

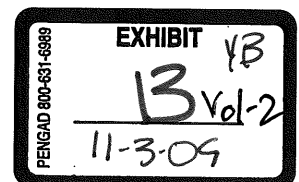
**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

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

1. NAME: Mr. Stevens B. Elliott  
BUSINESS ADDRESS: 1417 Bull Street  
Columbia, S.C. 29201  
TELEPHONE NUMBER: (office): (803) 254-7980
2. Date of Birth: 1952  
Place of Birth: Columbia, 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.
5. Family Status: Married on August 24, 1972, to Pamela Willis Elliott. Never divorced, three children.
6. Have you served in the military?  
I served in the United States Army (1972-75). I was Sgt E-5; Ser. No. XXX-XX-XXXX. Not presently in Military. 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) The University of South Carolina '70-'71 & '75-'78 History degree (Magna Cum Laude);
  - (b) The University of South Carolina School of Law '78-'81 - JD degree.
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.

Admitted in South Carolina in 1981.
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.

During college and law school, for the most part, I had a family and had to work as much as possible. I worked at the South Carolina Comptroller General's Office, Woodlands Golf Club, and at the South Carolina Employment Security Commission. I also coached youth baseball throughout and spent a total of 27 years in a coaching position. I was a husband and father during this time also.
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>
(c) Masters of Cross Examination	02/06/09
(d) Sidebar, SC Live	02/20/09
(e) Sidebar SC: Family Law Update, Sept 05-April 06	02/29/08
(f) Sidebar SC: Family Law Update, April 06-Oct 06	02/29/08
(g) Anatomy for Lawyers	02/23/07
(h) 2006 Annual Convention	08/03/06
(i) Sidebar SC: Torts Law Update 2005	12/30/05
(j) Sidebar SC: Real Estate Law Update	12/30/05
(k) 2005 Annual Convention	08/04/05
(l) U.S. Supreme Court Update	12/31/04
(m) Demonstrative Evidence in DUI Cases	12/30/04
(n) Marriage Law Update	12/30/04
(o) Prof Liab: A Few Warnings About the Duty to Warn	12/30/04
(p) New Lawyer's Oath	08/05/04
(q) 2004 Annual Convention	08/05/04

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.

I have taught Criminal Justice at Midlands Technical College.

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 South Carolina Bar in 1981;

(b) Also admitted to Federal District Court of South Carolina in 1982.

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.

I have been in private practice since November 1981. I worked with my two brothers, Robert and Tom Elliott, until 1984, and I have been in private practice since. I have been counsel to the South Carolina Employment Commission since 1981. I have been attorney for indigents from the Juvenile Justice Parole Board since 1982 and have represented over 25,000 juveniles.

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. I have primarily practiced in the Family Court since 1981 and I have vast experience in all categories of Family Court law.

15. What is your rating in Martindale-Hubbell?

To my knowledge, I am not rated. All of my business has been by referral and I have seen no need for it.

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: seldom;
- (b) state: weekly.

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

- (a) civil: 15%;
- (b) criminal: 10%;
- (c) domestic: 75%.

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: 25%;
- (b) non-jury: 75%.

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) Rutherford v. Rutherford, 307S.C. 199, 414SE.2d 159 (1992);
- (b) Williams v. Williams, 374S.C. 194 647 SE2nd 256 (2007);
- (c) Priscilla Maxwell vs. Department of Mental Health – workers comp case;
- (d) Gris McDonald and White Oak Properties, Inc. vs. Shirley Griffin.
- (e)

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) Rutherford v Rutherford – same as above;
- (b) Williams v. Williams – same as above;
- (c) Gris McDonald and White Oak Properties, Inc. vs. Griffin, et al.;
- (d) Priscilla Maxwell vs. Department of Mental Health.

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. 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. No.
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. N/A.
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. N/A.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?

Yes. I ran for Family Court Judge Seat 1 in 2004. I was qualified as a candidate, but I was not nominated as one of the three by the Committee.
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) Driving Range Co/Owner - 1991-96;
  - (b) Mortgage Broker - 2003-06;
  - (c) Real Estate Broker - 1995-present.
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.

I would discontinue my holding an active real estate broker's license. I would make it an inactive license. I have no others.
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?  
In approximately 1985, I had a Federal Tax Lien filed against me, which was subsequently satisfied. I have never defaulted on a student loan, and I have never filed for 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?  
Back in the early to mid 80's, I was sued along with some business partners in foreclosure of a land investment. The land was sold and overage proceeds were distributed amongst the partners.
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. No.
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. No.
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) The South Carolina Bar;
  - (b) The Richland County Bar.
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) Fort Jackson Golf Club;
  - (b) The Governor's Advisory Council on Juvenile Justice.
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 have been successfully married for 37 years. I have raised three good children that have so far been successful in their endeavors. I coached youth baseball for over 20 years, and I have been attorney for juveniles in front of the Department of Juvenile Justice Parole Board for 27 years having represented conservatively over 20,000 juveniles. My private practice of 28 years has been predominately in the Family Courts of South Carolina with vast experience in all types of Family Court issues, none that I know of that exist that I haven't had experience in handling.

I believe this background, my maturity, good judgment and positive demeanor will prove invaluable in adjudicating and making appropriate dispositions in all Family Court cases.

49. References:
  - (a) Celeste Jones  
2313 Lower Richland Blvd.  
Hopkins, SC 29061  
803-783-4177
  - (b) James C. Leventis  
4212 Trenholm Road  
Columbia, SC 29206  
803-782-8889
  - (c) C. Lem Harper  
6705 Skii Lane

Columbia, SC 29206  
803-787-5448

(d) William R. Bauer  
1706 Crestwood Drive  
Columbia, SC 29205  
803-256-7314

(e) Bernice G. Scott  
328 Willow Wind Road  
Hopkins, SC 29062  
803-647-7524.

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: Stevens B. Elliott

Date: 8/24/09

**STEVENS B. ELLIOTT**  
**ATTORNEY AT LAW**  
1417 Bull Street  
P.O. Box 6922  
Columbia, South Carolina 29260

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Fax (803) 254-7130

October 12, 2009

Jane O. Shuler, Chief Counsel  
Post Office Box 142  
Columbia, South Carolina 29202

Re: Amendments to PDQ and Sworn Statement  
Amendment to Statement of Economic Interests

Dear Mrs. Shuler:

Due to haste in completing the above documents, I am respectfully requesting that the following amendments be included in the above-referenced documents. The amendments are as follows:

In response to question 19 on the PDQ I submit the following:

1. *Rutherford v. Rutherford*, 307 S.C. 199, 414 S.E. 2d (1992).  
My client, the husband, was seeking a divorce on the grounds of adultery. I had testimony from a number of sources that clearly proved the adultery. The Defendant, wife, presented her psychiatrist that testified that she had 22 different personalities, and that Gypsy Rose, one of those personalities, revealed to him that the adultery was committed. He felt however, along with the trial court, that Mrs. Rutherford was innocent of adultery because she had committed the adultery as someone else. The wife was awarded alimony, and I took it up on appeal. The case received world-wide attention, and the Supreme Court eventually held that a person must be able to know right from wrong before a wrong they committed would be used against them for a ground for divorce.
2. *Gris McDonald and White Oak Properties, Inc. v. Shirley Griffin, et al.*  
On a breach of contract action on the sale of a house, a jury basically rescinded the contract requiring the seller to purchase the house back at the same price, with no award of damages. The opposing lawyer presented his time sheet accounting for hours he had spent along with an alternate fee agreement with the client providing for his receiving a third of any damages received. Since in rescinding the contract and making my client buy



back the property he sold at the same price he sold it for, it was considered that he had breached the contract and was entitled to attorney's fees, a term of the contract of sale. The trial court awarded the opposing attorney a third of the cost of the house rather than the amount of hours he had worked at an hourly rate, which was less than a third of the cost of the house. I appealed the attorney's fee award arguing that the opposing side had not received any positive benefit since the jury awarded no damages and the Plaintiff got back their money, but they had to give back the house which was of the same value. The appellate court agreed with me that contingency agreement was invalid and the attorney's hours spent was to be the attorney's fee award. The case was a law course on legal fees in general, and my research has served me well in all cases in which attorney's fees are an issue.

Names withheld due to confidentiality

3. \_\_\_\_\_ vs. S.C. Department of Mental Health. This case was a worker's compensation case in which my nurse client was attacked by an inmate at a mental health facility and received serious injuries. Under the policy of the S.C. Budget and Control Board, an employee injured by an inmate attack would receive full pay from their agency rather than the 66 2/3rds of their average weekly wage under workers compensation. The case lasted for years, and due to my insisting my client be afforded all benefits she was entitled to under the law and policy, the policy was subsequently changed to allowing an injured employee full pay for a period of only six months. The case was a long, hard fought battle that brought policy change.
4. \_\_\_\_\_ vs. \_\_\_\_\_. Trial at the Family Court level only. My client revealed that her two year old child was not her husband's child, and that she wanted to tell him who the father was, and that she wanted a divorce and wanted to marry the father and live happily ever after. I required her to do a DNA test before she told her husband, and when the test revealed that the husband was not the father, she went ahead and told him. I filed suit in her behalf revealing all of the facts of the case, and I sought custody of the child for my client so that she could raise her with the real father. To my surprise, the husband, who had a part in raising the child just like the mother, put up a fight for custody of the child himself. The trial was emotional and enlightening to me as to the bonds that can be acquired and maintained even after finding out such horrifying news. The Court awarded the mother custody but gave the husband visitation with the child. The case taught me valuable lessons concerning the bonds and relationships of non-biological parents, and the tragedy of deceit in a marriage.
5. \_\_\_\_\_ vs \_\_\_\_\_. As a young lawyer I was appointed a Guardian ad Litem for a woman who was giving up her 4 year old little girl for adoption. The woman had suffered some mental health issues accompanied by drug abuse. I interviewed the lady and asked her what I thought to be pertinent questions concerning her decision to allow her daughter to be adopted. She answered very coldly and matter of fact about her realization that she could not provide a future for her daughter, and that she felt it was in the best interest of the child to be adopted by a couple who really wanted a child. I was somewhat taken back by the lack of tears involved by this conversation which led me to her mental health professionals that were helping her. I talked to all of them and they assured me that she had the mental capacity to make such a decision, and that she was well aware of the finality of her decision. I, of course, was ready to assure the Court that I felt the mother was equipped to make the decision. There were Guardians appointed for the child, and home inspections done for the adopting couple out of Florida. I met them the day of Court. He was a police detective and she was a very nice

professional lady that seemed so excited about adopting this little girl. Neither they nor I had ever seen this little girl. I was standing in the hall when I saw the mother walking down the hall holding this little girl's hand. The little girl was beautiful. She could have been Shirley Temple's stand-in in the movies. She was the most beautiful little girl I think I had ever seen. Her mother sat down on the bench in hall and then started to explain what was happening. This was the first the little girl had ever heard of it. It was the most emotionally jarring scene I have ever witnessed. The little girl kept asking her mother crying why she had to go live with other people. She cried frantically while her mother very stoically and coldly told her that it was for her own good.

I could not stand it, and I had to do something or go somewhere else. I went into the room where the prospective parents were waiting to see the child. I told them that I had seen her and the emotional scene I had just witnessed. I was so emotionally charged at the time I told the lovely couple that they were going to faint when they saw this beautiful child; and I also asked them to be as sweet to this child as they could possibly be. I consider myself a person in control of my emotions, but I was very moved by the whole case. I couldn't get it off of my mind, and I have never been able to forget it. That experience spoke volumes to me about life, parenting, adoption, and the best interests of children.

In my sworn statement, I would like to make the following amendments:

Question 5: Canon 3 of the Judicial Code of Conduct is very clear on the matter. Ex parte communication should not be initiated, permitted, or considered concerning a pending case from the parties, their attorneys or others; except, there is some exceptions to the rule which allow communications regarding scheduling administrative purposes, emergencies that do not deal with substantive matters or issues on the merits; provided, the judge believes that no party will gain an advantage as a result of the ex parte communication, and the judge makes provision promptly to notify all other parties of the substance of the ex parte communication and allows an opportunity to respond.

A judge may obtain advice of a disinterested expert on the law if the judge gives notice to the parties and an adequate opportunity to respond;

And a judge may confer with court personnel or other judges in carrying out his/her adjudicatory responsibilities, and a judge, with the consent of the parties, can consult with the separate parties to attempt to mediate or settle a matter, or when allowed by law to communicate specifically.

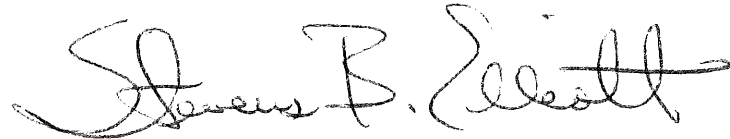
Question 9: I would refrain from accepting gifts from people that I had not already established a gift-giving/receiving relationship. Naturally those people would be subjects of disclosure and/or recusal already. Regarding social hospitality, I would refrain from placing myself in a position that would have the appearance of impropriety as it related to my service on the Family Court.

In my statement of Economic Interests, I would like to make the following amendment:

I have also attached a corrected Financial Statement and Real Estate Schedule, such being submitted due to inadvertent errors in transposition of numbers and calculation errors.

Thanking you for assistance, I am

Yours very truly,

A handwritten signature in black ink, appearing to read "Stevens B. Elliott". The signature is written in a cursive style with a large initial "S" and a long horizontal flourish at the end.

Stevens B. Elliott

**STEVENS B. ELLIOTT**  
**ATTORNEY AT LAW**  
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October 22, 2009

Jane O. Shuler, Chief Counsel  
Post Office Box 142  
Columbia, South Carolina 29202

Re: Amendment to Question 34 on PDQ

Dear Mrs. Shuler:

I would like to amend my answer to question # 34 on the PDQ in my application for the Family Court Judgeship for the Fifth Judicial Circuit. My name appeared on three law suits that have appeared on a SLED check. I would offer the reasons for my name being on the lawsuits, and I would emphasize that I was not being sued for any monies that I owed personally, or for any wrongdoing in any respect. The following are the cases in question and my explanation:

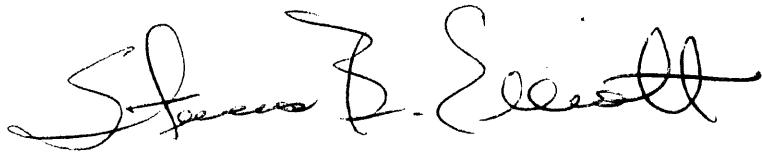
*Lomas Mortgage USA vs. D. Russell Tucker et al.* This occurred in 1988. This case was a foreclosure case in which the title search revealed a Divorce Decree which contained a provision that awarded me attorney's fees from the individual involved. The attorney that did the title search included me as a party in interest since I technically had a lien on that individual. I had been paid so I had no more involvement with the case.

*Fort Jackson Federal Credit Union vs. Stevens B. Elliott, Trustee for Chauncey G. Jordan* This case occurred in 1988. I was the trustee for a trust for Chauncey G. Jordan, son of Barney Jordan Jr. This action was a situation in which I was being sued as Trustee of Chauncey Jordan because his father had given to the trust a personal note owed to him by Tommy and Shirley Cotton. I pursued the collection of the note which was subordinate to the mortgage held by the Fort Jackson Credit Union. The position that I ultimately was left with was a master's deed for the property in question with resulted in the Credit Union foreclosing on the property to protect their interest because of my collecting the approximately \$10,000.00 dollars the trust had coming to it. It turned out that I protected the money owed to the trust and the bank ultimately retrieved the property that they had secured by a much larger mortgage.

*Southern National Bank vs. Stevens B. Elliott* This case occurred in 1989. Attorney Sam Crews instituted a law suit against me for what he described in the action as monies owed to the Plaintiff by virtue of my buying a promissory note owed to the bank by a third party. I was present at a meeting with the First Palmetto Bank in order to distribute certain collaterals for payment for my client. For some reason, Attorney Sam Crews, who was not present at the meeting, was misinformed concerning the arrangement made at the meeting concerning the note in question, and he mistakenly sued me. Once I informed him of his mistake, he withdrew the suit.

Thanking you for assistance, I am

Yours very truly,

A handwritten signature in black ink, appearing to read "Stevens B. Elliott". The signature is written in a cursive, flowing style with a large initial "S" and a long, sweeping tail.

Stevens B. Elliott