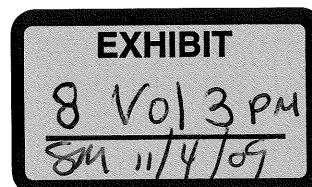


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Family Court, Eighth Judicial Circuit, Seat 2

1. NAME: Mr. John M. Rucker
BUSINESS ADDRESS: Newberry County Court House Annex
P.O. Box 756
1309 College St.
Newberry, South Carolina 29108
E-MAIL ADDRESS: jruckerj@sccourts.org
TELEPHONE NUMBER: (office): 803-321-2637
2. Date of Birth: 1944
Place of Birth: Newberry, S.C.
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 July 26, 1969, to Harriett Lee Rucker. Never divorced, two children.
6. Have you served in the military? No.
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
(a) University of South Carolina B.S. 1966;
(b) University of South Carolina J.D. 1969.
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.
State of South Carolina 1969.
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) Alpha Tau Omega Fraternity (1962-66);
(b) Phi Delta Phi Legal Fraternity (1966-69).
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) SC Bar Family Law Section	1/23/09
(b) SC Family Court Bench/Bar	12/05/08
(c) Judicial Conference	8/20/08



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|-----|-------------------------------------|----------|
| (d) | Family Court Judges Conference | 4/23/08 |
| (e) | SC Bar Family Law Section | 1/25/08 |
| (f) | SC Bar Family Court Bench/Bar | 12/07/07 |
| (g) | Judicial Conference | 8/22/07 |
| (h) | Family Court Judges Conference | 4/25/07 |
| (i) | SC Bar Family Law Section | 1/26/07 |
| (j) | SC Bar Family Court Bench Bar | 12/1/06 |
| (k) | Judicial Conference | 8/23/06 |
| (l) | Mini Summit on Justice for Children | 8/22/06 |
| (m) | Family Court Judges Conference | 4/26/06 |
| (n) | SC Bar Family Law Section | 1/27/06 |
| (o) | SC Bar Family Court Bench/Bar | 12/2/05 |
| (p) | Judicial Conference | 8/24/05 |
| (q) | Family Court Judges Conference | 4/27/05 |
| (r) | SC Bar Family Law Section | 1/21/05 |
| (s) | SC Bar Family Court Bench/Bar | 12/3/04 |
| (t) | Judicial Conference | 8/19/04 |
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.
- (a) I was invited to participate as a speaker and a member of a panel at the Child Support Decision Making 2000, National Child Support Enforcement Association held in Washington D.C.;
- (b) I have participated on panels in regard to Family Court practice at several Trial Lawyers Conferences and a Bar CLE.
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 practice before the State Courts of South Carolina in 1969;
- (b) Also admitted to practice before the Federal District Court in 1969 and the United States Supreme Court in 1984.
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) June 1969 to October 1969, Associate, Tench P. Owens, Attorney Clinton, S.C.;
- (b) October 1969 to February 1971, Private Practice, Clinton, S.C.;
- (c) February 1971 to June 30, 1988, Private Practice, Newberry, S.C.;
- (In all of the above I was engaged in the General Practice of Law)
- (d) July 1, 1988 to present, Family Court Judge.
15. What is your rating in Martindale-Hubbell? BV.

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.
- (a) Recorder, City of Newberry, September 1971 to June 1976, elected by City Council, jurisdiction limited to minor criminal and traffic offenses;
 - (b) Family Court Judge, Eighth Judicial Circuit, July 1, 1988, to present, Jurisdiction limited to Family and Juvenile matters.
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) Doe vs Queen. This case involves the question as to whether the father of illegitimate child had met the requirements of S.C. Code 20-7-1690 (A)(5)(b) requiring the father to pay fair and reasonable support for the child or expenses incurred with the pregnancy. I held that the father had made sufficient prompt and good faith efforts to assume parental responsibility. The Court of Appeals reversed my order in its opinion reported in 342 S.C. 204, 535 SE2d 658. The Supreme Court of South Carolina granted certiorari and reversed the Court of Appeals reinstating my order. 347 S.C. 4, 552 SE2d 761;
 - (b) McElveen vs McElveen (332 S.C. 583) (552 SE2d 1). This is a extremely complicated case involving proof required for divorce on the ground of adultery, alimony, child support, the division of marital property and the valuation of a medical practice. The Court of Appeals affirmed my ruling as to proof of adultery and child support. The Court of Appeals further ruled that a buy-sell agreement entered into by the partners in a medical practice could be an indicator of fair market value but must be considered in light of other evidence;
 - (c) In the interest of Amir X.S., a juvenile under the age of seventeen. Opinion 26219 S.C. Supreme Court (2006) This case involves a constitutional attack on a statute defining the offense of disturbing schools. The court affirmed my ruling that the statute is not overly broad. The Court found that the appellant did not have standing to challenge the statute as to vagueness because his conduct was clearly within the most narrow application of the statute;
 - (d) Kelley vs Kelley. Opinion 4106 S.C. Court of Appeals (2006) This was an action to recover unpaid alimony awarded in a 1974 divorce decree. The Court of Appeals upheld my ruling that the claim was barred by laches and equitable estoppel;
 - (e) Chanko vs Chanko (327 S.C. 636) (490 SE2d 630) Included in this case was the issue of whether TWOP Accounts (Time off with pay accounts) used by some businesses rather than sick leave or vacation days are income to be added to the employee's income for child support purposes. I determined that this was not to be included in the gross income. This was upheld by the Court of Appeals.

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?
- (a) South Carolina House of Representatives, elected 1976 to 1980;
 - (b) Commissioner, South Carolina Tax Commission, appointed February 1984 to June 30, 1988.
- All ethics reports were properly and timely filed.
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.
- Practiced law while serving as part time Recorder for the City of Newberry, 1971 to 1976.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
- (a) Candidate for House of Representative, Democratic Primary 1974 and 1980;
 - (b) Candidate, At Large Circuit Court Judgeship, 1982;
 - (c) Candidate Resident Circuit Court Judgeship, 1998.
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. If any unforeseen conflict would arise I would recuse myself from hearing 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.
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? No.

34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law? No.
36. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? No.
37. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? No.
38. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
39. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
40. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek. None.
41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.
42. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No.
43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
45. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No.
46. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.

- (a) Newberry County Bar;
 - (b) South Carolina Bar;
 - (c) South Carolina Family Court Judges Association
(President 1996-97).
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) Central United Methodist Church;
 - (b) Rotary Club of Newberry;
 - (c) Newberry County Historical Society;
 - (d) Mason.
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 know of no matters which would adversely affect my nomination for re-election.
49. References:
- (a) Mr. W.A. Harvey
1158 Crosshill Ln.
Newberry, S.C. 28108
Telephone (803) 276-8164
 - (b) John T. Miller, D.Min.,
27 Dameron Ave
Greenville, S.C. 29607
Telephone (864) 351-9490
 - (c) Mr. Michael G. Davenport
1735 Wilson Road
Newberry, S.C. 29108
Telephone (803) 321-3200
 - (d) William H. Franklin, III, CPA
3218 College Street
Newberry, S.C. 29108
Telephone (803) 276-9298
 - (e) Mr. Harold B. Folk
1940 Evans Street
Newberry, S.C. 29108
Telephone (803) 276-4455

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: John M. Rucker
Date: 8/3/09

JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Family Court
(Incumbent)

Full Name: John M. Rucker
Business Address: Newberry County Court House Annex
P.O. Box 756
1309 Main Street
Newberry, South Carolina 29108
Business Telephone: 803-321-2637

1. Why do you want to serve another term as a Family Court Judge?
Serving as a Family Court Judge has been a rewarding experience for me. While it is at times difficult and heart wrenching, serving allows one to assist and resolve problems that are facing the citizens of our state.
2. Do you plan to serve your full term if re-elected?
Yes
3. Do you have any plans to return to private practice one day?
No
4. Have you met the statutory requirements for this position regarding age, residence, and years of practice?
Yes
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?
I do not allow ex-parte communications with me about any pending case. On rare occasions a party will seek in the initial pleadings an emergency order asking that a matter be heard on shorter notice. This is done in writing and is included with the order for the emergency hearing.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
I recuse myself from hearing a matter if my relationship with the attorney or a party is such that I could not be fair and impartial or would give the impression to a reasonable person that I was not fair and impartial. I have no former law partners or associates practicing law. I would not recuse myself from hearing a matter solely because the attorney was a lawyer-legislator.
7. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what

deference would you give a party that requested your recusal? Would you grant such a motion?

If a party, based on my disclosure, objected to my hearing a matter I would grant the motion and recuse myself.

8. How do you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

If my wife or a close relative was financially or socially involved with a party I would recuse myself. If a party reasonably feels the judge would be biased then the judge must recuse himself or herself. The rotation of judges through the various counties provides a mechanism to remedy this problem.

9. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?

I accept no gifts from anyone appearing before or likely to appear before me. I would not attend any social function to which I am invited because of my position with the exception that I will attend events held by local bar associations and state bar associations.

10. How do you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?

I would notify the appropriate disciplinary body.

11. Are you affiliated with any political parties, boards or commissions which, if you were re-elected, would need to be re-evaluated?

No

12. Do you have any business activities that you have remained involved with since your election to the bench? No

13. Since family court judges do not have law clerks, how do you handle the drafting of orders?

In most cases I issue my rulings in open court and ask the prevailing attorney to prepare an order and forward it to the opposing council before submitting it to me. If I take a matter under advisement I will prepare a letter to both attorneys setting forth my ruling and asking one to prepare the order and forward it to the other before submitting it to me. Occasionally I will prepare the order.

14. What methods do you use to ensure that you and your staff meet deadlines?

We keep a log of all cases heard by me. This log is checked regularly by my secretary.

15. What specific actions or steps do you take to ensure that the guidelines of the Guardian Ad Litem statutes are followed during the pendency of a case?

When appointing a guardian ad litem or other professional I set a low maximum fee and require that any additional fee must be approved by the court. At the review or at the time any additional fee is requested all parties must be present in court. At that time it can be determined

- whether the individual is performing his or her duties. Further any party to the action is a liberty to move before the court concerning the performance of an appointed guardian or professional.
16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
A judges duty is to apply the law fairly to all parties. Public policy is to be determined by elected representatives. A judge should appear before legislative bodies that are studying a particular problem if his or her experience can be of assistance.
17. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?
I have worked in the past with committees of the South Carolina Bar studying ways to improve the Family Court system in South Carolina. I presently am a member of the Bar's Law Related Education Committee and its work with the State and National High School Mock Trial competition.
18. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?
I do not feel that it strains relationships, however it is quite helpful to have an understanding spouse. In this I have been fortunate. In regard to friends and relatives I have made it clear since the beginning of service as a Family Court Judge that I will not discuss cases with them, so far it has not caused any strain to any relationships.
19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No
20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?
No
21. Do you belong to any organizations that discriminate based on race, religion, or gender? No
22. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes
23. What do you feel is the appropriate demeanor for a judge?
A judge must be fair, free from bias and willing to listen to all sides. He or she must not attempt to intimidate any party or witness.
24. Do the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply seven days a week, twenty-four hours a day?
These rules apply at all times,, they are good rules to use in conducting ones life.

25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?
Anger is not appropriate under any circumstances in dealing with the public, a criminal defendant, attorney or pro se litigant.
26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees? None
27. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign? No
28. Have you sought or received the pledge of any legislator prior to this date? No
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No
30. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?
No
31. Have you contacted any members of the Judicial Merit Selection Commission? No
32. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted? Yes

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

s/ John M. Rucker

Sworn to before me this 4th day of August, 2009.

Notary Public for South Carolina

My commission expires: 12-05-2013