas of family law speaks to my commitment to this area of the law.

49. References:

- (a) The Honorable William R. Byars, Jr.
200 Hunt Trace
Camden, SC 29020
(mailed directly)
- (b) Aviance Davenport-Young
SC State Credit Union
800 Huger Street
Columbia, SC 29202
803.343.0300 (enclosed)
- (c) James McLaren, Esquire
McLaren & Lee
158 Laurel Street

- Columbia, SC 29201
803.799.3074 (mailed directly)
- (d) Vance Bettis, Esquire
Gignilliat Savitz & Bettis. LLP
900 Elmwood Avenue
Columbia, SC 29202
803.799.9311 (mailed directly)
- (e) Reverend Dr. Jamey O. Graham, Sr
Saint John Baptist Church
3404 West Beltline Blvd
Columbia, SC 29204
803.254.4170 (mailed directly)

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: DeAndrea Gist Benjamin

Date: 8/24/09

**DEANDREA GIST BENJAMIN
5618 COLONIAL DRIVE
COLUMBIA, SOUTH CAROLINA
(803) 333-9411 HOME
(803) 771-8007 WORK
DeAndreaBenjamin@gistlawfirm.com**

September 10, 2009

Jane Shuler, Esquire
Chief Counsel
Judicial Merit Selection Committee
P.O. Box 142
Columbia, SC 29202

RE: Family Court, Fifth Judicial Circuit, Seat 4

Dear Ms. Shuler:

In the interest of full disclosure, I have amended my answer to #43 of my Personal Data Questionnaire (PDQ). Please find below my amended answer to #43 of my Personal Data Questionnaire (PDQ).

43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? If so, give details. Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? If so, give details.

No. I have not requested friends or colleagues to contact members of the General Assembly. I did attend an event at the Republican House Caucus meeting with my husband on August 28, 2009. I did not solicit votes nor did I speak with anyone on the Judicial Qualifications Committee.

Sincerely,


DeAndrea Gist Benjamin

DEANDREA GIST BENJAMIN
5618 COLONIAL DRIVE
COLUMBIA, SOUTH CAROLINA
(803) 333-9411 HOME
(803) 771-8007 WORK
DeAndreaBenjamin@gistlawfirm.com

October 20, 2009.

Joel Deason, Esquire
Judicial Merit Selection Committee
P.O. Box 142
Columbia, SC 29202

RE: Family Court, Fifth Judicial Circuit, Seat 4

Dear Joel:

Please find below my amended answer to #18 of my Personal Data Questionnaire (PDQ).

18. What percentage of your practice in trial court during the last five years involved matters that went to a jury, including those settled prior to trial?
- | | | |
|-----|-----------|-----|
| (a) | jury: | 35% |
| (b) | non-jury: | 65% |

Sincerely,


DeAndrea Gist Benjamin

✓CC: Jane Shuler, Esquire