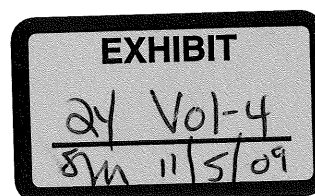


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:
Circuit Court, Third Judicial Circuit, Seat 1

1. NAME: Mr. Ralph Ferrell Cothran, Jr.
BUSINESS ADDRESS: Post Office Drawer 700
16 North Brooks Street
Manning, SC 29102
E-MAIL ADDRESS: rcothranj@sccourts.org
TELEPHONE NUMBER: (office): (803) 435-2450
2. Date of Birth: 1952
Place of Birth: Clarendon 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: Divorced on October 30, 1983, Family Court of the Third Judicial Circuit. Mr. Cothran was the moving party, One Year's Separation. Married on April 12, 1985, to Deborah Jean Brakefield Cothran. 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) University of South Carolina 1970 -74 (Bachelor of Arts Degree)
 - (b) University of South Carolina School of Law 1974-77 (Juris Doctor Degree)
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 - 1977
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) Page in the State House 1970-77.
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) Association of Counties	7/05;
(b) Planning and Zoning	8/23/05;
(c) SC Solicitor's Conference	9/05;
(d) Judges Conference (SCCJC)	5/16/07;



- (e) General Jurisdiction (NJC) 7/15/07;
- (f) 2007 Annual Judicial Conference (SCCA) 8/22/07;
- (g) 2007 Annual Conference (SCSA) 9/23/07;
- (h) 23rd Annual SC Criminal Law Update (SC Bar) 1/25/08;
- (i) 6th Annual Civil Law Update (SC Bar) 1/25/08;
- (j) 2008 SCTL Annual Convention (SCAJ) 8/7/08;
- (k) 2008 Judicial Conference (SCCA) 8/20/08;
- (l) 2008 SC Solicitor's Association (SCSA) 9/28/08;
- (m) 7th Annual Civil Law Update (SC Bar) 1/23/09;
- (n) 24th Annual SC Criminal Law Update (SC Bar) 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?

I conducted a course at the Criminal Justice Academy over a 5 year period regarding Auto Theft and Chop Shop Law.

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 1977;
- (b) Also admitted to practice before the Federal District Court in 1995.

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.

After completing the Bar Examination in 1977, I began working with my father in his practice of Cothran, Chandler and Cothran. In the early 1980's, it became the firm of Cothran and Cothran with Ray E. Chandler, Jr. leaving the firm. Scott Robinson joined the firm after my father was elected Probate Judge for Clarendon County and it became the firm of Cothran and Robinson. My practice consisted of real estate, family, civil and criminal matters. I became the County Attorney in 1979 and served in that capacity through September 2006.

In 1983, I was appointed by Wade S. Kolb, Jr., Solicitor of the Third Circuit as the Assistant Solicitor for Clarendon County and was a prosecuting attorney through September 2006.

I was elected to the Circuit Bench on February 15, 2006, and began working October 1, 2006 - present.

15. What is your rating in Martindale-Hubbell? B"V".

22. Have you ever held judicial office?

On February 15, 2006, I was elected to fill the unexpired term of Thomas W. Cooper, Jr. I began that term October 1, 2006. General civil and criminal jurisdiction throughout the state.

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) State of South Carolina vs. Roland Wayne Geddings (2008-GS-14-67)
 - (b) Homeowners Services vs. Donald J. Hatcher, et al (2006-CP-43-1688)
 - (c) Patrick Booker vs. Maurice McNab (2007-CP-31-297)
 - (d) Deloris Lesesne vs. Charles H. Powers, et al (07-CP-43-1804)
 - (e) Oka Deas Gilliard, et al vs. Darci Strickland, et al (2008-CP-43-1384)
- See attached Orders.
24. Have you ever held public office other than judicial office?
- Yes. I was appointed as Chairman to the Election Commissions in 1979 by John C. Land, III, and held that position until 1990. I was appointed as Assistant Solicitor in 1983 and served in that capacity through September 2006.
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? 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?
- When I was a partner at Cothran & Cothran, I was sued by Ken Branch who claimed that I was not watching out for his interest while in fact I was

representing the opposing party. This matter was dismissed prior to trial. While I was a Deputy Solicitor, by association, I was sued by numerous Pro Se Litigants, all of which were subsequently dismissed. Since I have been a Circuit Court Judge, Joshua Latron Gallishaw has filed a lawsuit which includes me as a Defendant. It is a PCR matter where he alleges that the Attorney General's and myself acted inappropriately by denying his PRC application. I was served with the Summons and Complaint by mail on April 28, 2009. This is a Richland County case (Case No.: 09-CP-40-1642) and it is still pending.

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. 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) South Carolina Bar
 - (b) Clarendon County 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) First Presbyterian Church at Manning Clerk of Session/Chairman Board of Deacons
 - (b) Rotary 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.
- I served with the Solicitor's Office for 23 years where I handled criminal proceedings in Clarendon County. I feel that experience has served me well in my present position.
49. References:
- (a) Dr. William J. Holmes
Presbyterian Church at Manning
Post Office Box 207
Manning, SC 29102
(803) 435 - 8157
 - (b) Beulah G. Roberts, Clerk of Court
Clarendon County Courthouse
Post Office Box 136
Manning, SC 29102
(803) 435-4443
 - (c) Ron Wall, Vice-President
Bank of Clarendon
106 S. Brooks Street
Manning, SC 29102
(803) 435-9654
 - (d) The Honorable James C. Campbell
Sumter County Clerk of Court
141 North Main Street
Sumter, SC 29150
(803) 436-2232
 - (e) Jeanna Pierson
Post Office Box 358

Manning, SC 29102
(803) 473-6732

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: R. Ferrell Cothran, Jr.

Date: July 31, 2009

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

Circuit Court
(Incumbent)

Full Name: Ralph Ferrell Cothran, Jr.
Business Address: Post Office Drawer 700
16 North Brooks Street
Manning, SC 29102
Business Telephone: (803) 435-2450

1. Why do you want to serve another term as a Circuit Court Judge? I enjoy my work and would like to continue.
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? No.
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? It is something that simply should not happen. No.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? If I feel that there is an appearance of bias, I would inform all parties of my association and would only proceed after full disclosure and both sides having no problem with me hearing the case.
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? I would deal with this on a case by case basis and take their request very seriously. If I could not clear up the appearance of impropriety on the record, 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? If I could not clear up the appearance of impropriety, I would recuse myself and do everything I could to avoid the appearance of impropriety.
9. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? I would not accept social hospitality or gifts that I feel would influence me as a judge.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? I understand the responsibility of the Bar and how important it is to maintain the integrity of the profession. I hope that I will not be faced with a

situation to have to report a lawyer or a member of the judiciary, but certainly would be willing to do so in order to protect the judiciary as a whole.

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, other than rental property.
13. How do you handle the drafting of orders? I usually e-mail the attorneys with my decision and ask the attorney that I rule in favor of to submit an Order based on my findings. In some situations, I draft the Order myself along with my law clerk.
14. What methods do you use to ensure that you and your staff meet deadlines? Calendars/computers.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? I would defer my decisions to the Supreme Court and the Appellate Court to determine policy and when there are no cases on point, I will try to follow the reasoning of the Appellate Courts to keep the law consistent and logically evolving.
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 would work with local, county and state officials to improve the effectiveness of the legal system.
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? I basically have not had any problems with the strains of personal relationships since I have been on the bench.
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: Prior criminal record would weigh heavily in my decision. I feel that if a crime that is repeated more than one time and a Defendant has not altered or changed his behavior as a result of his prior record, that stronger punishment may be necessary to keep the repeat offender from society.
 - b. Juveniles (that have been waived to the circuit court): If I feel I can protect society and, in turn, turn a juvenile around through Shock Incarceration or sentence the juvenile to a Youthful Offender sentence, I certainly would do so. However, in extreme cases, if society were not protected, it would warrant sending the offender to an adult facility.

c. White collar criminals: I would deal with white collar criminal with a case by case basis. I do feel that incarceration may be appropriate to those who have stolen large sums of money and hold positions in the public eye. Certain crimes demand punishment and consequences.

d. Defendants with a socially and/or economically disadvantaged background: The action of the Defendant and his/her prior record would carry more weight than his social and economical background. I would try to fashion my sentence to require the Defendant to obtain a GED or Vocational Training to improve his/her social and economical handicap.

e. Elderly defendants or those with some infirmity: The age of the Defendant is just one of the many factors I would consider in the sentencing process. It would obviously play a role in how many years I would need to protect society from the Defendant, but the prior record and the facts of the case would be a predominant factor in my sentence.

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? I would disclose the interest and bring it to the attention of the parties and certainly would recuse myself, if necessary.
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? Calmness, compassion, understanding and fairness. I feel that fairness should exist in the mind of a judge and a judge should strive to never embarrass attorneys, litigants or other parties. I also feel that they should bring to the bench deciveness, and when warranted, firmness.
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? I believe a judge should reflect the same qualities on and off the bench.
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 do not feel that anger should be a part of a judge's decision.
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 at this time.

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/ Ralph Ferrell Cothran, Jr.

Sworn to before me this 31st day of July, 2009.

Notary Public for South Carolina

My commission expires: 2012