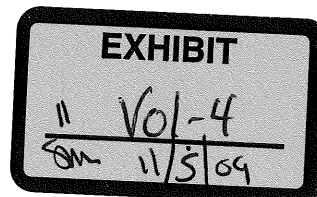


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:
Judge, S.C. Administrative Law Court, Seat #3

1. NAME: Carolyn Cason Matthews [Note: the name in which I practiced law from 1978-1990 was Carolyn M. Adams]
BUSINESS ADDRESS: S.C. Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, S.C. 29201
E-MAIL ADDRESS: cmatthews@scal.c.net
TELEPHONE NUMBER: (office): 803-734-0550
2. Date of Birth: 1950
Place of Birth: Columbia, 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 July 3, 1999, to John Andrew McAllister, Jr. Divorced on September 12, 1983, from Huel D. Adams, Family Court, 5th Judicial Circuit, one year's continuous separation. 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) Furman University, 1968-1972, B.A. in English Literature June 4, 1972
 - (b) University of London and Shakespeare Institute, Stratford-on-Avon, Fall 1970 [Furman University non-degree program]
 - (c) University of South Carolina School of Law, 1975-1978, J.D. May 13, 1978
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--November 8, 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) Furman University: Collegiate Educational Service Corps (1968-1972); Student Senate (1970-1972)
 - (b) U.S.C. Law School: Order of Wig and Robe (Top 10% of Class)
 - (c) American Jurisprudence Award, Torts (First in Class) Fall 1975



- (d) 1977-78: Research Assistant to Professors John Montgomery and David Owen: Research and assistance in drafting textbook—Keeton, Owen, and Montgomery, Products Liability and Safety, Foundation Press, Inc., 1980

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>
<u>2009:</u>	
(a) "Ethics - Unintended Consequences" [Inn of Court]	1/20/09
(b) "Alternative Dispute Resolution" - S.C. Bar Convention	1/22/09
(c) "Environmental Permits" - S.C. Bar Convention	1/23/09
(d) "The Direction of Environmental Law"- S.C. Bar Convention	1/23/09
(e) "Peer Review and Medical Board Proceedings"- S.C. Bar	1/24/09
<u>2008:</u>	
(a) "Environment and Natural Resources" – S.C. Bar Convention	1/24/08
(b) "Government Law" – S.C. Bar Convention	1/25/08
(c) "S.C. Administrative and Regulatory Law Association Conf."	9/19/08
(d) "Central Panel Administration Conference"	9/9/08-9/12/08
<u>2007:</u>	
(a) "IT 101 for Attorneys" – SCWLA	6/14/07
(b) "Punitive Damages, Due Process"	9/7/2007
(c) "John Belton O'Neall Inn of Court"	9/18/07
(d) "S.C. Administrative and Regulatory Law Association"	9/21/07
(e) "The Changing Face of Justice" – NC Bar/SC Bar Conference	10/19/07
(f) "How to Avoid Major Missteps" – SCWLA	0/19/07
(g) "Enhancing Judicial Bench Skills" - NAALJ	10/28/07-10/31/07
<u>2006:</u>	
(a) "Health Care Law"- S.C. Bar Convention	1/27/06
(b) "Environmental and natural Resources" – Bar Convention	1/28/06
(c) "New Court Developments"	2/21/06
(d) "SCAARLA Annual Seminar"	9/22/06
(e) "Ladder to Success – S.C. Women Lawyers Association"	10/13/06
(f) "Ethics" – Richland County Bar Association	11/3/06
<u>2005:</u>	
(a) "Health Care Law" – S.C. Bar Convention	1/20/05
(b) "Administrative and Regulatory Law" – S.C. Bar Convention	1/21/05
(c) "Environment & Natural Resources" – S.C. Bar Convention	1/22/05
(d) "Tort Reform"	2/22/05
(e) "S.C. Legal History"	9/20/05
(f) "SCAARLA Educational Seminar"	9/22/05
(g) "ABC's of Ethics"	10/14/05.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? Yes. If so, briefly describe each course or lecture.

<u>Course/Lecture Name</u>	<u>Date(s)</u>
<u>2009:</u>	
(a) "Administrative Law-Bridge the Gap"	3/10/2009
<u>2008:</u>	
(a) "Tips from the Bench – Administrative Law"	2/14/08
(b) "Administrative Law – Bridge the Gap"	3/10/08
(c) "Administrative Law – Bridge the Gap"	5/12/08
(d) "The State of Administrative Law in South Carolina"	9/10/08
(e) "Rules! Rules! Rules! – Success with Judge and Jury"	12/12/08
<u>2007:</u>	
(a) "Tips from the Bench – Administrative Law"	2/10/08
(b) "Administrative Law – Bridge the Gap"	3/12/07
(c) "Administrative Law – Bridge the Gap"	5/14/07
(d) "Tips from the Bench VIII" – Administrative Law	2/10/07
<u>2006:</u>	
(a) "Administrative Law – Bridge the Gap"	3/10/06
(b) "Administrative Law – Bridge the Gap"	5/9/06
(c) "Tips from the Bench VII – Administrative Law"	2/15/06
<u>2005</u>	
(a) "Administrative Law – Bridge the Gap"	3/09/05
(b) "Administrative Law – Bridge the Gap"	5/12/05
(c) "Tips from the Bench VI – Administrative Law"	12/12/05
<u>2004:</u>	
(a) "Administrative Law – Bridge the Gap"	3/11/04
(b) "Administrative Law – Bridge the Gap"	5/12/04
(c) "Tips from the Bench V – Administrative Law"	12/11/04
<u>2003:</u>	
(a) "Tips from the Bench IV – Administrative Law"	12/12/03
(b) "Ethics for State Government Attorneys"	11/14/03
(c) "The Lighter Side of the Law"	8/07/03
(d) "Bridge the Gap – Administrative Law"	5/12/03
(e) "How Judges Perceive Lawyers" – USC Law School	3/26/03
(f) "Bridge the Gap – Administrative Law"	3/08/03
<u>2002:</u>	
(a) "Bridge the Gap – Administrative Law"	3/10/02
(b) "Bridge the Gap – Administrative Law"	5/14/02
(c) "Ethics and Professionalism – 8 Commandments"	9/12/02
(d) "Tips from the Bench III – Administrative Law"	12/13/02
<u>2000:</u>	
(a) "Judicial Independence" – SCWLA Seminar Panel	9/2000

1994:

(a) "1994 Legislative Update – Natural Resources" 6/3/94

1993:

(a) "South Carolina State Government Restructured" 9/1993

1986:

(a) "Res Judicata & Collateral Estoppel" –A.G.'s Office Seminar 1986

1982:

(a) "Appellate Practice" – Presentation to S.C. Circuit Judges 1982.

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) S.C. State Courts – November 8, 1978

(b) U.S. District Court for the District of S.C. – March 23, 1979

(c) U.S. Court of Appeals for the Fourth Circuit – April 4, 1981

(d) U.S. Supreme Court – February 24, 1986

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) Staff Attorney, South Carolina Supreme Court (1978-1981)

Reviewed and researched civil and criminal appeals; Recommended disposition by Court; supervised junior Staff Attorneys. Assisted at settlement conferences; Drafted Court Rules.

(b) Law Clerk, South Carolina Supreme Court Justice George T. Gregory, Jr. (1981-1982)

Reviewed and researched civil and criminal appeals and motions; Drafted opinions, rules, and Orders for Justice Gregory; Assisted at hearings on Extraordinary Writs such as Mandamus and Supersedeas; reviewed Attorney Disciplinary proceedings.

(c) Assistant Attorney General, State of South Carolina (1982-1986)

Researched and wrote more than 200 appellate briefs and argued more than 80 appeals before S. C. Supreme Court, S. C. Court of Appeals, and U. S. Supreme Court; Coordinated appeals with Solicitors; Prosecuted Medical Board and other licensing board cases. Wrote opinions as directed by the Attorney General; Represented State Agencies; Coordinated Continuing Legal Education Seminars; Chaired first Law Enforcement Leadership Conference.

(d) Counsel, South Carolina House of Representatives Judiciary Committee, David H. Wilkins, Chairman (1986-1988)

Managed research and drafting of Legislation and amendments for all Legislation referred to Judiciary Committee. Coordinated legislative

efforts with Governor's Office, Legislative staff, and state agencies. Supervised staff attorneys and law clerks.

(e) Partner, Nelson Mullins Riley & Scarborough (1988-1996)

Administrative practice before State agencies such as DHEC, Department of Insurance, and Public Service Commission; Governmental Relations; Appellate practice.

(f) Partner, Woodward Cothran & Herndon (1996-1998)

Commercial Litigation; Appellate and Administrative Law practice before state agencies, including DHEC, Insurance Commission, and PSC. State and Federal Governmental Relations.

(g) Carolyn C. Matthews, Attorney and Counselor at Law (December 1998-May, 1999)

Administrative and Appellate Law Practice; State and Federal Governmental Relations

(h) Administrative Law Judge, Seat #3 (June 2, 1999-present; reelected February 9, 2000; reelected February 2, 2005)

Appeals from 49 Licensing Boards of LLR and DSS, HHS, DOC, OMVH, and DOC

Contested Cases from State Agencies, including: DHEC, DOR, DNR, Department of Insurance, DHHS, DOT, DSS, OCRM, SLED, County Auditors and Assessors

Regulatory Hearings from State agencies governed by a single director;

Injunctions, Petitions for Stay. and other procedural Motions.

15. What is your rating in Martindale-Hubbell? AV

22. Have you ever held judicial office? Yes.

Administrative Law Judge, Seat #3, Elected June 2, 1999; reelected February 9, 2000; Reelected February 2, 2005

By statute, the Administrative Law Court has jurisdiction over (1) Contested Cases from State Agencies [including DHEC, DOR, DOT, DHHS, DSS, Department of Insurance, DNR, and SLED]; (2) Appeals from the 50 Licensing Boards of LLR and other agencies [including Medicaid Appeals, State Fire Marshal appeals; Appeals of Day care and Foster home license revocations] and (3) Hearings regarding the need for and reasonableness of Regulations promulgated by agencies governed by a single director, such as the Department of Insurance and LLR.

By Supreme Court case law, Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742(2000), the ALC was given jurisdiction over inmates' appeals of non-collateral sentencing matters or administrative matters from the Department of Corrections.

The Supreme Court of South Carolina has held that the ALC does not have jurisdiction to rule on the constitutionality of statutes or regulations. Administrative Law Judges have jurisdiction to rule only on whether a statute or regulation has been unconstitutionally applied.

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) Heath Hill v. S.C. DHEC and SCE&G [08-ALJ-07-0183-CC, July 10, 2008]

This procedural order granted a Motion to Lift Automatic Stay under S.C. Code §1-23-600(H)(4), which became effective only 9 days before the hearing on this Motion. It is significant because it demonstrates the magnitude of the decisions entrusted to the Administrative Law Court—whether SCE&G would be allowed to proceed with construction of a landfill to dispose of byproducts of coal combustion during the pendency of the contested case. The new statute required me to hold a hearing within 30 days after the Motion To Lift Stay was filed, and to issue an Order within 15 days after the four-hour hearing on the motion.

I ruled that SCE&G had satisfied the statutory standard for lifting the stay; i.e. "...for good cause shown or if no irreparable harm will occur...." Moreover, if the legislature imposes a statutory time frame, Administrative Law Judges are required to comply with it. I am the only Administrative Law Judge who has ruled on a Motion to Lift Stay since the statute was revised. [Copy attached]

(b) Sonoco Products Company v. S.C Department of Revenue [03-ALJ-17-0440-CC, August 30, 2005], aff'd. Op. No. 26502 (S. C. Sup. Ct., filed 6/9/08)

In this property assessment case, the DOR assessed three of Sonoco's corporate office buildings, located across a public street and a railroad from its manufacturing plant, at a 10.5% ratio as Manufacturing-related property. Sonoco contended that the office buildings were not "contiguous" to the plant within the meaning of S.C. Code Ann. §12-43-220(a), and should be assessed at a 6.5% ratio.

I affirmed the DOR, ruling that the buildings were contiguous to the Plant. The Circuit Court reversed; the S.C. Supreme Court reversed the Circuit Court and affirmed my Order.

This Order is significant because it addresses the primary rule of statutory construction--ascertaining the intent of the Legislature. [Copy attached]

(c) Charleston County Public Works v. Office of Coastal Resource Management, DHEC [02-ALJ-07-0262-CC, August 3, 2003]

OCRM, although ostensibly granting a permit to build a causeway, instead required Charleston County to build a bridge, which was outside the scope of the permit application. I reversed OCRM's decision on the grounds that (1) its action constituted an "unwarranted exercise of discretion" under S. C. Code Ann. §1-23-380(A)(6) and (2) the public was denied sue process of law when OCRM failed to give notice of permit conditions which radically altered the original application.

This Order is significant because it affirms the public's right to valid notice of agency environmental permitting decisions, and because it deals with the rare issue of "unwarranted exercise of discretion." [Copy attached]

- (d) Oncology and Hematology Associates of SC, LLC d/b/a Cancer Centers of the Carolinas v. S.C. DHEC and Spartanburg Regional Medical Center [03-ALJ-07-0158-CC, June 24, 2004]; DHEC Board affirmed; Circuit Court affirmed; appealed to Court of Appeals; Supreme Court granted *certiorari*.

This Order demonstrates the intricacy and complexity of the review accorded DHEC contested cases for Certificates of Need for hospitals. This case was tried for only one week, but with the intensive discovery which has become standard in CON cases, they are now requiring 3-4 weeks to try.

The Order includes extensive fact-finding and detailed analysis of the law. [Copy attached]

- (e) Anonymous No. 1, Registered Dental Hygienist, and Anon. No. 2, RDH v. S.C. Department of Labor, Licensing, and Regulation [06-ALJ-11-0562-AP_And 06-ALJ-11-0563-AP, October 25, 2007; on appeal to Court of Appeals]

Two Dental Hygienists were disciplined by the Board of Dentistry for failing to meet the standard of care in placing sealants on children's teeth in a school setting. This Order is an example of the Administrative Law Court's Legislative duty to review sanctions imposed by more than 40 Licensing Boards, including those who regulate Doctors, Nurses, Realtors, and Cosmetologists in order to protect the public health and welfare. An Appeal to the Administrative Law Court is vital to give the licensees and the licensing boards an opportunity to be fully heard. [Copy attached]

24. Have you ever held public office other than judicial office? No.
25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor. N/A
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?

I was a candidate for Circuit Court in 1995, but withdrew when it became apparent I could not win. I was a candidate for the Court of Appeals, Seat #1 in 2004. I was found "Qualified, but not nominated" by the Judicial Merit Selection Commission. The Honorable Paul Short won that election. I was a candidate for Chief Judge of the Administrative Law Court in 2009, but withdrew when I did not have the requisite votes.

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.
- If any party, attorney, or subject matter appeared to create a possible conflict of interest, I would inform all parties, allow them to discuss it out of my presence, and, if they requested it, recuse myself from the case consistent with the Code of Judicial Conduct.
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? 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? Yes.
- (a) On October 15, 2001, Inmate Gerald Brown filed a civil complaint against me in Richland County Court. That complaint was dismissed on January 18, 2002 [2001-CP-40-04363].
- (b) 6:02-CV-04027 is a prison condition case. William C. McKinney [prisoner] v. Jon E. Ozmint, Governor Jim Hodges, Attorney General Charles Condon, NFN McKie (General Counsel Office); Warden Rickie Harrison, and Carolyn Matthews.
On September 3, 2004, the 4th Circuit Court of Appeals denied a petition for rehearing.
- Note: There is no proof of service on me in the Federal case.
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)? Yes.
- 1992:
Waste Placement Professionals, Carowinds, SC Wind & Hail Underwriters DSM, IBM, SC Tourism Council, RADAR, 3M National Advertising Company, SC Health Insurance Pool, Grand Strand Water & Sewer, Marine Spill Response Corporation, Phillip MorrisUSA, BellSouth Mobility, SC Coin

Operators, SC State Ports Authority, ThermalKEM, Soap and Detergent Association, State Farm, SC Coalition of Interior Designers, Grand Strand General Hospital, C&S National Bank, Southeastern Chemical, Winthrop University

1993:

Winthrop University, RADAR, MSRC, SC Tourism Council SC Wind & Hail Underwriters, PEPISCO, Inc. State Farm Insurance Companies, Santee Cooper, Phillip Morris, USA, Grand Strand Water and Sewer, Outdoor Advertising of SC, ThermalKEM, SC Bankers Association, Southeastern Chemical, IBM, Carowinds, Premark International, Inc., Health Ins. Co. of America, SC Health Ins. Pool, Mid-American Waste System, Wagering, Inc, SC Commission for Concerned Dental Hygienists

1994:

State Farm Insurance Company, SC Wind & Hail Underwriting Association, SC Property and Casualty Insurance Guaranty Ass'n., SC Health Insurance Pool, SC Committee for Concerned Dental Hygienists, Roche Carolina, Inc., Phillip Morris Companies, Inc., Roche, SC Outdoor Advertising Association, MSRC, HIAA, Grand Strand Water & Sewer Authority, Ellis & Associates, Inc., Carowinds, Automated Wagering

1995:

American Automobile Manufacturers Ass'n., Associated International Auto Manufacturing, AWI, Inc., Carowinds, HIAA, Ellis & Associates, Inc., National Ass'n. of Recording Merchandisers, Grand Strand Water and Sewer Authority, Outdoor Advertising Ass'n of SC, Phillip Morris Companies, Roche Carolina, Inc., SC Health Insurance Pool, SC Property and Casualty Insurance Guaranty Ass'n., SC Wind & Hail Underwriting Ass'n., State Farm

1996:

The R. L. Bryan Company, Grand Strand Water & Sewer Authority

1998:

Grand Strand Water & Sewer Authority, SC Association of Marriage & Family Therapists

1999:

Grand Strand Water & Sewer Authority, SC Association of Marriage & Family Therapists, SC Association of Public Accountants

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. N/A
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. N/A
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) S.C. Bar Association [November 8, 1978-present]:
 - S.C. Bar Task Force on Professional Satisfaction and Retention [2008-present]
 - S.C. Bar House of Delegates [1998-1999]
 - Mentor, S.C. Young Lawyers Division [1996-1999]
 - S.C. Bar Legislative Counsel Committee [1991-1996]
 - S.C. Bar Committee on Continuing Legal Education [1994-1997]
 - S.C. Bar practice and Procedure Committee: Drafted Legislation creating Court of Appeals [1993-1994]
 - (b) Richland County Bar Association [1978-present]
 - Chair, Legal Services Committee [1996-1999]
 - Chair, Richland County Bar Programs Committee [1991-1992]
 - (c) S.C. Women Lawyers Association [1995-present;elected Secretary 2009 Board of Directors [1995-2001]

- (d) National Association of Women Lawyers [2003-present]
 - (e) National Association of Administrative Law Judges [1999-present]
 - (f) S.C. Administrative and Regulatory Law Association [2000-present]
 - (g) John Belton O'Neall Inn of Court [2002-present]
 - (h) Central Panel Administrative Law Courts Association [1999-present]
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) Governors Advisory Committee to Study the Commission on Women (Jan.2004-06)
 - (b) Leadership South Carolina (1993 Graduate)
 - (c) Furman University National Development Council (1998-99)
 - (d) First Presbyterian Church of Columbia, SC

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.

The General Assembly of South Carolina has conferred on me the privilege of serving the State as an Administrative Law Judge for the past ten years. Because Administrative Law Judges hear contested cases from many state agencies, including DHEC, the Department of Revenue, and the Department of Transportation, we are affording due process and an opportunity to be heard to many citizens of South Carolina who have no other forum.

Contested cases involve matters as diverse as Certificates of Need for Hospitals, Designations as a Minority Business Enterprise, Environmental permitting and penalties, Property Tax Assessment Appeals from every county in the state, and permits for bridges and docks in the eight coastal counties. We also hear appeals from the 49 Licensing Boards of LLR, including doctors, dentists, nurses, realtors, and general contractors who have been disciplined by their respective Boards, as well as appeals from other state agencies. Our orders affect the livelihood of these individuals and protect the public welfare and safety.

In my legal career, I have been fortunate to serve as Staff Attorney at the S.C. Supreme Court, as Law Clerk to the late Chief Justice George T. Gregory, Jr., and as an Assistant Attorney General for the State of South Carolina. During my tenure with the Attorney General's Office, I was assigned to the Criminal Appeals Division, and worked closely with the Solicitors in reviewing transcripts, writing more than 200 appellate briefs, and arguing more than 80 appeals solo before the Supreme Court and Court of Appeals in upholding criminal convictions. I also prosecuted licensees on behalf of the Medical Board and several other Boards, and handled the Boards' appeals.

I have also served as Counsel to the House Judiciary Committee. In that position, I worked with all members of the General Assembly in drafting

legislation and amendments, reviewing legislation and regulations, and being a part of the process of statutory enactment. While serving as attorney to the Chairman of the House Judiciary Committee, I received a true understanding of the fundamental principle of statutory construction; that is, that the Legislature's intent is paramount.

In ten years of private practice, I concentrated on administrative and appellate law and governmental relations. I represented clients before state agencies, including the Department of Insurance, DHEC, OCRM, and the Public Service Commission. I also participated in complex civil and federal court litigation. I became a partner at the State's largest law firm

I am fortunate to have been born in South Carolina, to parents who instilled in me and my three sisters many values. We were taught to treat all persons equally, and to "do unto others as we would have them do unto us." I saw my parents and all my relatives treating people of all classes, races, and creeds with equal compassion, humility, and dignity. We were taught that we could achieve anything through education, hard work, and perseverance. I was divorced when my daughter was only 5 years old, and, as a single parent, I had to work very long hours as a Assistant Attorney General, House Judiciary Committee Counsel, and to become a partner at the largest law firm in the state [I was the only single parent in the firm of more than 200 lawyers at that time.] I understand the demands of the private practice of law; wherever possible, I try to accommodate attorneys' schedules, and will never embarrass an attorney in the courtroom.

I am one of the few attorneys in the state who has worked for all three branches of state government— Judicial, Legislative, and Executive—providing a unique perspective and fundamental understanding of the Separation of Powers Doctrine. I have practiced law for 31 years and have tried, heard, and appealed a wide variety of cases. My legal experience is extremely broad and diverse. I am 58 years old and believe I can continue to contribute on the Administrative Law Court.

49. References:

- (a) Joseph Calhoun Watson, Esquire,
Sowell Gray Stepp & Laffitte, LLC
P. O. Box 11449
Columbia, SC 29211
[803-929-1400]
- (b) Darra W. Cothran, Esquire
Woodward Cothran & Herndon
440 Knox Abbott Drive, Suite 200
Cayce, SC 29033
[803-799-9772, ext. 12]
- (c) Dr. Randall T. Ruble, President, Erskine College
P.O. Box 338
Due West, S C 29639

[864-379-8853]

(d) Flo Lester Vinson, Esquire, President
S. C. Bar, Folkens Law Firm, PA,
P.O. Box 6139
Florence, SC 29502
[843-665-0100]

(e) W. Scott Hagler, Vice-President, First Palmetto Savings Bank
3932 Forest Drive
Columbia, SC 29204
[803-782-7030]

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: Carolyn Cason Matthews

Date: July 16, 2009

JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement To Be Included In Transcript Of Public Hearings
Administrative Law Court
(Incumbent)

Full Name: Carolyn Cason Matthews
Business Address: Administrative Law Court
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1. Do you plan to serve your full term if elected? Yes.
2. Do you have any plans to return to private practice one day? No.
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes.
4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

My philosophy is identical to that contained in the Code of Judicial Conduct. Canon 3B(7) prohibits *ex parte* communications. *Ex parte* communications are allowed only in very limited circumstances; for example, if there is an emergency procedural matter which will not give any party a tactical advantage, and if immediate notice and an opportunity to be heard is given to the other parties.

As an Administrative Law Judge, I instruct my Law Clerk and the staff to screen telephone calls to ensure that neither a lawyer nor a *pro se* litigant is calling me without all parties being represented. Attorneys are aware of the prohibition on *ex parte* communications, and normally do not attempt to communicate with me regarding a pending case.

Ex parte communications are permitted only in emergency situations, a judge may make an *ex parte* ruling only when it involves a procedural matter which will not afford either party a tactical advantage. *Ex parte* rulings must be immediately communicated to all parties, and all parties must be given an opportunity to respond.

5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

The Canons of Judicial Conduct require recusal if there is the possibility or the appearance of impropriety or bias, or if a party requests it. My practice is to notify the attorneys and parties as soon as a case is assigned to me if there is any possibility of the appearance of impropriety or bias; for example, if there is a case in which a prior client is a party. I recuse myself any time a party

requests it. There is no reason for potential bias of a Judge to be an issue on appeal.

With respect to lawyer-legislators, former associates and former law partners, recusal is not automatically necessary under the Code of Judicial Conduct. My practice is to disclose the relationship to all parties, leave the courtroom and give them a chance to discuss it, and if they agree that they want me to hear the case, to put that agreement on the record. Because South Carolina elects Judges by vote of the General Assembly, no lawyer-legislator would be able to appear before any Judge if automatic recusal were required. Thus, I treat lawyer-legislators as I treat all other attorneys.

6. 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?

Yes. I would recuse myself if a party requested it, even if I did not believe that my impartiality was compromised.

7. If elected, what standards would you set for yourself regarding the acceptance of gifts or social hospitality?

In accordance with the Canons, I accept ordinary social hospitality. I would also accept a gift of nominal value, such as a book or a plaque as a "thank you" gift for giving a speech, for example.

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

The same standards apply to misconduct by a lawyer or a judge. If I became aware of a violation of the Rules of Professional Responsibility, I would take appropriate action. Depending on the magnitude of the misconduct, I would talk with the lawyer or judge and caution them against such conduct in the future, or refer the matter to either the Commission on Lawyer Conduct or the Commission on Judicial Standards. If a criminal matter were involved, I would refer it to state or federal prosecutors.

9. Are you affiliated with any political parties, boards or commissions that, if you are elected, would need to be re-evaluated? No.

10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? No.

11. How would you handle the drafting of orders? If the case is a routine one, or one in which one party is not represented by Counsel, I ask my Law Clerk to draft a routine order, and then I edit it and discuss it with my Clerk before signing a final Order. In Department of Revenue Licensing cases, the only issue is often the proposed location. I usually prepare a draft order before the hearing, and can provide the parties a final order that day or no later than the day after the hearing.

Complex cases, such as Environmental Permitting or Certificate of Need Cases, can require trials ranging from a full day to several weeks. I ask the attorneys for each party to submit proposed orders with Findings of Fact and Conclusions of Law, as required by the Code. Depending on the quality of those proposed orders, I incorporate portions of their Findings of Fact and Conclusions of Law in a draft order, which I review with my Law Clerk. In some instances, I find the proposed Orders totally unsuitable, and do not incorporate any of their proposed language in my final order.

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12. What method would you use to ensure that you and your staff meet deadlines? The only real "deadline" with respect to issuing orders in the S. C. Code is found in S. C. Code Ann. §1-23-600(H)(4), which requires that Administrative Law Judges must hold a hearing on a Motion to Lift Stay within 30 days after the Motion is filed, and must issue an Order within 15 business days after the hearing. When complex Motions [e.g., Motions to Compel Discovery, Motions in Limine, or Motions for Summary Judgment] are argued, my policy is to rule from the Bench whenever possible, and to provide the parties with a written Order no later than one week after the Motion hearing. Other deadlines are self-imposed, in order to keep the Docket moving. As soon as all briefs in the Al-Shabazz Department of Corrections cases are filed [a total of 95 days after the case is assigned to an ALJ], I review them to see if they can be dismissed on a procedural ground. For the ones which require review on the merits, I issue an order within two weeks.

When proposed orders are received, I attempt to issue those Orders no more than 30 days after receipt of the proposed orders.

13. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?

The "separation of powers" doctrine is fundamental to our system of government. The Legislature enacts the laws; the Courts of the Judicial Branch interpret those laws, and the Executive Branch enforces them. Ascertaining legislative intent is the fundamental principle of statutory construction. Judicial activism is not within the purview of the courts of South Carolina.

14. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you plan to undertake to further this improvement of the legal system?

I have been involved since 1978 in activities to improve the law and the administration of justice, including the S. C. Bar, The Richland County Bar, the S.C. Women Lawyers Association, the National Association of Women Lawyers, the National Association of Administrative Law Judges; and the State Administrative and

Regulatory Law Association. I have attended conferences of the Central Panel Courts—those with broad jurisdiction similar to that of South Carolina’s Administrative Law Court. I have served on numerous boards, committees, and in leadership positions. I enjoy public speaking, and am honored that the Chief Justice of the Supreme Court has asked me to speak on “Administrative Law” to the young lawyers taking the “Bridge the Gap” seminars twice each year since I was elected to the bench in 1999. I am a frequent speaker on topics ranging from “Professionalism” and “Ethics” to “Administrative Law” and “Order Writing.”

15. Do you feel that the pressure of serving as a judge will strain personal relationships (i.e. spouse, children, friends, or relatives)? No. How would you plan to address this?

I do not expect any problems. My daughter is 30 years old, living in Charleston, South Carolina. She graduated in the first class of The Charleston School of Law, and works for Charleston County as an Assistant County Attorney. She is married and lives on James Island. I was a single parent for 17 years. During that time I worked for the Supreme Court, the Attorney General, the House of Representatives Judiciary Committee, and became a partner at the largest law firm in the state. I was in private practice for ten years, and have been a Judge for the past ten years. I’ve been very blessed. I have remarried since I was elected, to Johnny McAllister, originally of Mt. Carmel, SC. My three sisters and their families live in South Carolina, and I try to stay involved in their lives and those of my closest friends.

16. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No.

17. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? Because a *de minimis* interest is so insignificant that it could not be used to reasonably question my impartiality, I could hear such a case.

18. Do you belong to any organizations that discriminate based on race, religion, or gender? No.

19. Have you met the mandatory minimum hours requirement for continuing legal education courses? I have met or exceeded the requirements every year since I was admitted to the Bar in 1978.

20. What percentage of your legal experience has dealt with cases that appear before the Administrative Law Court? Please describe to the Commission your experience in these areas. Approximately 85% of my legal experience from 1978 until I was elected a Judge in 1999 has involved cases which are ALC cases or developed skills which are invaluable to a Judge.

S. C. Supreme Court Staff Attorney and Law Clerk:As a Staff Attorney and Law Clerk, I drafted many opinions for Supreme Court Judges. I read many civil and criminal briefs, and acquired a working knowledge of crafting findings of fact and conclusions of law.

Contested Cases: In private practice, I participated in matters involving Dock permitting from DHEC/OCRM, Environmental Permitting and Environmental Fines at DHEC, and Certificates of Need for Hospitals. I participated in drafting and advocating legislation relating to the Beachfront Management Act, the Solid Waste Management and Policy Act, amendments to the Certificate of Need Act and the Hazardous Waste Management Act. I also represented clients before the ABC Commission [now the DOR].

Appeals: As an Assistant Attorney General, I wrote more than 200 appellate briefs and argued more than 80 cases solo before the S. C. Supreme Court and Court of Appeals. I prosecuted for the Board of Medical Examiners, the Cosmetology Board, and other Boards. The ALC hears appeals from all Licensing Boards of LLR, so I was thoroughly familiar with hearing procedures and the Licensing Statutes before I became a Judge. I have represented the Medical Board in Circuit Court before the Administrative Law Court was created. I wrote many opinions for the Attorney General's signature.

In private practice, I represented Insurance agents whose Licenses had been revoked by the Board. I also represented one client in obtaining a pardon from the Probation, Pardon, and Parole Board [whose appeals now come to the ALC.]

Regulations: In private practice, I assisted in drafting regulations for clients, and represented clients in Regulatory hearings before the Administrative Law Court. I monitored the progress of Regulations at the General Assembly and represented clients at DHEC Public Hearings during the promulgation process.

21. What do you feel is the appropriate demeanor for a judge? Canon 3 makes it clear that a Judge is supposed to be unbiased, courteous, patient, and dignified with everyone, not just litigants and lawyers. Judges must act accordingly with respect to staff and all members of the public.
22. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day? The rules always apply.
23. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you? No. Is anger ever appropriate in dealing with attorneys or a pro se litigant? No. Sternness may be appropriate, but never anger.

24. How much money have you spent on your campaign? None. If it is over \$100, has that amount been reported to the House and Senate Ethics Committees? N/A
25. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? No.
26. Have you sought or received the pledge of any legislator prior to this date? No.
27. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No.
28. 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? No. Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
29. Have you contacted any members of the Judicial Merit Selection Commission? No.
30. 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/ Carolyn Cason Matthews

Sworn to before me this 16th day of July, 2009.

Notary Public for S.C.

My Commission Expires: 04-06-2016