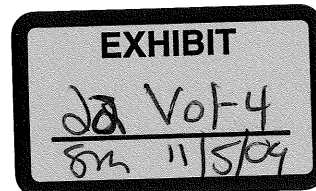


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:
Circuit Court, 13th Judicial Circuit Seat #4

1. NAME: David Garrison Hill
BUSINESS ADDRESS: 305 E. North St., Suite 213
Greenville SC 29601
E-MAIL ADDRESS: ghillj@sccourts.org
TELEPHONE NUMBER: (office):864-467-8484
2. Date of Birth: 1964
Place of Birth: 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: Divorced in 1995. Mr. Hill was the moving party. One Year's Separation. Married on March 6, 1999, to Amanda P. Touissaint. Three children.
6. Have you served in the military? N/A
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) Wofford College B.A., magna cum laude 1986
 - (b) USC School of Law, J.D. 1989
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.
 - (a) S.C. -1990
 - (b) D.C. -1990Took S.C. Bar two times.
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) 1986—Blue Key National honor Society, Wofford College
 - (b) 1987-89-South Carolina Law Review
 - (c) 1988-89- Wig & Robe
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>Dates</u>	<u>Conference Names/CLE</u>
(a) 1/23/2004	19 th Annual Criminal Law Update;



- (b) 5/2004 Circuit Judge's Conference;
- (c) 7/12/2004 2004 Orientation School for New Judges;
- (d) 8/19/2004 Judicial Conference;
- (e) 8/19/2004 Judicial Oath of Office;
- (f) 9/26/2004 2004 Annual SC Solicitors' Conference;
- (g) 1/25/2005 20th Annual Criminal Law Update;
- (h) 5/2005 Circuit Judge's Conference;
- (i) 8/2005 Judicial Conference;
- (j) 11/2005 General Jurisdiction Course—Nat'l Jud. College;
- (k) 1/27/2006 Fourth Annual Civil Law Update;
- (l) 1/27/2006 21st Annual Criminal Law Update;
- (m) 5/2006 Circuit Judges' Conference;
- (n) 8/23/2006 2006 Annual Judicial Conference;
- (o) 9/13/2006 Annual Convention;
- (p) 5/16/2007 Judges Conference;
- (q) 8/22/2007 2007 Annual Judicial Conference;
- (r) 11/01/2007 Annual Meeting;
- (s) 1/25/2008 Annual Civil Law Update;
- (t) 5/2008 Circuit Judges' Conference;
- (u) 8/20/2008 2008 Judicial Conference;
- (v) 10/30/2008 SC Bar Ethics CLE;
- (w) 11/13/2008 SCDTAA Annual Meeting;
- (x) 1/23/2009 Annual Civil Law Update;
- (y) 1/23/2009 Annual SC Criminal Law Update;
- (z) 5/2009 Circuit Judges' Conference.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?

- (a) I have made presentations on the Confrontation Clause, Batson v. Kentucky, and judicial ethics to lawyers attending SC Bar CLEs, SCAJ meetings and the SCDTAA Trial Academy. I have also participated on panel discussions and given case law updates at the S.C. Solicitors' Conference.
- (b) I also teach a January Interim course at Wofford College entitled "The Bill of Rights and Modern Citizenship." This course involves intensive study of the origins and development of the Bill of Rights, and also provides the students the opportunity to be exposed to volunteer community service as they in turn teach what they have learned to students of a local literacy association who are preparing for the civics portion of the GED exam or the Naturalized Citizenship exam.

12. List all published books and articles you have written and give citations and the dates of publication for each.

- (a) "Celebrate That We're a Nation of Laws, Not Men," May 2, 2008 Op-Ed column in The Greenville News.

- (b) "Lay Witness Opinions," Sept. 2007 South Carolina Lawyer at 34.
 - (c) "Rule 30(j), Charlie McCarthy and The Potted Plant," September 2005 South Carolina Lawyer at 26.
 - (d) Doing the Public's Business, (2001) (with Leo H. Hill).
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. Bar-- 1990
 - (b) Also admitted to practice before the Federal District Court and Fourth Circuit Court of Appeals in 1990.
 - (c) U.S. Supreme Court-1993
 - (d) D.C. Bar-1993
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.
- From 1989-90, I was a law clerk to Judge Billy Wilkins on the United States Court of Appeals for the Fourth Circuit. In 1990, I joined the law firm of Hill, Wyatt & Bannister. I became a partner in the firm in 1994. I had a general practice that included civil and criminal cases and appeals in all courts. In 2000, I started the law firm of Hill & Hill, LLC with my father, Leo H. Hill. We enjoyed a wide client base and practice area, concentrating in business litigation and representation of governmental bodies including municipalities and special purpose districts. We were fortunate to be listed in the Martindale-Hubbell Register of Pre-Eminent Lawyers.
15. What is your rating in Martindale-Hubbell? Latest Rating was "AV."
22. Have you ever held judicial office?
- S.C. Circuit Court, 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) Cornelius v. Oconee County, S.C. Supreme Court Op. No. 2186 (2006)
I was invited to sit as an acting Associate Justice of the S.C. supreme court, and wrote this opinion for the unanimous court concerning whether a 1976 voter referendum and the S.C. Constitution precluded Oconee County from expanding its sewerage system using certain financing sources.
 - (b) Hackworth v. Greenville County, S.C. Ct. App. Op. No. 4174 (2006)
This was a claim by the Hackworths against the Greenville County Sheriff's office for return of monies forfeited under the gambling laws. The Court of Appeals affirmed dismissal of the claim based on the Statute of Limitations.
 - (c) State v. Dwight F. Jones, S.C. Ct. App. Op. No. 2006-UP-343 (2006).

This murder case was the first case I tried as a judge. Mr. Jones' conviction was upheld on appeal.

(d) Torrence v. SCDC, S.C. Supreme Court Op. No. 26328 (2007)

This case involved a declaratory judgment action concerning the Prison Industries program. The supreme court affirmed dismissal of the action.

(e) Energys, Inc. v. Jackson Lewis LLP, et al., C.A. No. 2004-CP-23-2685

This order involved significant issues concerning the attorney-client privilege and work product doctrine.

24. Have you ever held public office other than judicial office? N/A
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? No.
27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? No.
28. Are you now an officer or director or involved in the management of any business enterprise? No.
29. A complete, current financial net worth statement was provided to the Commission.
30. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest. None.
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?
In 1983, when I was 18, I was held briefly along with several friends by a resort security guard for suspicion of having some of the resort's street signs. No one was arrested or charged.
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?

In 1988, my law school roommate and I were sued in magistrate's court by the purchaser of an apartment we had previously rented for allegedly leaving the apartment unkempt. We counterclaimed for refund of the security deposit and the case was settled upon return of our security deposit.

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. 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.

Postage incurred for returning the application and forms—less than \$20.00.
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) S.C. Bar—President, Government Law Section, 1998-99; Member, House of Delegates, 1997-2004
 - (b) D.C. Bar (inactive)
 - (c) Greenville County Bar Association—Executive Committee, 2001
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.
- Greenville Country Club
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.
49. References:
- (a) Hon. Richard W. Riley
Poinsett Plaza, Suite 900
104 South Main Street
Greenville, S.C. 29601
864-250-2300
 - (b) Hon. David H. Wilkins
Sirriner Drive
Greenville, S.C. 29601
864-250-2131
 - (c) Frank N. Wilson
121 Wilderness Lane
Greenville, S.C. 29607
864-255-8233
 - (d) Christopher P. Robinson
104 South 1st Street
Easley, S.C. 29640
864-859-4001
 - (e) Patrick Martin
First Citizens Bank
800 E. North Street
Greenville, S.C. 29601
864-282-1281

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: Garrison Hill

Date: August 12, 2009

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

Circuit Court
(Incumbent)

Full Name: David Garrison Hill
Business Address: 305 E. North St., Suite 213
Greenville, SC 29609
Business Telephone: 864-467-8484

1. Why do you want to serve another term as a Circuit Court Judge?
If given the opportunity, I would like to continue to serve the public and play a part in improving the administration of justice for all. I would strive to uphold the great traditions of our bench and bar and to improve the public image of the justice system. I firmly believe we have the finest justice system in the world, and it is a humbling honor and solemn responsibility to be entrusted with a judicial office.
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? Not at this time.
4. Have you met the Constitutional 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 would follow Canon 3 (B)(7). Other than for routine scheduling matters and situations where such contact is statutorily permitted, I do not tolerate *ex parte* communications. Even where permitted, care should be taken to ensure no side gains advantage from an *ex parte* contact and that all parties are given appropriate notice of the communication and an opportunity to respond.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? I follow Canon 3 on recusal.
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?
Unless there was a compelling countervailing reason not to, I would grant the motion.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? I would adhere to the Canons and recuse myself where any such

involvement would create in reasonable minds the appearance of impropriety.

9. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? I occasionally accept invitations to bar-related functions allowed by Canon 4(D)(5)(A) and ordinary social hospitality, but endeavor to follow personal standards more restrictive than the Canons.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
If there was a substantial likelihood that the misconduct occurred, I would take appropriate action pursuant to Canon 3(D).
11. Are you affiliated with any political parties, boards or commissions that, if you were re-elected, would need to be re-evaluated? No.
12. Do you have any business activities that you would envision remaining involved with if reelected to the bench? No.
13. How do you handle the drafting of orders?
I prefer writing my own orders when time permits. If I request a proposed order, I require the other side be provided a copy and an adequate opportunity to respond to the proposed order.
14. What methods do you use to ensure that you and your staff meet deadlines?
We have an Excel spreadsheet order log, a back up handwritten order log, and a Microsoft Outlook calendar tickler.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
I believe judges should apply the law as passed by the Legislature, and apply it only in concrete cases as to issues raised by the parties. Policy-setting is in my opinion the proper role of the Legislative and Executive branches.
16. 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 taught a college class on the Bill of Rights, spoken at Bar and CLE functions, written an op-ed for Law Day, attended legal and judicial conferences, and written articles for bar journals.
17. 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? Yes it can cause such strains, as any public service does. I attempt to address it by relying on the support of my family, friends, faith and personal dedication to duty and fairness.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.
- a. Repeat offenders: Our criminal statutes often require that enhanced sentences be imposed on repeat offenders. Where a sentencing judge is allowed discretion in sentencing a repeat offender, I would tend to treat them differently based on the nature and extent of their recidivism and the fact that prior sentences have not deterred or rehabilitated them. I would also consider their culpability, remorse, family and community ties, work history, and acceptance of responsibility, but to a lesser extent than first-time offenders. I would also consider victim impact.
 - b. Juveniles (that have been waived to the circuit court): I would consider the nature of the crime, prior record, their educational progress, victim impact, the likelihood of rehabilitation, acceptance of responsibility, remorse, and their family and community ties and support.
 - c. White collar criminals: In non-violent "economic" crimes involving so-called "white collar" defendants, I would consider the nature of the crime, prior record, their education, victim impact, the likelihood of rehabilitation, acceptance of responsibility, remorse, and their family and community ties and support. In some cases, I would weigh whether restitution coupled with a suspended sentence would adequately punish such a defendant, but have in many cases imposed active prison time where appropriate and necessary.
 - d. Defendants with a socially and/or economically disadvantaged background:
I would consider the nature of the crime, prior record, their education, victim impact, the likelihood of rehabilitation, acceptance of responsibility, remorse, and their family and community ties and support.
 - e. Elderly defendants or those with some infirmity:
The age and mental or physical limitations of a defendant can be relevant, but cannot be considered in a vacuum. I would consider the nature of the crime, prior record, education, victim impact, the likelihood of rehabilitation, acceptance of responsibility, remorse, and their family and community ties and support.
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?
Not knowingly.

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? Above all, patience. A good and active listener. Dispassionate, open-minded and even-keeled. Courteous to everyone in the courtroom, regardless of their station in life. Firm when necessary but never hostile. A good judge accords everyone dignity and respect. He or she should have a sense of humor when appropriate, but never use it to embarrass or belittle. His demeanor should also be reliable; there are few things worse than a moody judge. A judge should remember that the addition of a robe does not make one omniscient; rather it requires one to be ever-mindful not to abuse his position. A judge should be sensitive to the pressure the litigants and lawyers are laboring under in the courtroom. He should let the lawyers present their case without undue interference, while efficiently maintaining control of the courtroom and the dignity and decorum of the proceedings.
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?
They apply all the time.
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?
Benjamin Franklin said it best: "What begins in anger ends in shame." Anger is never appropriate for a judge. There may be times when a judge can be "righteously indignant," but not outright angry. Anger is corrosive. It clouds judgment and destroys objectivity.
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/ David Garrison Hill

Sworn to before me this 12th day of August, 2009.

Notary Public for South Carolina

My commission expires: 06-30-2019