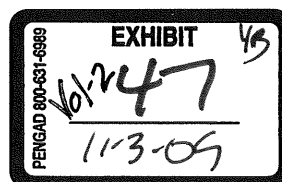


JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE

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

1. NAME: Mr. Walter Rutledge Martin  
BUSINESS ADDRESS: 528 Monument Street, Room 100  
Greenwood, SC 29646  
E-MAIL ADDRESS: rutledgem@co.greenwood.sc.us  
TELEPHONE NUMBER: (office): (864) 942-8655
2. Date of Birth: 1963  
Place of Birth: Greenwood, SC
3. Are you a citizen of South Carolina? Yes, I am a South Carolina Citizen  
Have you been a resident of this state for at least the immediate past five years? Yes.
5. Family Status: Married on June 9, 2007, to Cynthia Susan Martin. Never divorced. One child.
6. Have you served in the military? No, I have not served in the military.
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) Duke University, 1981-85 BA, Magna Cum Laude
  - (b) Stanford University, 1985-88 JD
  - (c) Bryn Mawr College, 1989 No degree obtained due to decision not to pursue career in medicine.
  - (d) University of Michigan, 1991-92 No degree obtained due to decision not to pursue career in academics.
  - (e) New York University, 1992-93 LLM in Taxation
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) California, 1993
  - (b) South Carolina, 1994 (2)
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) Moot Court, 1988
  - (b) East Palo Alto Community Law Project, 1986-88
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) SCSCJA Judges' Annual Conference	09/4/08;
(b) Magistrates' Intensive Training	08/21/08;
(c) Mandatory School for Magistrates	11/02/07;
(d) Magistrates' Orientation School	07/23/07;
(e) Annual SC Solicitors' Association Conference	9/24/06;
(f) Annual SC Solicitors' Association Conference	09/25/05;
(g) SC Drug Court Training Conference	02/25/05;
(h) 20th Annual Criminal Law Update	01/21/05;
(i) Revised Lawyer's Oath CLE	08/20/04;
(j) Real Estate Mortgage Fraud in SC	03/11/04;
(k) 19th Annual Criminal Law Update	01/23/04;
(l) Happiness: Living with Ethics, Productivity and Stress Management	12/13/03;
(m) 18th Annual Criminal Law Update	01/24/03.

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

I presented a Continuing Legal Education seminar on DUI prosecution.

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

I have not published any books or articles.

13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.

I became an inactive member of the California bar in 1993 and an active member of the South Carolina bar in 1994. I have not been admitted to practice in any federal courts.

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) 1990, Nelson, Mullins, Research and writing in Products Liability
- (b) 1990, Oakland, California Public Defender's Office, Legal Research Assistant
- (c) 1994-1995, York County, SC Public Defender's Office, Assistant Public Defender
- (d) 1995-1998 Greenwood/Abbeville Public Defender's Office, Deputy Public Defender
- (e) 1998-2001 Eighth Judicial Circuit Solicitor's Office, Assistant Solicitor
- (f) 2001-2005 SC Attorney General's Office, Assistant Attorney General Criminal Appeals Division
- (g) 2005-2007 Eight Circuit Solicitor's Office, Assistant Solicitor
- (h) 2007- Present, Greenwood County , Magistrate, Magistrate Office

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

- (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.

While I was an Assistant Attorney General, I represented SLED in the Administrative Law Court for about two years. I appeared on behalf of SLED in approximately ten to twenty contested cases before the court during that two year period. In these cases, the various plaintiffs contended that SLED wrongfully denied them concealed weapons permits, permits to be private investigators, or permits to be security guards.

Some of the cases turned on factual issues and some on legal issues. In a case that turned on a factual issue, SLED sought to revoke the permit of a private investigator who allegedly perjured himself in Family Court. We called six or seven witnesses and were able to establish by a preponderance of the evidence that he did so.

In the cases that turned on legal issues, the question was usually whether SLED was using proper criteria to make its decision on whether it was properly publicizing the criteria. For example, SLED had a policy of denying concealed weapons permits to persons who had a certain number of traffic violations over a certain period of time. Some judges would question the reasonableness of this standard; others had a problem with the fact that it was not stated in the regulations.

Another issue that arose was the SLED policy of denying concealed weapons permits to anyone who had been convicted of a crime carrying a possible sentence of more than one year. SLED maintained this policy because federal law prohibits anyone with such a record from possessing a firearm which has moved in interstate commerce. A plaintiff with such a record challenged this standard on the ground that it would be legal for him to possess a handgun that had not traveled in interstate commerce.

15. What is your rating in Martindale-Hubbell?

Because I am not in private practice I have not asked to be listed.

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: None

- (b) state: While I was an Assistant Solicitor I appeared in general sessions court daily while court was in session. As a Magistrate Judge I typically appear daily Monday thru Thursday and sometimes on Fridays.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
- (a) civil: 20%;
- (b) criminal: 80%;
- (c) domestic: 0%.
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: less than 10%;
- (b) non-jury: more than 90%.
- Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters?
- I was always 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 v. Lawrence Moore, 343 S. C. 282, 540 S. E. 2d 445 (2000)
- I was Mr. Moore's Public Defender.
- This Case gives an example of an identification procedure that offended due process and lacked sufficient indicia of reliability for the identification to be admissible.
- In this burglary case, a witness saw two individuals fleeing the scene. She could only describe them as black males wearing blue jeans and t-shirts. Later that day, law enforcement stopped two individuals fitting that very general description. Officers brought the witness to the location of the stop to view the two, a show-up identification procedure. The witness identified the two as the same two she saw fleeing the scene of the burglary.
- I moved to suppress the identification. The trial judge denied my motion and the jury convicted my client.
- The South Carolina Supreme Court reversed the conviction on the ground that the identification was unreliable as a matter of law.
- (b) In the Interest of Christopher P., 328 S. C. 545, 492 S. E. 2d 820 (S. C. App. 1997)
- I was Christopher's public defender.
- This case established that charring is an element of arson.
- In this case, Christopher threw a cigarette into the base of an artificial plant in the hallway of a building at Erskine College. Christopher said he thought it was an ashtray. At any rate, the plastic artificial plant caught on fire and did significant smoke damage to the hallway.
- I argued that Christopher was not guilty of arson because he did not intend to start a fire and because no charring of the building resulted

from the fire. The Family Court Judge rejected my arguments and found that Christopher had committed arson. The Court of Appeals reversed, holding that charring is an essential element of arson and finding that there was no evidence of charring in this case.

(c) State v. Shannon Sutherland

I prosecuted this arson case while an assistant solicitor. The jury found Sutherland guilty. The conviction withstood appeal and PCR proceedings.

I found this result very satisfying because I am firmly convinced that Mr. Sutherland is guilty and because the evidence, though voluminous, was largely circumstantial, making the case challenging to present and prove.

(d) State v. Marion Parris, 363 S. C. 477, 611 S. E. 2d 501 (2005)

I represented the state in the South Carolina Court of Appeals and the South Carolina Supreme Court.

This case reaffirmed that the existence of a fiduciary relationship between the perpetrator and the victim is an element of breach of trust.

A jury found Parris guilty of breach of trust. Parris had sold the victim a mobile home. The mobile home had a lien on it, about which Parris did not inform the victim. In various ways Parris led the victim to believe that the victim was receiving the mobile home with good title.

Instead of paying off the lien, Parris used the money for his own purposes. The Court of Appeals reversed the conviction. It held that the existence of a trust relationship is an element of breach of trust and that the state provided insufficient evidence of such. I filed a cert petition with the Supreme Court. The Supreme Court reversed the Court of Appeals. The Supreme Court held that the Court of Appeals employed the correct legal standard, but that the state presented sufficient evidence of a trust relationship.

(e) State v. Leroy Dupree, 354 S. C. 276, 583 S. E. 2d 437. I represented the state in the South Carolina Court of Appeals. This case established that a properly conducted controlled drug buy can establish probable cause for a search warrant despite the affiant's lack of knowledge of the informant's history of reliability. I believe this was the first reported South Carolina case upholding probable cause for a search warrant under the totality of the circumstance test even though law enforcement was relying on a first time informant.

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) Greenwood Urological v. Salter Circuit Court May 27, 2008.

This was an appeal to Circuit Court from my decision as a magistrate. I of course drafted the magistrate's return. The issue in this case was whether Greenwood Urological's cause of action was legal or equitable.

The character of the claim as either legal or equitable mattered because magistrates lack equitable jurisdiction.

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).

- (a) State v. Nicholson, 366 S. C. 568, 623 S. E. 2d 100 (S. C. 2005)
- (b) State v. Thompson, 363 S. C. 192, 609 S. E. 2d 556 (S. C. App. 2005)
- (c) State v. Flowers, 360 S. C. 360 S. C. 1,598 S. E. 2d (S. C. App. 2004)
- (d) State v. Mathis, 359 S. C. 450, 597 S. E. 2d 872 (S. C. App. 2004)
- (e) State v. Smith, 359 S. C. 481, 597 S. E. 2d 888 (S. C. App. 2004)

22. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.

I am presently a full-time Magistrate Court Judge in Greenwood County. I began serving as such in May of 2007. My criminal jurisdiction is limited to crimes which do not carry possible penalties of more than thirty days in jail or a five hundred dollar fine. My civil jurisdiction extends to law cases in which neither party seeks more than seven thousand five hundred dollar in damages.

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.

- (a) Richard Grooms v. Jessica Crawford
- (b) Clarence Young v. David Johnston
- (c) Oliver Baylor v. Coldwell Baker
- (d) Wynetta Hill v. Danita Goodman
- (e) Scott Buist v. Tommy Mc Cutsheon

24. Have you ever held public office other than judicial office?

No, I have never held a public office other than judicial office.

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 job as a magistrate judge precludes me from other employment.

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

Yes, I was an unsuccessful candidate in the last election for circuit court judge for the eighth judicial circuit.

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, I have never been engaged in any occupation, business, or profession other than the practice of law and the holding of judicial office.

28. Are you now an officer or director or involved in the management of any business enterprise?

Yes, I am on the Board of Directors of Bilbub Incorporated. Bilbub owns and leases commercial real estate. A trust of which my mother is the sole beneficiary owns forty-five percent of the stock. I do not receive any compensation from this position. The other two board members and I have not had a formal meeting since 2001 or 2002.

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.

Other than my affiliation with Bilbub Incorporated, I do not have any possible sources of conflicts of interest. If Bilbub Incorporated had any financial interest in the outcome of any case before me I would recuse myself from the case.

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, I have not 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

32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute?

No, I have never to my knowledge ever been under federal, state, or local investigation for possible violation of a criminal statute.

33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy?

No, I have never had a tax lien or other collection procedure instituted against me by federal, state, or local authorities. I have not defaulted on a student loan nor have I 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?

No, I have never been sued personally or professionally.

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, I am not now and have never been employed as a "lobbyist" and I have never acted as a "lobbyist's principal."

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, I have not accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value from a lobbyist or lobbyist's principal ever.

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.

I do not have any formal charges or informal allegations against me for violations of the provisions listed above.

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.

I am not aware of any formal charges or informal allegations against me for violations of these provisions.

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.

I have not incurred any expenditures in the furtherance of my candidacy for this position.

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.

No contributions have been made on my behalf to the General Assembly ever.

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, I have not requested the pledge of any member of the General Assembly for an Administrative Law Court position nor have I received the assurance of a public official or employee that he or she will seek such a pledge.

43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf?



No, I have not requested a friend or colleague to contact any members of the General Assembly on my behalf nor am I aware of anyone contacting members on my behalf.

44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy?

No, I have no reason to believe that anyone has solicited or collected funds to aid in the promotion of my candidacy.

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, I have no reason to believe that anyone has contacted members of the Judicial Merit Selection Commission about my candidacy or intention to become a candidate.

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) South Carolina Summary Court Judges' 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.

(a) Lions Club

(b) Festival of Flowers volunteer

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 had the privilege in my career to experience many perspectives in the court room, as a prosecutor, public defender, judge, and an assistant attorney general. I believe this range of experience would help me be fair and even-handed. I have stood in each one's shoes and I understand each one's pressures and concerns.

As a public defender, prosecutor, and magistrate, I have many years of experience interacting with court room participants who are less than well-versed in the law and courtroom procedure. I believe this experience would help me deal effectively with pro se litigants who sometimes appear in the Administrative Court.

49. References:

(a) Harry Dest

P.O. Box 691

York, SC 29745

803-628-3031

(b) Lafayette Bluford Adams, III

4 Heather Court

Iowa City, IA 52245  
319-337-4597

- (c) Daniel Curtis Crosby  
993 Rocky Springs Church RD  
Laurens, SC  
864-872-0441
- (d) Charles Richardson  
P. O. Box 11549  
Columbia, SC 29201  
803-734-39
- (e) Alan L. Titus  
702 Montague AVE  
Greenwood, SC 29649  
864-943-2674

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: Rutledge Martin

Date: August 12, 2009

## Laurie Traywick

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**From:** Bonnie Goldsmith  
**Sent:** Friday, October 09, 2009 1:06 PM  
**To:** Jane Shuler  
**Cc:** Laurie Traywick  
**Subject:** FW: courts to which I have been admitted to practice

Amendment to PDQ #13 for Rutledge Martin. Do I need to have him put this in a more formal letter?

**From:** W. Rutledge Martin [mailto:rutledgem@co.greenwood.sc.us]  
**Sent:** Friday, October 09, 2009 1:06 PM  
**To:** Bonnie Goldsmith  
**Subject:** courts to which I have been admitted to practice

I became an inactive member of the California Bar in 1993.

I became an active member of the South Carolina Bar in 1994.

I have not been admitted to practice in any other court.