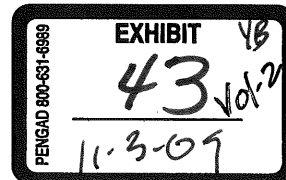


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:
Administrative Law Court Judge Seat #6.

1. NAME: Mr. Christopher McGowan Holmes
BUSINESS ADDRESS: 222 W. Coleman Blvd.
Mt. Pleasant, SC 29464
E-MAIL ADDRESS: cmholmes@comcast.net
TELEPHONE NUMBER: (office): 843-388-2966
2. Date of Birth: 1949
Place of Birth: Charleston, 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: Divorced on August 25, 2004. Charleston County. One Year's Separation. Ms. Holmes was the moving party. Married on July 30, 2005, to Patricia Ann Martin Holmes. 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 South Carolina 1968-73 BA
(b) University of South Carolina School of Law 1975-78 JD
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 1978
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) Order of Wig and Robe
(b) South Carolina Law Review
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) SCAARLA The Evolving World of Administrative Law	9/19/08;
(b) CCBA What Works	2/13/09;
(c) Surveying Marsh Islands	2/26/09;
(d) Lunch & Learn A&RL Committee	5/18/07;
(e) 2007 SCAARLA Conference	9/20/07;
(f) CCBA 4 th Annual "What Works"	12/20/07;
(g) SCAARLA Seminar	9/22/06;
(h) SC Bar A&R Committee	11/3/06;
(i) CCBA "What works for me"	12/1/06;



- (j) CCBA "What works for you" 12/15/06;
 - (k) Attorney ECF Training 9/7/05;
 - (l) SCAARLA Educational Seminar 9/23/05;
 - (m) Anatomy of a Trial 11/29/05;
 - (n) CCBA "What works for me" 12/9/05;
 - (o) CCBA "What works for you" 12/16/05;
 - (p) Revised Lawyer's Oath CLE 7/22/04;
 - (q) SCAARLA Annual Meeting 10/1/04.
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- I lectured on coastal zone management issues at a joint North Carolina/South Carolina seminar in the late 1980's. I have given presentations to various professional groups and associations in the Charleston area on issues relating to regulations of wetlands and dock permitting.
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) All South Carolina Courts 1978
 - (b) U. S, District Court, District of South Carolina 1979
 - (c) U. S. Fourth Circuit Court of Appeals 1990
 - (d) United States Claims Court 1990
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) 1978-79: Partner with Gene W. Dukes, St. George, SC. General practice including civil, criminal, domestic, administrative and estate planning.
 - (b) 1979-85: Hired in September 1979 as staff attorney for newly created South Carolina Coastal Council; promoted to General Council in 1983 and Deputy Director in 1984. Advised agency staff and Board members on legal and regulatory matters, drafted regulations, reviewed contracts, represented agency at administrative hearings and in circuit and appellate courts. As Deputy Director, headed up agency's Charleston office supervising a staff of approximately 25 professional and clerical employees.
 - (c) 1985-94: Associate with McNair Law Firm in Columbia and Charleston; member of administrative and regulatory section, representing clients in variety of environmental and regulatory matters.
 - (d) 1994-present Private law practice in Charleston and Mt. Pleasant. Primary focus on representing clients before administrative agencies and Administrative Law Court and appellate courts on issues involving environmental permits.
 - (d) If you are a candidate for Administrative Law Judge, please provide a brief written description of your experience before an Administrative

Law Judge, including any issues discussed and the frequency of your appearances before the Administrative Law Judge Division.

Since establishment of the Administrative Law Court, approximately 90% of my practice has been before that tribunal. I have appeared before most of the current and former ALJ's. Virtually all matters I have handled have involved DHEC's coastal zone, water quality, air quality or stormwater permits. Approximately half of the time my client's position has been allied with the agency and the other half in opposition. Over the last ten years, I have averaged approximately four to five contested case hearings before the ALC annually.

15. What is your rating in Martindale-Hubbell? Not rated for unknown reasons.

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: 0;
(b) state: 3-4 per year.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
(a) civil: 98%;
(b) criminal: 0%;
(c) domestic: 2%.
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: 0%;
(b) non-jury: 100%.
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) Guerard v. Whitner, 276 SC 521, 280 SE2d 539 (SC 1981) – First case interpreting the SC Coastal Zone Management Act standard of review. The Court held that, notwithstanding statutory statement that review was *de novo*, the substantial evidence test is to be applied in judicial review.
(b) Carter v. SC Coastal Council, 281 SC 201, 314 SE2d 327 (SC 1984) – First case challenging agency regulation of privately owned wetlands as unconstitutional "taking." The Court held that agency's action was a legitimate exercise of police powers to prevent public harm and not a regulatory "taking."
(c) Brown v. SCDHEC, 348 SC 527, 560 SE2d 410 (SC 2002) – First case setting forth the proper standard of review by an agency Board on appeal from the Administrative Law Court. The Court held that the ALJ was the finder of facts and the DHEC Board, as a reviewing tribunal, lacked authority to make its own factual findings. The case effectively led to

adoption of legislation (2006 Act No. 387) eliminating agency board and circuit court review of ALJ decisions which now go directly to Court of Appeals.

- (d) Setzer and Gilgen v. SC DHEC, Case No. 03-CP-15-980, June 2004. Following denial of permit and affirmation of decision by ALJ, plaintiffs appealed to circuit court (Hon Jackson V. Gregory) successfully arguing decision was improperly based on agency policies never promulgated and adopted as regulations as required by APA.
 - (e) Concerned Citizens of Jamestown v. Southern Aggregates. Actually four different circuit court cases alleging trespass and nuisance against a limestone quarry and administrative appeals of mining permits before the Mining Council. The various proceedings went on for nearly four years and was resolved by negotiated payment of substantial damages and an agreement to significantly modify future mining methods to minimize impacts on surrounding lands.
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) Brownlee v. SCHEC, SC Court of Appeals, January 29, 2007, 372 SC 119, 641 SE2d
 - (b) Brown v. SCDHEC; SC Supreme Court, February 25, 2002; 348 SC 527, 560 SE2d 410
 - (c) Concerned Citizens, etc. v. SC Coastal Council, et al.; SC Supreme Court, November 9, 1992; 310 SC 267, 423 SE2d 134
 - (d) State ex rel Medlock v. SC Coastal Council, et al.; SC Supreme Court, July 28, 1986; 289 SC 445, 346 SE2d 716
 - (e) Carter v. SC Coastal Council; SC Supreme Court, March 26, 1984; 281 SC 201, 314 SE2d 327.
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? No.
23. If the answer to question 22 is yes, describe or list five of your most significant N/A
24. Have you ever held public office other than judicial office? N/A
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?

In February of 2006, I filed as a candidate for Administrative Law Court seat 5. In September of 2008 I filed as a candidate for Administrative Law Court seat 4. In February of 2009 I filed as a candidate for Administrative Law Court seat 5. All times I was found qualified but not nominated.

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? In 1966, I was charged with DUI. I believe the fine was less than \$125; however, I disclosed this information to the Committee on Character and Fitness prior to being admitted to the SC Bar in 1978.
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. Include the disposition, if any, of such charges or allegations. 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? No. 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? No. 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
 - (b) SC Bar Administrative & Regulatory Law Committee
 - (c) Charleston County Bar
 - (d) SC Administrative and Regulatory Law Association
47. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
- St. Andrews Episcopal Church, Mount Pleasant
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 practiced in a small town (St. George) and large cities (Charleston and Columbia). I have represented a state agency, and I have represented members of the regulated public. I have worked in a government setting, a large law firm setting, and as a sole practitioner. For the last twenty nine years, the majority of my practice has been in the administrative law setting. My experiences in these various roles have provided me with a broad perspective of the legal environment likely to be encountered by an Administrative Law Judge, both in terms of issues and personalities.

I know how the agency attorneys are often stretched to their maximum in the variety and quantity of matters they have pending at any particular time, from contested case hearings, administrative and judicial appeals and providing general counsel to agency staff and commissions or boards.

I am familiar with the intense environment under which attorneys in large firms operate and the difficulties encountered by small firm and solo practitioners with more limited resources to draw upon.

I have represented large, well financed clients as well as individual citizens with limited means, and I have represented the agency viewpoint. I believe this prepares me to be open minded with the various positions that will be presented in a given case.

In addition to appearing before most of the past and present Administrative Law Judges, I have appeared before a number of state and federal court judges since joining the Bar in 1978. I would strive to emulate those characteristics of the judges who made me feel welcome in their courtroom and who were attentive of the position I was advocating. Those characteristics are courtesy, respect, a knowledge of the applicable law and a familiarity with the pleadings and issues. I understand today, more than ever, how difficult and demanding the practice of law is, and I would endeavor to make the parties - and especially their counselors - leave feeling whatever the outcome, they had a full, complete and fair hearing.

49. References:

- (a) Hugh C. Lane, Jr., President
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- (b) Mary D. Shahid
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- (d) H. Wayne Beam
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Columbia, SC 29211
(803) 814-7145
- (e) Stanley E. Barnett
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P.O. Box 1542
Mt. Pleasant, SC 29465-1542
(843)881-1623

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: Christopher McG. Holmes

Date: August 14, 2009