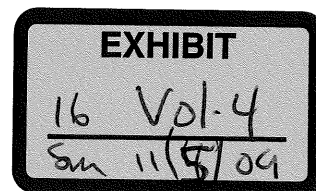


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE
FOR RETIRED JUDGES/JUSTICES

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1. NAME: Howard Pickett King
BUSINESS ADDRESS: P.O. Box 189
Sumter, SC 29151-0189
BUSINESS TELEPHONE: 803-774-3852
E-MAIL ADDRESS: hkingj@sccourts.org
2. Date and Place of Birth: 1939, Greenville, SC
3. Are you a citizen of South Carolina? YES
Have you been a resident of this state for at least the immediate past five years? YES
5. Family Status: Married on March 3, 1962, to Nancy Leslie Ariail King. Never divorced. Two children.
6. Briefly describe your continuing legal or judicial education since your last screening. 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) Circuit Court Judges Association Annual Meeting | (2007,2008,2009); |
| (b) Annual Judicial Conference | (2006, 2007, 2008); |
| (c) Annual Civil Law Update, SC Bar Convention | (2007, 2008, 2009); |
| (d) Annual Criminal Law Update, SC Bar Convention | (2007, 2008, 2009); |
| (e) Various Seminars at SC Trial Lawyers Annual Meeting;
& SC Defense Trial Lawyers Annual Meeting | (2006, 2007, 2008). |
7. Have you practiced law or served as a mediator or arbitrator since your retirement from the judiciary? NO
8. List your positions of employment on and/or appointment to the bench chronologically. You are not required to list dates of employment or appointment prior to your last screening.
- (a) Private Practice, Bryan, Bahnmuller, King, Goldman, & McElveen 1966-96
 - (b) Resident Judge, Third Judicial Circuit, Seat 2, 1996-2006
 - (c) Active Retired Circuit Court Judge, 2006-09
9. Are you now an officer or director or involved in the management of any business enterprise? NO
10. A complete, current financial net worth statement was provided to the Commission.
11. Since your last screening, have you 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
12. Since your last screening, have you, to your knowledge, been under federal,



- state, or local investigation for possible violation of a criminal statute? NO
13. Since your last screening, has a tax lien or other collection procedure been instituted against you by federal, state, or local authorities? Since your last screening, have you defaulted on a student loan? Since your last screening, have you filed for bankruptcy? NO
14. Since your last screening, have you been sued, either personally or professionally?

Romeo R. Haley v. Lester Haley Sr., et al

I was named in a lawsuit in the United States District Court, Civil Action No. 9:08-2267-PMD-GCK. This suit was dismissed by Judge Michael Duffy. Enclosed is a letter from William H. Davidson II, Esq., to that effect.

15. Since your last screening, have you, as a lawyer, judge, or other professional, in South Carolina or any other jurisdiction, been sanctioned for lawyer, judicial, or other professional misconduct or found to have committed such misconduct? NO
16. Since your last screening, have you been criticized, whether informally or in a matter taken to a disciplinary authority, for the manner in which you treated litigants or attorneys before you on the bench?

Astacio Torres, Criminal Defendant complained that I intimidated him to drop his grievance against his attorney and reported me to the Disciplinary Counsel. I responded to Disciplinary Counsel by letter dated Nov. 6, 2008, a copy of which is attached. Disciplinary Counsel dismissed the complaint as without merit. Also enclosed is a copy of the letter from Disciplinary Counsel dismissing the complaint.

I have no idea why Mr. Torres would have such a complaint. I know, however, that he also reported his counsel numerous times.

17. Describe your personal policy for the acceptance of food, meals, beverages, lodging, transportation, entertainment, social hospitality, or other things of value from an attorney, a group of attorneys, or from other individuals.

I only accept meals, gifts, etc. from personal friends who are non-attorneys. I do not accept any gifts, lodging, and entertainment from any attorneys and have a personal policy of always paying my own way in those social situations. Occasionally, I will allow an attorney who is a personal friend and who will not be appearing before me to pay for lunch. I accept lodging, meals, etc. from groups only if the invitation is extended to all judges and comes from a recognized legal organization (i.e., SC Bar, SC Access to Justice Association, SC Defense Trial Lawyers Association, etc.).

18. Have you ever accepted anything of value from an attorney or litigant in a matter currently or previously before you or your court? NO
19. Provide any other information which 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.

Thirty years of private practice and thirteen years of judicial experience

without any disciplinary sanctions (i.e., warnings, reprimands, etc.).

20. For the last fully completed calendar year, itemize the income, expenses, fees, payments, or additional benefits exceeding \$500, in the aggregate, received by you or a member of your immediate family from South Carolina state and local entities. List the type, source, and amount or value of the benefit. Be sure to list any expense reimbursement you received separately from your income.

Retirement Income from SC Retirement System plus the difference between the retirement income and the full time pay of a circuit court judge totals approximately \$126,000-\$130,000. In addition, I receive an office allowance from the SC Judicial Department. This amount was formerly \$6,000 per year, but has been reduced to \$3,000 per year and is included on my W-2 form. Also, I receive *per diem* reimbursement of \$131 per day for hotel and meal expenses when I am holding court or attending to official duties more than fifty miles from my home. When the distance is less than fifty miles, I receive \$35 per day. Finally, I receive mileage reimbursement for travel on official business as permitted by SC Judicial Department policy. The exact amount of this *per diem* and mileage is available from records from the Finance and Personnel Division of the SC Judicial Department if needed.

I also receive paid convention registration and one night's lodging from the SC Bar, a quasi-state agency, for attendance at the annual convention.

21. Describe any interest you or a member of your immediate family has in real property:

- (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;
- (b) in which there have been public improvements of \$200 or that adjoins property in which there have been public improvements of \$200; or
- (c) which was sold, leased, or rented to a state or local public agency in South Carolina.

I own a lot and house on Lake Marion in Clarendon County on property purchased from the SC Public Service Authority and I lease the marginal land between that lot and the high water mark of Lake Marion from the SC Public Service Authority. The Authority also regulates improvements on the owned property as well as encroachments on the waterfront.

List the interest you hold and the value and location of the property. Identify as applicable the:

- (a) nature of any potential conflict of interest;
- (b) nature and value of any public improvements; and
- (c) South Carolina state or local public agency which purchased or is leasing or renting such property.

22. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its amount or value, and the name of the agency. NONE

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

Signature: Howard P. King

Date: July 9, 2009

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

Full Name: Howard Pickett King
Business Address: PO Box 189
Sumter, SC 29151-0189
Business Telephone: 803-774-3852

1. Have you met the Constitutional or statutory requirements for this position regarding age, residence, and years of practice? YES
2. Have you met the mandatory minimum hours requirement for continuing legal education courses? YES
3. Do you have any plans to return to private practice one day? NO
4. Are you engaged in any legal activities other than your service as a retired judge, such as acting as an arbitrator or mediator? NO
5. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
I have financial investments in stocks, bonds, mutual funds, etc. which I disclose if anything comes before me involving any of those investments. However, for the last three years and for the foreseeable future, I will not be involved in any civil matters, but will be handling General Sessions matters only.
6. Do you belong to any organizations that discriminate based on race, religion, or gender? NO
7. Have you engaged in any partisan political activity since your retirement? NO
8. What do you feel is the appropriate demeanor for a judge?
Give everyone an opportunity to be heard and treat everyone (lawyers, defendants, parties, victims, court personnel, staff, and jurors) with courtesy, dignity, and respect.
9. In your position as a retired judge, what methods do you employ to ensure that deadlines for the timely issuance of orders are met?
Everything I hear and take under advisement is put on a "tickler" system on my computer and every matter I take under advisement is put on monthly reports to Court Administration beginning the day they are taken under advisement. I endeavor to have all orders completed and filed within thirty (30) days of the day they are taken under advisement. In the last three years that I have been doing criminal cases, I do not believe I have had anything under advisement for more than 30 days.
10. 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?

I think it is inappropriate to display or show anger at any time. I think it is occasionally necessary to be assertive and show firmness when there is a lack of respect shown to the court.

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

Initially, I would talk to the lawyer or judge and if the conduct rose to the level of unethical behavior, would urge them to self-report the matter to Disciplinary Counsel. I would advise them that if they did not so report, I would be forced to do so.

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

I fully disclose to all parties if any of these individual appear before me and if there is objection to my hearing a matter, I recuse myself. With certain close professional and personal acquaintances, I recuse myself automatically.

13. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

Ex parte communications on the merits are never permissible. *Ex parte* communications regarding scheduling matters are permissible and *ex parte* communications permitted by statute are permissible (e.g., requests by defense counsel for indigent funding).

14. 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? Most likely. Not only impropriety but the appearance of impropriety must be avoided.

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

Gifts and social hospitality from non-attorney friends. No gifts or social hospitality from attorneys.

16. In order that we might advise court administration on steps that need to be taken, are there any limitations on your sight, hearing, or mobility that should be addressed by the court administrator? NO

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

s/ Howard Pickett King

Sworn to before me this 10th day of July, 2009.

Notary Public for S.C.

My Commission Expires: 10-01-2009