

JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:

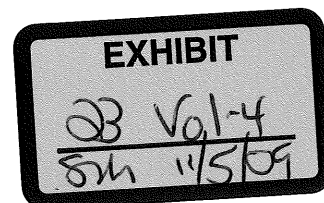
Circuit Court, Fourth Circuit, Resident Judge, Seat 1

1. NAME: Mr. Paul M. Burch
BUSINESS ADDRESS: 601 West McGregor Street, PO Box 276, Pageland, SC 29728
E-MAIL ADDRESS: pburchj@scccourts.org
TELEPHONE NUMBER: (office): (843) 672-3270
2. Date of Birth: 1954
Place of Birth: Charlotte, NC
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 August 1, 1976 to Kimberly Thomas Burch. Never divorced. 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) USC-Lancaster 1972-74, Associate in Science in Criminal Justice;
 - (b) University of South Carolina 1974-76, Bachelor in General Studies;
 - (c) University of South Carolina 1976-78, Master in Criminal Justice;
 - (d) Sanford University School of Law 1978-79, Transferred to University of South Carolina School of Law 1978-80 Juris Doctorate
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 1980
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.

Worked for Pageland Police Department during college and taught Criminal Justice for USC-Lancaster during law school.
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) National Judicial College	6/5/06-6/8/06;
(b) Economics Institute for Judges	3/20/06-3/25/06;
(c) Critical Issues in Toxic Torts Litigation	4/28/05-4/29/05;



- | | | |
|-----|--|------------------|
| (d) | 20 th Annual Criminal Law Update-SC Bar | 2/21/2005; |
| (e) | 2005 Circuit Court Judges-SCCJC | 5/11/05-5/13/05; |
| (f) | Civil & Criminal Law Update | 1/27/06; |
| (g) | Criminal Evidence | 6/5/06; |
| (h) | 2006 Annual Judicial Conference | 8/23/06; |
| (i) | 2006 Annual SC Solicitors | 9/24/06; |
| (j) | SCDA Annual Meeting | 11/9/06; |
| (k) | 22 nd Annual Criminal Law Update | 1/26/07; |
| (l) | 5 th Annual Civil Law Update | 1/26/07; |
| (m) | 2008 Judicial Conference | 8/20/08; |
| (n) | Sporting Clays/Skeet Shoot | 10/30/08; |
| (o) | SCDA Annual Meeting | 11/13/08; |
| (p) | 7 th Annual Civil Law Update | 1/23/09; |
| (q) | 24 th Annual SC Criminal Law Update | 1/23/09. |
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 served on Judicial panels on several occasions at the SC Solicitors Conference
- (b) I have served on Judicial panels at the SC Defense Attorney's Convention
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) Admitted to practice before the State Courts of South Carolina in 1980;
- (b) Also admitted to practice before the Federal District Court and Fourth Circuit Court of Appeals in 1980.
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) Paul M. Burch, Attorney at Law, sole general practice 1980-91
- (b) Full partner in the Firm of Henderson, Burch & Spencer 1991
- (c) Resident Circuit Court Judge for the Fourth Judicial Circuit - 1991 to present
15. What is your rating in Martindale-Hubbell?
- Listed but not rated in Martindale-Hubbell.
22. Have you ever held judicial office?
- Yes - Resident Judge of the Fourth Circuit - 7/1/1991 until 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) Carolina Power & Light Company vs The City of Bennettsville and Marlboro Electric Cooperative, Inc.; 314 SC137, 442 S.E.2d 177 (1994) (affirmed by Supreme Court)
 - (b) Glenn P. Tallent and Christopher C. King vs Solid Waste Recycling Disposal User Fee Appeals Board of the County of Chester County, Chester County Council, Treasurer of Chester County and Chester County Tax Assessor, individually, and in their official capacity; Case Number 94-CP-12-120
 - (c) Chip Knoke as Personal Representative of the Estate of Jeremy Ryan Knoke vs The South Carolina Department of Parks, Recreation and Tourism; 478S.E.2d 256 (1996) (affirmed by Supreme Court)
 - (d) Darlington County School District vs Cedric Washington; Case Number: 94-CP-16-134
 - (e) Donald M. Brandt Individually and as the Personal Representative of the Estate of Janice N. Brandt, Deceased vs Elizabeth K. Gooding and Gooding & Gooding, PA; 368 SC 618 (2006)
24. Have you ever held public office other than judicial office?
- (a) Chesterfield County Council 1983-87;
 - (b) S.C. House of Representatives 1988-91
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?
- Unsuccessful candidate for S.C. House of Representatives in 1976 and 1978
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?
- Police Officer for the Pageland Police Department from 1970 until 1976
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? 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?
Yes-While serving on the Chesterfield County Council, I was a named defendant in a civil suit which arose out of an accident between a county ambulance and a private automobile. This matter was settled.
In 1990, while serving in the South Carolina House of Representatives, I was also named as a defendant in a Federal Civil Action between the NAACP and the Kershaw County School Board. I was eventually dropped as a defendant.
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. None
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) Chesterfield County Bar Association
 - (b) South Carolina Bar 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) Pageland Methodist Church
 - (b) Pageland Volunteer Fire Department
 - (c) Mt. Moriah Masonic Lodge #58
 - (d) Jamil Shrine Temple
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. None
49. References:
- (a) Sarah Decker
PO Box 366
Pageland, SC 29728
(843) 672-6141
 - (b) Carl Tucker
PO Box 7
Pageland, SC 29728
(843) 672-6135
 - (c) John W. Sowell, Jr.
316 W. McGregor Street
Pageland, SC
(843) 672-6437
 - (d) Carroll Faile
126 North Pearl Street
Pageland, SC
(843) 672-7292

(e) JR Wallace
200 Dove Sutton Road
Pageland, SC 29728
(843) 672-3582

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: Paul M. Burch

Date: August 3, 2009

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

Circuit Court
(Incumbent)

Full Name: Paul Michael Burch
Business Address: PO Box 276
Pageland, SC 29728
Business Telephone: (843) 672-3270

1. Why do you want to serve another term as a Circuit Court Judge? I still enjoy my job even after eighteen years on the bench
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 try my best to avoid *ex parte* communications, however, sometimes in issuing Rule 65 (b) Orders, you have to make an exception.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? In such cases, recusal should be used sparingly. We do not have sufficient judicial resources to liberally grant recusals.
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? If a party has a reasonable legitimate concern about the appearance of a possible bias even after I have explained it from my point of view, I would grant recusal.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? If the appearance would cause concern to a reasonable person, I would grant recusal.
9. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? I do not accept gifts and only attend functions or meeting approved by the Bar or by the Supreme Court.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? Report them to the appropriate disciplinary authority.
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? None
13. How do you handle the drafting of orders? I normally invite proposed orders from all parties involved unless I rule from the bench and direct the prevailing party to prepare an order or prepare it myself.
14. What methods do you use to ensure that you and your staff meet deadlines? I require my law clerk to keep a separate docket from mine so that we can check off on any deadlines.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? I do not consider myself a "judicial activist". The general assembly makes the law, law enforcement enforces the law and a judge should apply and interpret the law in the cases brought before him.
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 will continue to accept appropriate speaking and teaching invitations to seminars that may be held in the State, provided the timing does not conflict with my court schedule.
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? Judging like any other employment has stress and strain. You simply have to treat others as you would like to be treated under the prevalent circumstances.
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: Generally an active prison sentence or split sentence.
 - b. Juveniles (that have been waived to the circuit court): Generally a probationary or youth offender sentence (either active or shock incarceration).
 - c. White collar criminals: Probationary sentence with fine and restitution and in more serious cases, a split sentence with restitution.
 - d. Defendants with a socially and/or economically disadvantaged background: Basically the same as above except public service may have to be substituted for restitution if the defendant is destitute.
 - e. Elderly defendants or those with some infirmity: Same as above except sometimes specialized placement is recommended. You must be careful not to allow such a defendant to play on your sympathy.
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? Only after proper disclosure
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? Firm but fair.
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? At all times
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? Normally anger towards anyone in the courtroom would be inappropriate. However, if it means regaining control of Order in the Courtroom, anger may be justified.
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/ Paul Michael Burch

Sworn to before me this 3rd day of August, 2009

Notary Public for South Carolina

My commission expires: 8/15/2010