

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Family Court Judge, Eleventh Judicial Circuit, Seat 1

1. NAME: Mr. Kellum W. Allen
BUSINESS ADDRESS: Lexington County Courthouse
Lexington, SC 29072
E-MAIL ADDRESS: kallenj@sc.courts.org
TELEPHONE NUMBER: (office): (803) 785-8452
2. Date of Birth: 1951
Place of Birth: Columbia, 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 December 18, 1977, to Jane Inman Allen. 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, 1969-73, BA Political Science;
 - (b) University of South Carolina, 1973-76, JD.
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, admitted November 1976.
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) Student Senate USC;
 - (b) Founder of Bunch of Buddies (Big Brother/Sister type of organization);
 - (c) U. S. President's Committee on Children & Youth, 1970-72;
 - (d) Tour Leader - Western Europe (Summers 1974 & 1975 for Osborne Travel).
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) Judicial Conference | 08/19/04 |
| (b) Family Court Bench/Bar Seminar | 12/03/04 |
| (c) Seminar for Chief Judges | 12/10/04 |
| (d) SC Bar Mid-Year Family Law Section | 01/21/05 |



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|-----|------------------------------------|----------|
| (e) | Family Court Judges Conference | 04/27/05 |
| (f) | SCTLA Annual Convention | 08/04/05 |
| (g) | Judicial Conference | 08/25/05 |
| (h) | Family Court Bench/Bar Seminar | 12/02/05 |
| (i) | SC Bar Family Law Section | 01/26/06 |
| (j) | Family Court Judges Conference | 04/26/06 |
| (k) | SCTLA Annual Convention | 08/03/06 |
| (l) | Judicial Conference | 08/23/06 |
| (m) | Mini-Summit – Justice for Children | 08/22/06 |
| (n) | Family Court Bench/Bar Seminar | 12/01/06 |
| (o) | SC Bar Family Law Section | 01/25/07 |
| (p) | Family Court Judges Conference | 04/ /07 |
| (q) | SCTLA Annual Convention | 08/02/07 |
| (r) | Judicial Conference | 08/22/07 |
| (s) | Family Court Bench/Bar Seminar | 12/07/07 |
| (t) | SC Bar Family Law Section | 01/27/08 |
| (u) | Family Court Judges Conference | 04/ /08 |
| (v) | Judicial Conference | 08/20/08 |
| (w) | Family Court Bench/Bar Seminar | 12/05/08 |
| (x) | SC Bar Family Law Section | 01/23/09 |
| (y) | Family Court Judges Conference | 04/ /09 |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? Yes.
- | <u>Course/Lecture Name</u> | <u>Date(s)</u> |
|---|----------------|
| I spoke at the "Cool Tips" Family Law CLE at the USC Law School | 4/25/03 |
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) State Courts of South Carolina – November 5, 1976;
 - (b) U.S. District Court for South Carolina – October 26, 1978;
 - (c) U.S. Court of Appeals for the Fourth Circuit – November 1, 1978.
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) 1976-78 - Greenville County Public Defender's Office – General Sessions & Family Court Juvenile;
 - (b) 1978-98 - Kirkland, Wilson, Moore, Allen, Taylor & O'Day, P.A. – General' - Trial Practice with emphasis on Civil & Family Court
 - (c) 1998-Present Family Court Judge, 11th Judicial Circuit – Seat 1.

15. What is your rating in Martindale-Hubbell? If you are not listed in Martindale-Hubbell, state the reason why, if known. If you are currently a member of the judiciary, list your last available rating. AV.
22. Have you ever held judicial office?
- (a) Elected by City of West Columbia City Council to three stints as Associate Municipal Judge as follows with jurisdiction limited to traffic and minor criminal offenses:
 April 3, 1979 – March 8, 1982
 May 7, 1991-March 3, 1992
 September 15, 1994-April 10, 1995;
- (b) Elected by S.C. Legislature to S.C. Family Court to two stints as follows:
 July 1, 1998-June 30, 2004
 July 1, 2004- Present.
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) Daniel K. Brookshire, et al v. Toby Blackwell, et al (Op. No. 4587 – Filed 7/13/09);
- (b) Matthew S. Walrath v. Stephanie A. Pope (Op. No. 4562 – Filed 6/12/09);
- (c) Kathleen M. Bartlett v. James P. Rachels (Op. No. 4303–Filed 10/11/07);
- (d) Don Allyn Ray v. Melinda Hodges Ray (Op. No. 26343 – Filed 6/25/07);
- (e) Lyn Cherry Stribling as Personal Representative of Joseph Neal Stribling v. Linda Diane Stribling (Op. No. 4129 – Filed 6/26/06).
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) 1981-84 - Lexington County Council Appointee to Lexington Medical Center Board of Trustees;
- (b) 1988-91 - Governor's Appointee to Joint Legislature Committee on Solid Waste;
- (c) 1990-95 - Governor's Appointee to Advisory Committee for the Improvement of Worker's Compensation Law.
- I have timely filed all required reports with the State Ethics Commission.
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. None.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
- (a) Candidate in 1980 for Republican nomination to South Carolina House of Representatives from Lexington County;
- (b) Candidate for 11th Judicial Circuit Court – Seat 2. Found qualified by

Judicial Screening Commission. Withdrew candidacy before General Assembly election in February 2006.

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?

None, other than part-time jobs while in college and law school. These part-time jobs were for South Carolina Farm Bureau, 1972-73 and for my father (an Exxon service station owner), 1969-76.

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.

I have recused myself routinely from any contested matter involving a former law partner and will continue to do so.

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?
- (a) Members of my former law firm were sued, wherein the firm was named defendant. None of said suits contained allegations involving me and I was not a named defendant;
- (b) In 2000, I was named a defendant with other law partners in the matter of Dial P. Rawl v. Stancel E. Kirkland, et al. The Docket No. was 2000-CP-32-0248. We counterclaimed. The matter was settled and dismissed with a mutual release. The plaintiff paid us as the Defendants to end all claims.
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. No.
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) Honorary Member of Lexington County Bar Association, President 1986;
 - (b) SC Bar Association;
 - (c) SC Family Court Judges Association.
47. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
 - (a) Mt. Hebron United Methodist Church – I have served as adult and youth Sunday School teacher, MYF leader, Lay Leader, and Chairman or

member of numerous church committees including chairman of Church Council which is the chief administrative body of the church;

- (b) Quail Hollow Community Association;
- (c) Brookland-Cayce High School Foundation;
- (d) Appointed by the SC Supreme Court as a member of the Commission on Lawyer Conduct;
- (e) Appointed by the SC Supreme Court as a member of the Commission on CLE;
- (f) Appointed by the SC Supreme Court as a member of the Commission on Judicial Conduct.

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 suppose my first notions of justice were formed as a child when I had the blessing and influence of growing up in a stable two-parent household. My parents with their marriage of 61 years lived lives which demonstrated fairness and compassion to all people which included a deep respect for each other.

During my private practice of 22 years I represented many clients and participated in the management of the law firm. All of these experiences gave me a deeper understanding of business relationships and finances which has proven extremely valuable in my judicial career.

Further, I feel certain that my wife of 32 years and I have gained maturity and wisdom in raising two children, ages 28 and 26. I have therefore experienced many of the day-to-day situations which surely confront litigants who appear before me.

49. References:

- (a) Bank Official – Wachovia Bank
803-353-6775 (O)
2806 Sunset Blvd.
West Columbia, SC 29169
- (b) D. Reid Ellis, Esquire
803-647-5839 (O)
400 Ravenel Street
Columbia, SC 29205
- (c) James H. Derrick, CPA
803-798-0220 (O)
455 St. Andrews Road
Columbia, SC 29210
- (d) Henry L. Deneen
719-488-4170 (O)
570 Coyote Willow Drive
Colorado Springs, CO 80921

(e) Rev. John W. Culp
803-772-0794 (O)
2108 Bob White Lane
West Columbia, SC 29169

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: Kellum W. Allen

Date: 8/4/09

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

Family Court
(Incumbent)

Full Name: Kellum W. Allen
Business Address: Lexington County Courthouse
Lexington, SC 29072
BusinessTelephone: (803) 784-8452

1. Why do you want to serve another term as a Family Court Judge?
It has been a privilege and an honor to serve the public of South Carolina as a Judge. I believe I have the personal and professional experience as an attorney for 22 years and a Judge for 11+ years to render beneficial service.
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?
Unknown
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 engage in verbal *ex parte* communications. Occasionally, emergency matters come before the Court based on written *ex parte* communications, but are followed by a hearing in which all parties may be heard.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
Occasionally, lawyer-legislators appear before me. I have not recused myself in any such situation and have not been asked to do so. I have routinely recused myself on contested matters involving lawyers who are members of my former law firm.
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?
As a practical matter I would be inclined to err on the side of recusal.
8. How do you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?
Before any such appearance might arise, I would request a judicial ethics advisory opinion.

9. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? I accept no gifts. I would participate in Bar sponsored holiday social gatherings and I have attended the SC Trial Lawyers' Annual Convention as authorized by the Chief Justice.
10. How do you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
I would consult and follow the ethical Canons.
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?
None
13. Since family court judges do not have law clerks, how do you handle the drafting of orders?
The prevailing attorney drafts the proposed order in accordance with my instructions. It is transmitted to opposing counsel for review before submission to me.
14. What methods do you use to ensure that you and your staff meet deadlines?
My secretary, as directed by me, maintains contact with the attorneys to ensure their timely submission of orders pursuant to Court Administration requirements.
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?
I appoint only qualified GAL's initially and their work is reviewed periodically pursuant to the GAL statute as a case proceeds through its various hearings. Otherwise, I would not conduct routine GAL supervision except in an extraordinary circumstance.
16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
A judge should not engage in judicial activism and public policy should be set and promoted generally by other branches of government.
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 spoken at a Bar CLE and served two terms on the SC Commission on CLE. Presently, I am serving on the Commission on Judicial Conduct as appointed by the SC Supreme Court.
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? No
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 litigant should perceive the judge to be fair, impartial, pleasant yet professional.
 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?
Seven days a week, twenty-four hours a day.
 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?
I feel a judge can and should voice firm disapproval on occasion, but it should not become anger which might prejudice judicial action.
 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/ Kellum W. Allen

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

Notary Public for South Carolina

My commission expires: 11-10-2018