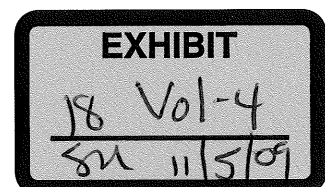


JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE  
FOR RETIRED JUDGES/JUSTICES

1. NAME: Thomas W. Cooper, Jr.  
 BUSINESS ADDRESS: 16 North Brooks Street  
 Post Office Drawer 699  
 Manning, South Carolina 29102  
 BUSINESS TELEPHONE: (803) 435-2450  
 E-MAIL ADDRESS: tcooperj@sccourts.org
2. Date and Place of Birth: 1941- Sumter County
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 20, 1968, to Margaret Barringer Bland. 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) SC Bar - 19th Annual Criminal Update	1/23/04;
(b) SC Bar - 2nd Annual Civil Law Update	2/23/04;
(c) SCACT - 2004 SC Circuit Judges	5/5/04;
(d) SCCA -2004 Orientation School	7/12/04;
(e) SCCA - Judicial Conference	8/19/09;
(f) SupCt - Judicial Oath of Office	8/19/04;
(g) SC Bar - 20th Annual Criminal Update	1/21/05;
(h) SC Bar - 20th Annual Civil Update	1/21/05;
(i) SCCJC - 2005 Circuit Court Judges	5/11/05 - 5/13/05;
(j) SCDTAA - Joint Meeting	7/28/05;
(k) SCCA - 2005 Annual Judicial Conf.	8/24/05;
(l) SCSA - 2005 Annual SC Solicitors'	9/25/05;
(m) SCDTAA - Annual Meeting	11/3/05;
(n) SC Bar - Fourth Annual Civil Law Update	1/27/06;
(o) SC Bar - 21st Annual Criminal Law Update	1/27/06;
(p) SC Bar - Civil Court Mediation Certificate	2/23/06;
(q) SCCA - 06 Orientation for New Circuit	7/10/06;
(r) SCCA - 06 Annual Judicial Conference	8/23/06;
(s) SCSA - 06 Annual SC Solicitors	9/24/06;
(t) SCDTAA - Annual Meeting	11/9/06;
(u) SC Bar - 22nd Annual Criminal Law Update	1/26/07;
(v) SC Bar - 5th Annual Civil Law Update	1/26/07;
(w) SC Bar - Bridge the Gap	3/12/07;



- |      |   |           |
|------|---|-----------|
| (x)  | SCCJC - Judges Conference                   | 5/16/07;  |
| (y)  | SCCA- 07 Annual Judicial Conference         | 6/22/07;  |
| (z)  | SCDTAA - Annual Meeting                     | 11/1/07;  |
| (aa) | SC Bar - 23rd Annual SC Criminal Law Update | 1/25/08;  |
| (bb) | SC Bar - 6th Annual Civil Law Update        | 1/25/08;  |
| (cc) | SC Bar - Bridge the Gap                     | 3/10/08;  |
| (dd) | SC Bar - Bridge the Gap                     | 5/12/08;  |
| (ee) | SCCA - 08 Judicial Conference               | 8/20/08;  |
| (ff) | SCCA - 08 SC Solicitors' Association        | 9/26/08;  |
| (gg) | ODC - Commission and Attorney               | 10/21/08; |
| (hh) | SCDTAA - Annual Meeting                     | 11/13/08; |
| (ii) | SC Bar - 7th Annual Civil Law Update        | 1/23/09;  |
| (jj) | SC Bar - 24th Annual SC Criminal Law Update | 1/23/09.  |
7. Have you practiced law or served as a mediator or arbitrator since your retirement from the judiciary? I have not practiced law since my retirement and do not intend to return to the practice. I have served as a mediator and arbitrator in both the state and federal courts.
  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) Circuit Court Judge, Third Judicial Circuit, Seat #1
    - (b) Retired/Active Circuit Court Judge
    - (c) Mediator/Arbitrator
  9. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service. 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? No.
  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? No.

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 do not accept gifts or social hospitality that is extended to me simply because I am a judge. I do accept normal gifts for holidays, birthdays, etc. which come to me from life-long friends and friends who have known me before I became a judge.

When I receive an invitation from a lawyer or law firm to accept social hospitality, I try to ensure that other judges are involved.

I would not accept a gift or social hospitality from any lawyer or law firm while I had any matters involving that law firm under consideration.

I do attend the conventions of the plaintiff and defense bars held each August and November.

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.

I am not seeking re-election to any position, but I do not know of any information that would negatively impact upon my screening process.

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. N/A

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

(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.

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. Attach a copy of any contract or agreement. N/A.

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

Signature: Thomas W. Cooper, Jr.

Date: July 8, 2009

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

**Retired Judge**

Full Name: Thomas W. Cooper, Jr.  
Business Address: 16 North Brooks Street  
Post Office Drawer 699  
Manning, SC 29102  
Business Telephone: (803) 435-2450

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? Yes, both as an arbitrator and mediator.
5. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? I am 1/6 partner in the ownership of a commercial real estate tract located in Manning. We have a managing partner who makes all the decisions about the property. I receive a check semi-annually from the partnership.
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? Patience, calmness, coolness, attention, compassion and respect for the lawyers, litigants, jurors, court personnel and the judicial system.
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? Electronic calendars on my laptop computer and blackberry.
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? As human beings, we all feel anger from time to time. On the rare occasions that I have felt anger arising in me, I have declared a recess to allow reason to re-enter my thought process. I have never acted out of anger nor have any of my decisions been influenced by anger.
11. How would you handle a situation in which you became aware of misconduct of a lawyer or fellow judge? As a member of the Commission on Judicial Conduct, I am aware of the devastating

impact that judicial misconduct can have on the entire process. As a trial Judge, I have that same awareness regarding the misconduct of a lawyer. I have had the unhappy responsibility of reporting a lawyer to the Disciplinary Counsel for actions that I felt were detrimental to the system. I have never yet had that same responsibility in regard to actions taken by a fellow judge. Depending upon the degree of misconduct, and its duration, I would consider contacting the judge first to address the conduct itself. If the conduct were especially egregious or repetitive, I would report it to Disciplinary Counsel.

12. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law clerks are to appear before you? Having been on the bench since 1992, and having last run for election in 2004, I rarely find it necessary to recuse myself because of associations with lawyers-legislators or former associates. Additionally, since I retired in 2006, I have not had a law clerk. Recusal has never been necessary because of a former clerk's involvement in a case. I routinely advise counsel of any prior association with a law clerk, but never been asked to recuse. Moreover, I would not recuse on that basis alone, unless a moving party could give me some reason, other than the nature of the prior association itself. As is the case in all motions for recusal, the judge must look beyond the motion itself to see if there is some other reason (judge shopping, delay of trial, etc.) behind the motion.
13. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated? My philosophy regarding *ex parte* communications is governed entirely by Canon 3 of the Code of Judicial Conduct. Section 3.B. (7) is very specific as to the limited conditions under which *ex parte* communications are allowed. The language is, in part, "... a judge shall not (emphasis added) *initiate, permit or consider ex parte communications* ..." Moreover, the comments to the Rule seem to discourage *ex parte* communications, even in those circumstances which they might be allowed. The most common *ex parte* communications regard scheduling matters and requests for TRO's under Rule 65, SCRCP. Those situations are extremely narrow and are rule specific.
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? If something had the appearance of bias to me, it would probably have the appearance of bias to the litigants before me. Since the integrity and effectiveness of the judiciary in deciding the issues of law presented to it depend heavily upon the confidence of the public, it is important to avoid "even the appearance

of bias." Therefore, while I might personally feel that my impartiality would not be impacted by the situation, if there was an actual appearance of bias, I would tend to recuse myself if requested.

15. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? I do not accept gifts or social hospitality that are extended to me simply because I am a judge. I do accept normal gifts for holidays, birthdays, etc. which come to me from life-long friends and friends who have known me before I became a judge. When I receive an invitation from a lawyer or law firm to accept social hospitality, I try to ensure that other judges are involved. I would not accept a gift or social hospitality from any lawyer or law firm while I had any matters involving that law firm under consideration.
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/ Thomas W. Cooper, Jr.

Sworn to before me this 8<sup>th</sup> day of July, 2009.

Notary Public for S.C.

My Commission Expires: 10-24-2010