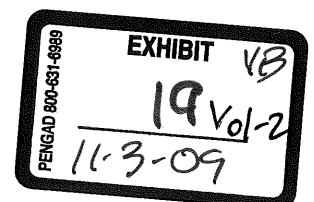


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

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

1. NAME: Ms. Gwendlyne Young Smalls
BUSINESS ADDRESS: P.O. Box 30, Winnsboro, SC 29180
TELEPHONE NUMBER: (office): (803) 635-6200
2. Date of Birth: 1962
Place of Birth: Greer, 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: Divorced by Decree of Richland County Family Court (2005-DR-40-2421), Date of Hearing: December 8, 2005; Decree signed and filed January 20, 2006, Gwendlyne Young Smalls (moving party), Adultery (grounds). 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) University of South Carolina, 1980-84, Bachelor of Science – Criminal Justice;
 - (b) University of South Carolina School of Law, 1985 – 89, Juris Doctor.
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 – I did not take the bar examination in any other state. I did not take the South Carolina bar examination more than once.
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) Delta Sigma Theta Public Service Sorority (1981 – Present), Legal Advisor;
 - (b) Criminal Justice Honor Society (1981-84);
 - (c) A Touch of Faith Gospel Choir (1981-84);
 - (d) Student Bar Association (1985-89);
 - (e) Black Law Students Association (1985-89).
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) Family Court Mediation & Certification Training Seminar	07/17/08-07/21/08
(b) 2007 Public Defender Conference	09/24/07
(c) Federal Sentencing Guidelines	10/01/07
(d) Federal Sentencing Guidelines	10/02/07
(e) 2006 Public Defender Conference	09/25/06
(f) Federal Sentencing Guidelines	03/03/05
(g) Attorney ECF Training	08/11/05
(h) 2005 Public Defender Conference	09/26/05
(i) Revised Lawyer's Oath	07/28/04
(j) 2004 Public Defender's Conference	09/27/04
(k) Revised Lawyer's Oath	09/28/04
(l) 2 nd Annual Summit and Retreat	10/21/04
(m) Revised Lawyer's Oath	10/21/04
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. No.	
12. List all published books and articles you have written and give citations and the dates of publication for each. Not Applicable.	
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 the Supreme Court of South Carolina, May 5, 1989;	
(b) Admitted to the United States District Court for the District of South Carolina, July 9, 1991;	
(c) Admitted to the United States Court of Appeals for the Fourth Circuit June 16, 2000.	
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) 1989–95: Richland County Office of the Public Defender - Responsible for the representation of indigent persons in jury trials, guilty pleas, bond hearing, preliminary hearings and probation violations;	
(b) 1994–95: Supervisor of the Juvenile Division - Responsible for overseeing two other attorneys in the public defender's office. Duties included representing indigent persons in Family Court in bench trials, guilty pleas, waiver and detention hearings;	
(c) (1992–Interim Chief Public Defender) – Responsible for the management of fifteen attorneys and support staff; presenting budget to County Council and maintaining an active caseload of approximately two hundred and fifty (250) cases;	

- (d) 1995 – Present: Solo Practitioner, Law Offices of Gwendlyne Young Smalls – Practice in Family Court throughout the State of South Carolina involving juvenile defense, divorces, equitable distribution, adoptions, abuse and neglect and child custody and support matters. Practice in General Sessions and Magistrate Courts throughout the State of South Carolina in magistrate, state and federal criminal defense matters;
- (e) 1995 – 96: Kellogg Contract with the Department of Social Services responsible for the termination of parental rights in approximately five (5) counties.

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: Since opening my law office in 1995, I have represented parties in numerous divorce proceedings. A number of these matters were highly contested and, as is the case with many family court proceedings, emotionally charged. I have pursued and defended divorce proceedings on all grounds, including adultery and physical cruelty as well as voluntary separation of the parties. Nearly all of the cases involved a dispute over marital and non-marital property and many of these cases required the analysis of complex issues of equitable distribution, including special equity issues. I have also been successful in resolving many of these matters through effective negotiation and participation in mediation;
Child Custody: The substantial majority of divorce cases that I handle involve minor children. Of these cases, parties often reach an agreement regarding the care and custody of the minor children. However, I have represented parties in a number of cases where an agreement could not be reached and vehement custody battles ensued. These cases required the appointment of a guardian ad litem and required that my clients and I work with the guardian ad litem to accomplish a result consistent with the best interest of the minor child. Many of these cases proceeded to trial and involved extensive discovery and depositions. I have found that the appointment of a guardian ad litem is a crucial part of insuring the best result for the child;
Adoptions: After leaving the public defender's office in 1995, and immediately upon opening my own law practice, I accepted a Kellogg Grant through the Department of Social Services. I was solely

responsible for approximately five counties charged with the responsibility of termination of parental rights. The completion of the majority of these cases afforded the minor children the ability to be adopted. I have personally handled adoption actions and have been the appointed guardian on many actions for adoption. I have found that the vast majority of these cases are not contested, and the unification of the minor child with a permanent family is such a joy;

Abuse and Neglect: I have handled cases of abuse and neglect ranging from physical neglect and excessive corporal punishment to sexual abuse. All of these cases have delicate factors and oftentimes require expert witnesses;

Juvenile Justice: I have been involved in Family Court for nearly twenty years. Initially I was introduced to Family Court while working in the Richland County Public Defender's Office. In addition to working in General Sessions Court, I worked in the juvenile division where my responsibility consisted of conducting waiver hearings, trials or guilty pleas before numerous family court judges.

Thus, while in private practice I have had the opportunity to represent adult litigants and minor children in every facet of family court.

15. What is your rating in Martindale-Hubbell?

I am listed, but have not yet been rated in Martindale-Hubbell.

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: 3-5 times a year;
(b) state: Almost daily unless there is a not a term of court.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
(a) civil:
(b) criminal: 40%;
(c) domestic: 60%.
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: 10%;
(b) non-jury: 90%.
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) State vs. Laverne Henry. This case involved a defendant who was charged with criminal sexual conduct of his step-daughter that occurred when she was a child. The allegations were made years after the alleged abuse, when the victim, now a young woman, was in counseling while in military training. The detailed facts and accounts of the actions of the step-father were alarming. While I have considerable experience in child abuse cases, this case was significant in that it highlighted the horrors of child sexual abuse and its impact on victims much later in life when repressed memories of such abuse occur as well as the impact of Post Traumatic Stress Disorder on the lives of child sexual abuse survivors;
- (b) Hankins vs. Hankins. In this highly contested custody case I represented the father. The parties had a previous order in effect pursuant to which they were sharing physical custody of the minor child on a weekly rotation. At the time of trial, the minor child was 5 years old and the parties were residing in two separate counties, which rendered it impossible to continue the week-to-week rotation that had been in place for four years. This case was significant in that it made me acutely aware of the safeguards needed in consenting to a custody arrangement, particularly one where physical custody is shared. It apprised me of the importance of thinking well beyond the moment and anticipating circumstances such as relocation of the parties or the impact that other changes may have on the custody arrangement and ultimately, on the child;
- (c) Department of Social Services vs. Gloria Bentley. In this case the defendant was the great aunt of a minor child that alleged substantial physical abuse by the defendant. The pictures presented at trial were quite graphic. Evidence was presented that the minor child had been physically abusive to her aunt for quite some time, but her aunt was reluctant to report the niece out of fear that her niece would be placed in the custody of the Department of Juvenile Justice. The significance of this case is that it opened my eyes to the reality that what is in the best interests of the child is to seek alternative assistance rather than take matters into your own hands;
- (d) In Re Robert G. This case involved the representation of an eleven year old that was charged with the participation in a lynching that ultimately led to the death of his cousin. It was alleged that at the direction of their mother, the defendant, along with his brother, participated in the beating that resulted in the death of the boys' cousin. In representing the minor child, I strenuously argued that he acted solely at the direction of his mother and should not be held accountable for his behavior. Based upon the child's age, lack of criminal history and psychological evaluation, I was successful in obtaining a dismissal of the charges. This matter was significant because of the tender age of the child and

the tremendous impact that a finding of delinquency would have had on him. This case was particularly noteworthy because the child was truly the victim of the undue influence of the mother;

- (e) In Re Scott T. This case involved the representation of a juvenile charged with taking a knife on school grounds. After a thorough psychological evaluation, the juvenile was permitted to attend Three Springs, a therapeutic residential school and treatment facility in Trenton, Alabama, rather than being committed to the Department of Juvenile Justice. This case is significant in that it demonstrated the value of thoroughly researching viable alternatives for presentation to the court.
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). Not Applicable.
 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). Not Applicable.
 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. Not Applicable.
 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. Not Applicable.
 26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? Yes. I ran for Richland County Family Court, Seat 1 in 2005. I was successfully voted out of screening as qualified and nominated; however I did not win 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 you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest. Not Applicable.
31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law?
No.
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute?
Yes. In 2003 I was made aware of allegations made by a former client, Timothy Joseph, who claimed that I, along with an assistant solicitor, another private attorney and a judge had been involved in inappropriate behavior. Specifically, the client, while serving a sentence, alleged that I had financed his criminal activity and had received merchandise that he received through his unlawful activity. This matter was investigated by the South Carolina Law Enforcement Division and was deemed unfounded. Since the allegation, the client committed additional criminal offenses and was subsequently sentenced to the Department of Corrections.
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?
Yes. An insufficient amount of money was deducted from my taxes in 1995. Once I learned of the deficiency, I paid the amount in full. I was not aware of any lien ever being filed against me until I refinanced my home, which was long after the deficiency had already been paid.
I have never defaulted on a student loan.
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?
Yes. In 2005, I was served with a foreclosure action on my current home. At the time, my husband was responsible for the mortgage payment and I was unaware that the payments were approximately three (3) months in arrears. I immediately brought all payments current.
In 2004-05, while undergoing the screening process for Richland County Family Court, Judicial Seat #1, Jane Shuler informed me that a federal client, Eric Hopkins had filed charges against me in the United States District Court, District of South Carolina, Charleston Division. The case number is 02-CV-38. I was never served with any documents, therefore, am unaware of the specifics. However, I was notified by Assistant United States Attorney Mark Moore after an arrest of one of Mr. Hopkins' family members. While executing a search warrant at a residence, a stack of mail was located addressed to me at that address. It was later determined that my former client was sending

mail to a relative at that location addressed to me in order to avoid the prison from reading "legal mail." I was advised by Ms. Shuler that the case was ultimately dismissed.

In April of 2004, a former client Latoya Lyles and her boyfriend Taukedrick Roberts sued me in magistrate court for seven thousand five hundred dollars (\$7,500.00). In the lawsuit, Ms. Lyles alleged that I was responsible for loss that she sustained due to her being arrested because a bench warrant for failure to appear in court was issued against her. I provided information that I was not retained until after the date the bench warrant was issued. In addition, the lawsuit was not brought against me until approximately 4 ½ years after the alleged wrongdoing. The criminal charges against Ms. Lyles were ultimately dismissed. The case against me was dismissed with prejudice pursuant to a motion for summary judgment.

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. Not Applicable.
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. Not Applicable.
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. Not Applicable.
41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. Not Applicable.
42. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No.

43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
45. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? 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) Richland County Bar Association;
 - (b) South Carolina Family Law Section;
 - (c) South Carolina Black Lawyer's Association;
 - (d) South Carolina Women's Law Association;
 - (e) South Carolina Legal Services Board of Directors;
 - (f) South Carolina Afterschool Alliance Board of Directors;
 - (g) South Carolina Criminal Law Section.
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) Delta Sigma Theta Sorority Incorporated (Legal Advisor);
 - (b) School Improvement Council (Brennen Elementary, Crayton Middle Schools);
 - (c) Trustee Board, Lay Visitation Team Member, Pastor Parish Relations Committee, Francis Burns United Methodist Church;
 - (d) Advisory Board, South Carolina Community Bank;
 - (e) Jack and Jill of America.
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 family, faith, legal career and education are all life experiences that have greatly influenced the type of judge that I intend to be. A good judge is knowledgeable, fair, exhibits the appropriate demeanor and temperament and has an appreciation and respect for the attorneys and litigants that appear before her.

Having been raised by devoutly religious parents, including a father who is a Baptist minister, I was taught that I will be held accountable for all of my actions. My parents both came from considerably large families, each of eleven children. They taught me to be kind, patient and understanding. More importantly, they taught me not to take anything for granted, and to work diligently toward my goals. I have two beautiful children and am working daily to instill those same values in them.

Because of the tremendous impact of the church in my household, I learned a great deal about compassion, honesty, and that there are consequences for all of our actions. I have come to realize that what you do may cause someone to mimic your actions. Therefore, I strive daily to be a positive influence not only in the lives of my two children, but all those with whom I encounter.

I have always had a strong work ethic. At the early age of thirteen, I begged my parents to allow me to work in a peach orchard, which they did. I have worked ever since. Although there have been considerable obstacles placed before me in life, the determination and strong trait of perseverance has propelled me forward and I know firsthand that the value of sacrifice and hard work is priceless.

A considerable portion of my law practice has been devoted to the issues that are heard in the Family Court. I am passionate about issues that affect children and families and possess the requisite experience and judicial temperament to serve as a Family Court Judge.

My varied legal experience has prepared me to meet the challenges that will be presented in Family Court.

My knowledge of the law, ability to apply the law to the facts before me, to relate well to others, and to remain neutral and unbiased will prove an asset to the Family Court.

49. References:

- (a) Clente Fleming
South Carolina Community Bank
1545 Sumter Street
Columbia, South Carolina 29201
(803) 733-8100
- (b) Retired Chief Justice Ernest A. Finney, Jr.
The Finney Law Firm
Post Office Box 1309
Sumter, South Carolina 29151
(803) 775-9449
- (c) Attorney John Delgado
Bluestein, Nichols, Thompson & Delgado, LLC
1614 Taylor Street
Columbia, South Carolina 29202
(803) 779-7599
- (d) Reverend Mack C. McClam
1005 Blockade Runner Parkway
Summerville, South Carolina 29485
(843) 873-3737
- (e) Attorney Regina Hollins Lewis
Gaffney, Lewis & Edwards, LLC
3710 Landmark Drive, Suite 304

Columbia, South Carolina 29204
(803) 790-8838

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: Gwendlyne Young Smalls

Date: 8/24/09

Gwendlyne Young Smalls
3841 Clement Road
Columbia, South Carolina 29203

October 30, 2009

VIA ELECTRONIC MAIL ONLY

Jane Shuler
janeshuler@scsenate.gov

Paula Benson
pgb@scsenate.org

Laurie Traywick
laurietraywick@scsenate.gov

Good afternoon:

Please allow this letter to serve as a supplemental response to Question #34 on the Personal Data Questionnaire that I previously submitted in support of my candidacy for the position of Family Court Judge, Fifth Judicial Circuit, Seat Number Four. In addition to the information provided in the previous response to Question #34:

To the best of my knowledge, in or about 1995, a former client whom I represented while an Assistant Public Defender, Levern Henry, filed a complaint against the Richland County Public Defender's Office in which he named as defendants Chief Public Defender Jeff Bloom and me in my capacity as Deputy Public Defender. The case was filed following a guilty verdict against Mr. Henry. The case was found to be without merit and was dismissed with prejudice pursuant to a motion for summary judgment filed on behalf of the defendants. I was never served with the complaint and have no further knowledge regarding this action.

If any additional information is required, please let me know and I will provide the same.

Very truly yours,

Gwendlyne Young Smalls