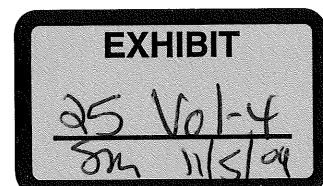


JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:  
Judge, Circuit Court Seat No. 1, Sixth Judicial Circuit

1. NAME: Mr. Brooks P. Goldsmith  
BUSINESS ADDRESS: 211 W. Dunlap Street  
P.O. Box 2227  
Lancaster SC 29720(29721)  
E-MAIL ADDRESS: bgoldsmithj@scccourts.org  
TELEPHONE NUMBER: (office): (803) 286-6990
2. Date of Birth: 1942  
Place of Birth: Lancaster 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 on December 22, 1983, Lancaster County. Mr. Goldsmith was the moving party. One Year's Continuous Separation. Married on December 30, 1989, to Laura Jane Porter Goldsmith. One child.
6. Have you served in the military?  
Yes. I served in the United States Army from 1964 to 1966. I received an honorable discharge as First Lieutenant. I am no longer in the service. My military serial number is unknown.
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.  
I attended Furman University from 1960-64 and obtained a Bachelor of Arts Degree. I attended the University of South Carolina Law School from 1966-69 and obtained a Juris Doctorate 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.  
I was admitted to practice law in South Carolina in 1969. In 1970, I was admitted to practice law in the State of Georgia. I took the bar examination in the State of Georgia, twice.
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.  
I was a member of the Law Review at the University of South Carolina 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) SC Judicial Conference	08/18/04;
(b) 20 <sup>th</sup> Annual Criminal Law Update	01/21/05;
(c) 3 <sup>rd</sup> Annual Civil Law Update - Part II	01/21/05;
(d) 2005 Circuit Court Judges	05/11/05;
(e) 2005 Orientation School for Judges	07/11/05;
(f) 2005 Annual Judicial Conference	08/24/05;
(g) Annual Meeting (SCDTAA)	11/03/05;
(h) 4 <sup>th</sup> Annual Civil Law Update	01/26/06;
(i) 21 <sup>st</sup> Annual Criminal Law Update	01/27/06;
(j) 20 <sup>th</sup> Circuit Court Judges Annual Conference	05/10/06;
(k) 2006 Annual Judicial Conference	08/23/06;
(l) 2006 Annual SC Solicitors Conference	09/24/06;
(m) 22 <sup>nd</sup> Annual Criminal Law Update	01/26/07;
(n) 5 <sup>th</sup> Annual Civil Law Update	01/26/07;
(o) SC Circuit Court Judges Annual Conference	05/16/07;
(p) 2007 Annual Judicial Conference	08/22/07;
(q) Annual Meeting (SCDTAA)	11/01/07;
(r) 23 <sup>rd</sup> Annual SC Criminal Law Update	01/25/08;
(s) 6 <sup>th</sup> Annual Civil Law Update	01/25/08;
(t) SC Circuit Court Judges Annual Conference	05/14/08;
(u) 2008 Annual Judicial Conference	08/20/08;
(v) 7 <sup>th</sup> Annual Civil Law Update	01/23/09;
(w) 24 <sup>th</sup> Annual SC Criminal Law Update	01/23/09;
(x) SC Circuit Court Judges Annual Conference	05/06/09;

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

I lectured at the SC Family Court Bench/Bar seminar on December 5, 2003.

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.

I was admitted to the US District Court for the District of South Carolina in 1969. I have been admitted to practice in state courts in South Carolina since 1969.

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) I was a member of the law firm of Sutherland, Asbil & Brennan in Atlanta, Georgia from 1969 to 1971.
  - (b) I was a partner in the law firm of Williams, Rushing & Goldsmith from 1971 to 1972.
  - (c) I was a partner in the law firm of Rushing & Goldsmith from approximately 1972 to 1975.
  - (d) I was a partner in the law firm of Thomas, Rushing & Goldsmith & Folks.
  - (e) I was a partner in the law firm of Thomas, Goldsmith, Folks & Hodges.
  - (f) I was a partner in the law firm of Goldsmith, Folks & Hodges.
  - (g) I was a partner in the law firm of Goldsmith, Folks, Khoury & DeVenny.
  - (h) I was a sole proprietor in the law firm of Brooks P. Goldsmith from 1991 to 2001.
  - (i) I was a Family Court Judge for the Sixth Judicial Circuit from 2001 to 2005.
  - (j) I have been a resident Circuit Court Judge for the Sixth Judicial Circuit since 2005.
15. What is your rating in Martindale-Hubbell?
22. Have you ever held judicial office?
- Yes. Municipal Judge, City of Lancaster from approximately 1973-74. This was an appointed position. The jurisdiction of the court was limited to traffic tickets and other minor criminal violations punishable for up to 30 days or \$100. Judge, Family Court, Sixth Judicial Circuit, from 2001 to 2005. Judge, Circuit Court, Sixth Judicial Circuit, from 2005 to the 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) Dorothy J. Mabe v. Larry Mabe (Case No. 2000-DR-46-1068), Order dated March 28, 2003.  
This case involved equitable distribution of the marital estate, alimony, transmutation of property owned by the parties prior to the marriage, distribution of proceeds from personal injury accident claim and interpretation of the settlement agreement signed by the parties but disavowed at trial. The Court found, among other things, that the settlement agreement was ambiguous, that neither party had sought legal advice, full financial disclosure had not been made by either party and the Court found the agreement was unenforceable.
  - (b) Edward E. Wilson v. Bobbie H. Wilson (Case No. 2001-DR-46-730), Order dated January 15, 2004.  
This was a marriage of approximately 35 years. This case involved allegations of adultery, which were denied, a fraudulent complaint filed by one of the parties and distribution of the marital estate, including a business owned by the husband. Additional issues involved the

argument that the husband's inherited property had become transmuted. Both parties were drawing social security.

- (c) Mary Helen Powell Mazzoli v. Travis Lee Dowdy (Case No. 2004-DR-10-306), heard in Charleston County August 30-September 2, 2004. This was an action for custody of a 1½-year-old girl. At the beginning of the trial, the mother's attorney moved to disqualify the father's attorney on the grounds that said attorney represented the father of another child of the mother in an action against her for custody of that child. The mother was a medical assistant. The father was a firefighter. A psychologist testified on behalf of the mother. The major issue in the case revolved around the mother's stability and her ability to cope with being brought up in a dysfunctional family and being sexually abused as a child.
- (d) Chester County DSS v. Jacqueline Jennings and William Moore, Case No. 2002-DR-12-561, Order dated February 24, 2003. The Department of Social Services sought custody of an unnamed child that they believed the Defendant Mother had given birth to on unknown date and unknown location. The Mother refused to testify, asserting her rights under the Fifth Amendment. The Mother had not been granted immunity from prosecution and, thus, was not compelled to testify. The Department of Social Services presented substantial evidence of the Mother's extensive drug abuse over a number of years. The Mother's rights to two other children had been terminated in separate proceedings. The Court granted to the Department of Social Services, custody of an unknown child born to the named Defendant, Mother, during a specified time frame.
- (e) April D. Enos v. John Doe and Travelers Indemnity Insurance Co., 669 S.E.2d 619 (Ct. App. 2008) Enos became intoxicated at a bar and got in her car to go to sleep. Rescue personnel found Enos in her vehicle at another location. The vehicle had apparently been wrecked and she had been injured. She had no recollection of the accident. Enos brought an action against John Doe seeking uninsured motorist coverage alleging that an unknown driver drove her car into a bridge while she was a passenger. The statute in question requires that for an insured to prevail, there must be an affidavit submitted by a witness other than the owner or operator of the insured vehicle, attesting to the facts of the accident. Enos argued that the legislature did not intend to require affidavits in single vehicle accidents and that the statute should be liberally construed. The Court dismissed the Plaintiff's cause of action finding that the statute was clear and unambiguous. This decision was affirmed by the Court of Appeals.

24. Have you ever held public office other than judicial office? No.

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.  
When I was a Municipal Court Judge, I was a partner in the law firm of Rushing & Goldsmith from 1973-74 as a practicing attorney.
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.  
I was a co-owner (with 4 to 5 others) of a business venture that owned some commercial real estate, a dry cleaning establishment and numerous laundromats. Recently, I sold my interest in all these businesses. I would recuse myself in any litigation involving these businesses.
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?  
Approximately 13 years ago, I was charged with a fresh water fishing violation. I paid a fine of \$100. I do not recall the specific charge. Approximately 6 months ago, I was charged with failure to wear a seatbelt and paid a \$25 fine.
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?  
Approximately 12 years ago, I was sued in federal court, along with my client and his mother. The basis of the suit was that my client had listened to his wife's conversation that occurred over a wireless telephone. The husband had used a police scanner. The allegations against me were that I permitted him to divulge what he had heard via the police scanner. The lawsuit was settled.

I have been named as a co-defendant in several foreclosure actions brought against real property in which I had obtained a judgment against the defendant property owner.

Several years ago, I was a third party defendant in a lawsuit revolving around a title opinion that I issued some years before. The case has now been settled and ended.

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.
- 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. None.
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 believe that the following life experiences have influenced the kind of judge that I have been and hopefully will continue to be:
- I grew up living in a "mill house" in a small South Carolina town (Lancaster). I played football for Lancaster. After graduating from Furman, I spent two years in the military (one year in Vietnam). After law school, I worked for a large law firm in Atlanta for two years and then moved back to Lancaster when another lawyer and I opened a law practice. I have served as President on the local Chamber of Commerce and was on the Board of Directors of the local hospital. I believe that the years I served as a municipal judge and family court judge helped me be a more discerning judge.
49. References:
- (a) Walter B. Todd, Jr.  
P.O. Box 1549  
Columbia SC 29202-1549  
(803) 779-4383
  - (b) James K. Davis  
P.O. Box 868  
Lancaster SC 29721  
(803) 286-8450
  - (c) H. E. Purser  
1989 Strafford Road  
Lancaster SC 29720  
(803) 285-1382
  - (d) Daniel T. Brailsford  
P.O. Box 944  
Columbia SC 29202  
(803) 779-8900
  - (e) Steve Sherrill  
First Citizens Bank & Trust Co.  
500 N. Main Street

Lancaster SC 29720  
(803) 285-7431

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: Brooks P. Goldsmith

Date: August 3, 2009



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

**Circuit Court**  
**(Incumbent)**

Full Name: Brooks P. Goldsmith  
Business Address: P.O. Box 2227  
Lancaster SC 29721  
Business Telephone: 803-286-6990

1. Why do you want to serve another term as a Circuit Court Judge? I want to serve another term as a Circuit Court Judge because I truly enjoy this job.
2. Do you plan to serve your full term if re-elected? I do plan to serve full term, to the extent permitted by law.
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? Ex-parte communication should only be permitted involving scheduling matters, when one party is seeking a temporary restraining order or in awarding certain fees and expenses in criminal cases.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? To the issue of recusal involving lawyer-legislators, I have never had anyone raise that issue but I would consider recusal after hearing arguments from both sides. As to the issue of recusal involving former associates or law partners, I would consider recusal after hearing arguments on this issue, although I have not had a partner or associate in over 18 years.
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 believe that great deference should be given to the party who requests a recusal based on the appearance of impropriety. The fact that I might personally believe no bias exists is not the only issue. Whether or not to grant the motion would, of course, depend on many facts including whether or not there is any evidence that the motion was being made for the sole purpose to delay or to gain an advantage.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? I

- believe the appearance of impropriety in the situation described herein would be handled much as the issue of bias referred to above.
9. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? I have found it is best not to accept gifts or social hospitality, especially when it is directly to me because of my position. I do, from time to time, accept an invitation of the South Carolina Defense Trial Attorneys and the South Carolina Association for Justice to attend their annual conferences.
  10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? I would regretfully report the lawyer or judge as I would be required to do.
  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? Either I draft the Order (often with the help of my law clerk) or issue instructions to the prevailing party with copy of the instructions being provided to opposing counsel. Once the order is submitted to me, I give opposing counsel a reasonable period of time to object.
  14. What methods do you use to ensure that you and your staff meet deadlines? We use a paper calendar as well as a computerized calendar.
  15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? It is my belief that judicial activism has no place on the trial bench and, thus, judges should not make decisions or issue opinions with an attempt to set or promote public policy.
  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 attempt to explain the judicial system to the juries and, on occasion, read to jurors, the Rules of Professional Conduct and educate jurors about the roles that lawyers play in the judicial 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 do not feel that pressure of serving as a judge has strained my relationship with my spouse, child or relatives but it has caused me to disassociate myself from former friends whose lifestyle may have been acceptable to me as an attorney but I believe that my continued relationship with them was not appropriate once I became a judge.

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: As a general rule, I give repeat offenders a sentence that is harsher than their last sentence but it depends on the nature of the offense(s), the number of offenses and the amount of time since the last offense(s) occurred. I also consider whether a Defendant has been previously placed on probation and whether or not they successfully completed probation.
  - b. Juveniles (that have been waived to the circuit court): Fortunately (for me), I have never been faced with sentencing a juvenile who has been waived to circuit court, thus, I do not have a philosophy concerning sentencing that would be based on any practical experience. I suspect that I would tend to be more lenient on such an individual compared to an adult who had committed the same crime.
  - c. White collar criminals: As best I can recall, the only white collar crimes I have been involved with are in the area of embezzlement. It is my belief that such crimes are, for the most part, committed by people who are better educated and have had more advantages than the people we most often see in General Sessions Court. These people commit the crimes often out of greed. Very few of such cases that have come before me involve people who were destitute and embezzled to put food on the table. It is my belief that such people should not be sentenced lightly but I say this knowing that I often give consideration to the position of the victim or institution that is most often concerned with restitution
  - d. Defendants with a socially and/or economically disadvantaged background: These categories describe the vast majority of the people that I see in General Sessions Court and I do not have a separate philosophy for sentencing these classes of offenders.
  - e. Elderly defendants or those with some infirmity: Generally speaking, I probably tend to give these Defendants a lesser sentence than I might have a younger Defendant. One reason is to reduce the cost to the State of South Carolina for housing such individuals who tend to have greater medical care needs.
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 not hear such a case unless and until full disclosure had been made and an opportunity was given to both sides to object.

21. Do you belong to any organizations that discriminate based on race, religion, or gender? I do not.
22. Have you met the mandatory minimum hours requirement for continuing legal education courses? I have.
23. What do you feel is the appropriate demeanor for a judge? The judge should treat all participants with respect, from the bailiffs to the jurors and to the Defendant. In my opinion, a Defendant could be sentenced to life in prison and have it done treating him with respect. The judge should always be mindful of the need to control judicial temperament and in controlling the court, never resort to raising his voice. In his private life, a judge should do nothing to bring this respect to the position of the judge or the judicial system.
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? As stated above, a judge needs to be aware of how his conduct outside of the Court will be perceived by others.
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? A display of anger by a judge is never appropriate.
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? I have spent no money on this campaign.
27. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign? I have not.
28. Have you sought or received the pledge of any legislator prior to this date? I have not.
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? I have not.
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? I have not.
31. Have you contacted any members of the Judicial Merit Selection Commission? I have not.
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? I am familiar with the 48-hour rule.

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

s/ Brooks P. Goldmith

Sworn to before me this 5<sup>th</sup> day of August, 2009.

Notary Public for South Carolina

My commission expires:12-20-2017



State of South Carolina  
The Circuit Court of the Sixth Judicial Circuit

Brooks P. Goldsmith  
Judge

Post Office Box 2227  
211 West Dunlap Street  
Lancaster, SC 29721  
Phone: (803) 286-6990  
Fax: (803) 286-0696  
bgoldsmithj@sccourts.org

October 5, 2009

Jane O. Shuler, Chief Counsel  
Judicial Merit Selection Commission  
P.O. Box 142  
Columbia SC 29202

RE: Re-election - Circuit Court, 6<sup>th</sup> Circuit, Seat 1

Dear Ms. Shuler:

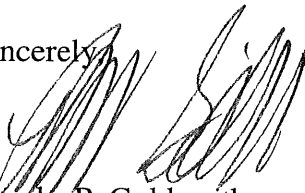
Would you permit me to amend the Personal Data Questionnaire as follows:

1. In lieu of the last sentence of my response to Paragraph 6, please insert, "My military serial number was
2. As to paragraph 15, my response is, "My last rating was A/V."

I would also like to amend the last sentence of paragraph 23 of my Sworn Statement to read as follows: "In his private life, a judge should do nothing to bring disrespect to the position of the judge or the judicial system."

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Brooks P. Goldsmith  
BPG/ds