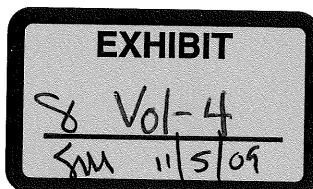


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:
Charleston County Master in Equity

1. NAME: Mr. Mikell Ross Scarborough
BUSINESS ADDRESS: 100 Broad Street, Suite 266
Charleston, SC 29401
E-MAIL ADDRESS: master@charlestoncounty.org
TELEPHONE NUMBER: (office): 843 958-5070
2. Date of Birth: 1958
Place of Birth: Charleston, SC
3. Are you a citizen of South Carolina? Yes
Have you been a resident of this state for at least the immediate past five years? Yes
5. Family Status: Married on January 11, 1986, to Mary Elizabeth LeMacks.
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) The University of the South, Sewanee, Tennessee, 1976-1980, BA with honors in History
 - (b) The University of South Carolina School of Law, 1980-1983, JD
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.
South Carolina Bar, 1983
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) The University of the South, Soccer & Tennis teams, 1976-78
 - (b) Institute for European Studies, Vienna, Austria, Spring 1979
 - (c) University College, Oxford University, England, Summer 1979
 - (d) USC School of Law, Int'l Law Society, 1980-83, Vice-Pres. 1982-83
 - (e) USC School of Law, ABA Mock Trial Comp. winner & Regional Rep 1982
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 Bar 2003 Convention i. Corporate, Banking & Securities, ii. Senior lawyers Division/Solo, iii. Real Estate Practices/Unauthorized, iv. Breakfast Ethics Seminar	1/24/03-1/26/03;
(b) SCCA Judicial Conference	8/21/03;
(c) SCTLA 2003 Annual Convention	8/07/03;
(d) SC Bar Master in Equity Bench/Bar	10/17/03;
(e) Charleston County Bar Mold Indoors	12/04/03;
(f) SC Bar 2004 Convention i. ADR Section Meeting, ii. 2 nd Annual Civil Law Update, iii. Probate, Estate Planning & Trust, iv. Breakfast Ethics Seminar	1/22/04-1/25/04;
(g) ECC 2004 Annual Meeting	2/06/04;
(h) NJC Advanced Evidence	2/09/04;
(i) SCLSA Saving Heir's Property	6/18/04;
(j) SCCA Judicial Conference	8/19/04;
(k) SupCt Attorney & Judicial Oath of Office	8/19/04;
(l) NJC Judicial Decision Making	10/04/04;
(m) SC Bar Master-in-Equity Bench/Bar	10/15/04;
(n) NJC Financial Statements	1/05/05;
(o) SC Bar 2005 Convention i. Solo & Small Law Firm Section ii. 20 th Annual Criminal Law Update iii. 20 th Annual Civil Law Update iv. Environment & Natural Resources	1/20/05-1/22/05;
(p) ECC 2005 Annual Meeting	2/25/05;
(q) SCCA 2005 Annual Judicial Meeting	8/24/05;
(r) CCBREP Luncheon Seminar at Carolina's	9/23/05;
(s) SC Bar 2005 Master-in-Equity Bench/Bar	10/14/05;
(t) SC Bar 2006 Convention i. Law Office Technology ii. Real Estate Practice Section iii. Torts and Insurance Practice iv. Breakfast Ethics Seminar	1/26/06-1/29/06;
(u) MIELC Master in Equity Annual meeting	2/24/06;
(v) CHSL Legal Issues Affecting Heirs	3/31/06;
(w) AAJE Case management: The Litigant's	6/03/06;
(x) CRD Steroids & the Ethics of Baseball	8/12/06;
(y) SCCA 2006 Annual Judicial Conference	8/23/06;
(z) SC Bar 2006 Master-in-Equity Bench/Bar	10/13/06;
(aa) CCBA Recent Development in Real Estate	12/08/06;

- (bb) CCBA Insurance Coverage During 6/19/07;
- (cc) SCCA 2007 Annual Judicial Conference 8/22/07;
- (dd) NJC Dispute Resolution Skills 9/02/07;
- (ee) SC Bar SCAPCA Litigation Conference 9/21/07;
- (ff) SC Bar 2007 Master-in-Equity Bench/Bar 10/12/07;
- (gg) SC Bar 2008 Convention 1/24/08-1/27/08;
 - i. Consumer Law Section
 - ii. A Day in Discovery-Part 1
 - iii. 6th Annual Civil law Update
 - iv. Elder law Committee
 - v. Breakfast Ethics Seminar
- (hh) CCBA Master's Seminar 2/22/08;
- (ii) SCBYLD Leadership Academy-Professionalism 5/16/08;
- (jj) SCCA 2008 Judicial Conference 8/20/08;
- (kk) SC Bar Master-in-Equity Bench/Bar 10/10/08;
- (ll) NJC Financial Statements in the Courtroom 11/12/08;
- (mm) CHSL State Constitutional Reform in the 1/15/09;
- (nn) SC Bar 2009 Convention 1/22/09-1/25/09
 - i. The Practice of Mediation
 - ii. 7th Annual Civil law Update
 - iii. Growing Green: The direction of
 - iv. Real Estate Practice Section
 - v. Breakfast Ethics Seminar

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 lectured at the SC Bar Program's Annual Master in Equity seminars
 - (b) I have made presentations on the topics of ethics and law to Chas Young Lawyers Club and administered the oath of civility as part of the seminar.
 - (c) I have sponsored and spoken at law seminars to the Chas County Bar on subject including "How to Impress the Judge" and "Heirs Property Issues."
12. List all published books and articles you have written and give citations and the dates of publication for each.
- (a) S.C. Master in Equity Seminar, Easements and Equitable Remedies (S.C. Bar CLE 2005), Coordinator and Contributing Author;
 - (b) S.C. Master in Equity Seminar, "How to Impress the Judge" (S.C. Bar CLE 2006), Presenter and Author;
 - (c) S.C. Master in Equity Seminar, "The New Heirs' Property Statute" (S.C. Bar CLE 2008), Presenter and Author;

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 1983;
 - (b) Also admitted to practice before the Federal District Court and Fourth Circuit Court of Appeals in 1983.
 - (c) Also admitted to practice before the US Supreme Court in 1988.
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) State Judicial Law Clerk from 1983-84; Owens Cobb, Jr. Fifth Judicial Circuit & A. Lee Chandler on SC Supreme Court
 - (b) Crag K. Davis, for several months in 1984-85
 - (c) Donald V. Myers, Solicitor of the Eleventh Judicial Circuit, Lexington, SC from 1985-87
 - (d) Kennedy, Price & Dial, 1987-91, associate in general civil trial practice defense firm
 - (e) Wyckoff, Norfleet & Scarborough, 1991-93, partner with general civil trial plaintiff's firm
 - (f) Garrett Law Offices, 1993-99, associate, then partner, in general civil and criminal practice firm on both plaintiff and defense side
Mikell R. Scarborough, Attorney at Law, 1999-2003, general trial practice in all courts and real estate matters; certified circuit court mediator since 1999.
Charleston County Master in Equity since June 23, 2003.
15. What is your rating in Martindale-Hubbell? BV
22. Have you ever held judicial office? Yes. June 26, 2003, to present I have served as Master in Equity for Charleston County. This is a court of limited jurisdiction which hears civil matters mostly involving real estate. The bulk of the work is foreclosure; however, I also currently serve as a "special circuit judge" and hear a number of cases, both civil and criminal, in that role. I serve exclusively as a non-jury judge.
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) Bennett v. Vanderhorst, 02-CP-10-3156, lawsuit involving title to property involving a resulting trust. My first appeal affirmed in an Unpublished opinion 2005-UP-412.
 - (b) Historic Charleston Holdings v. Mallon, 02-CP-10-4149, lawsuit involving dissolution of a limited liability corporation LLC for which there is very little case law in this state. The Court of Appeals 365 SC 524 (2005) affirmed in part and reversed for an accounting but the Supreme

Court reversed the Ct of Appeals and ended the matter. 381 SC 417 (2009).

- (c) Fox v. Moultrie, 2005-CP-10-2532, lawsuit involving interpretation of federal law and regulations to county tax sales. The case was affirmed by the Supreme Court. 379 SC 609 (2008).
- (d) Marichris, LLC v. Derrick, 2005-CP-10-808, lawsuit between two brothers over who owned how much interest in real property purchased together. Another LLC case but where the court found no equity in their actions towards one another. Affirmed and remanded to determine amount of attorneys' fees the losing party will pay. Op. #4586 filed July 13, 2009.
- (e) Ross Marine v. Query, Sautter & Gliserman, LLC, lawsuit in which the Plaintiffs sought to remove counsel for the Defendant in a separate action due to an alleged conflict of interest which I could find none. Affirmed by Supreme Court. 380 SC 494 (2009).

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. None.

26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?

I was a Republican candidate for Richland County Council in 1990. I won the Republican primary but lost in the general election.

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?

Sole Member of Maybank Hwy, LLC, which owns and rents a commercial/residential office on James Island, SC.

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.

None of which I am aware. As to conflicts, I believe in the "disclose or abstain" rule of relationships.

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?

I was arrested, charged and pled guilty to simple possession of marijuana while a student at Sewanee in 1980. I paid a fine and the case was

ended. To the best of my knowledge the case file was closed and the record expunged. I disclosed this offense on my Bar application to the Committee on Character and Fitness. I acknowledged this mistake and further stated it was a lesson learned and something that I would not do again. It most certainly is not something of which I am proud but it happened nevertheless.

I was arrested and charged with simple assault and battery following a melee in a bar in Columbia in 1988. These charges were later dismissed and the record expunged. I have learned to just get away from such an incident when I see a fight about to go on.

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. I was a defendant in a foreclosure action where I held a third mortgage. Christiana Bank v. Leverne Lee, 2007-CP-10-948. The matter was referred to David Chard, Special Referee, and the property was sold on Nov. 6, 2007. The mortgage was thereby removed of record as a lien.

I am named as a defendant in a CERCLA action now pending in state court captioned PCS Nitrogen Inc v. Buhrmaster, et al. arising from my status as a former shareholder in a family real estate business. 2008-CP-10-5269.

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.

I have no knowledge of any such activity on either my behalf or anyone else in this matter.

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.

\$9.24 for mailing 22 letters to members of the Charleston County Legislative Delegation.

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) American Bar Association

(b) SC Bar

(c) Charleston County Bar

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.

I have not participated in any organizations other than my church, my family and my job over the last five (5) years due to my commitment and dedication to each of these 3 entities.

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 my experience, knowledge and love of Charleston County has enhanced my service to the citizens of Charleston County as Master in Equity. I love this community and look forward to the daily opportunity to enhance it in any manner in which I am best able. I believe my legal experience as well as life experience makes me well-suited for this position – both in knowledge of the law and in temperament for this position of public trust. I

have truly enjoyed this job and welcome the opportunity for more years of public service in this position as has generally been held over the years.

49. References:

- (a) Hugh Lane
Bank of South Carolina
150 Meeting St
Charleston, SC 29401
(843) 724-1500
- (b) Jeanne Lyles
760 Creekside Dr.
Mt. Pleasant, SC 29464
(843) 849-6294
- (c) Linda Gadson
Rural Mission, Inc.
PO Box 235
Johns Is., SC 29457
(843) 670-0434
- (d) Layne M. West
605 S. Leavitt
Charleston, SC 29492
(843) 442-0841
- (e) Sam Howell, Esq.
Howell, Linkous & Nettles
PO Box 1768
Charleston, SC 29401
(843) 266-3800

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: Mikell R. Scarborough

Date: August 12, 2009

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

**Master-in-Equity
(Incumbent)**

Full Name: Mikell Ross Scarborough
Business Address: 100 Broad Street
Suite 266, Charleston, SC 29401
Business Telephone: (843) 958-5070

1. Do you plan to serve your full term if re-appointed? Yes.
2. Do you have any plans to return to private practice one day? No.
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes.
4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?
I believe that *ex parte* communications are harmful to the legal process since they tend to bring the profession into disrepute. The only *ex parte* communications I envision would come in the context of an emergency such as a need for a Temporary restraining order in which the other side's attorney is unknown or the need to schedule matters for hearing.
5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
I believe that simply the appearance of these people before me does not constitute a conflict of interest such that a recusal is required sua sponte. If requested by the opposition, it is a matter for serious consideration subject to the need to move the process along. My bottom line philosophy is that the case should be decided on the merits and not on personalities – if the court constitutes an impediment to this goal, it would be best to recuse myself. See Canon 3E, Rule 501, SCACR.
6. 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 attempt to express my position as clearly on the record as possible, if still the motion is before me, more likely than not, I would recuse myself based upon the philosophy expressed above; i.e., the court should not be the basis for an appeal or motion due to a perceived bias, prejudice, or conflict of interest. I would draw a distinction between the type of disclosure presented by myself versus

one presented by another. Clearly if it was significant enough for me to disclose, it is something to strongly consider and more than likely grant. There is also the possibility of a remittal of disqualification by agreement of both sides and placed in the record.

I have used this procedure on two specific occasions I recall disclosing a potential conflict of interest. In both instances, the basis for the conflict was placed into the record along with the parties' agreement to waive any potential conflict of interest. See Canon 3F.

7. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?

I do not accept gifts or favors as a sitting judge. As to social hospitality, I hold dear my present friends; however I am vigilant as to any perceived attempt to influence my behavior based upon offers of social hospitality and normally decline such invitations.

8. How would you handle a situation in which you became aware of misconduct of a lawyer or of a judge?

The question implies actual knowledge of the misconduct rather than a substantial likelihood of misconduct. First, I would attempt to ascertain the basis for the alleged misconduct. I would likely seek to address it with the lawyer or judge if the conduct was not in my presence. Once I was convinced a substantial question of fitness for office, honesty or misconduct was involved, I would report the misconduct to the committee on lawyer conduct or the judicial standards commission.

Since I have been on the bench, I have observed on a few occasions instances of misconduct which I have reported to the Commission. I have adopted a policy of calling the attorney into my office to discuss the allegations and my concerns prior to making the report. I then inform them of my obligation to report actual knowledge of misconduct. See Canon 3D2.

9. Are you affiliated with any political parties, boards or commissions that need to be re-evaluated?

No. I resigned from all bodies I served upon election to the Master's Office.

10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations?

No, not since elected as Master in Equity.

11. How do you handle the drafting of orders?

As master-in-equity hearing non-jury matters, I generally request a proposed Order from each side or memorandum of law as to the particular issues I considered most significant to the case. I request these orders be submitted in a reviseable format which I can alter and then revise them against my understanding of the law and the facts of the case. I seek to issue written rulings within 30 days of the conclusion of the matter before me in virtually all cases so that the

matter can then be resolved or forwarded on to a higher court for review.

Increasingly, in cases in which I am clear as to the outcome of the trial, I tend to rule from the bench and place my findings of fact and conclusions of law on the record as the basis for my ruling. I then request a proposed order be submitted from the prevailing side; however, I also allow the losing side to submit an order or Rule 59e motion for my review as well.

My decision to rule from the bench at the conclusion of the trial has been cited by numerous lawyers and some litigants as beneficial to both sides in concluding the matter.

12. What methods do you use to ensure that you and your staff meet deadlines?

I established an office policy to ensure that everyone in the office knows and understands the timetable under which the master's office needs to operate. I have an assistant to help me monitor this policy on a daily, weekly and monthly basis. I have a calendar tickler system, both in paper and electronic format, to monitor this deadline schedule. Periodically I issue Administrative Orders which are posted for the public and my staff to review to address scheduling needs and recurring problems, especially in the foreclosure files.

13. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?

I am fundamentally and philosophically opposed to judicial activism which results in the promotion of a particular public policy. I do not believe it is the province of the judicial branch of government to set policy but to determine the purpose of the legislation and enforce the laws made by the legislative and executive branch of government.

14. 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 seek to have the master's office become more well-known in the community as to what we do and why we do it. I seek to ensure the court runs efficiently and that the public knows we exist to handle their legal problems, especially those involving real estate disputes. I encourage the litigants to retain legal counsel to represent their interests as I believe this to be in their best interest when presenting matters in a court of law. A particular area of interest is the need to address heirs' property problems as they affect so much property along the South Carolina coast.

I regularly speak to the Charleston County Citizens Committee on the role, purpose, and history of the MIE court.

15. 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 believe the most difficult aspect of serving as a judge is having to make decisions which directly impact upon people's lives – clearly the litigants but, in a larger context, those whom the issue also affects. This is especially true in today's economy of a foreclosure epidemic.

I am presently undergoing the challenge of raising 3 teenagers. As to my family, as a self-employed attorney for the past 12 years, I have had to make those decisions for them as well. Those friends who know me now know that this position is not likely to change my relationship with them personally although it will clearly alter our professional relationship. To put this into perspective, sometimes I rule for them and sometimes I rule against them - based on how I see the merits of their case.

16. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No.

17. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

The Canons of Judicial ethics state that so long as the interest is *de minimis* it is not necessary to withdraw; however, I liken this fact situation to the one in question 6 where I stated I would withdraw if asked to do so and there was some question as to my impartiality on the question before me. Canon 3E1c.

18. Do you belong to any organizations that discriminate based on race, religion, or gender? No.

19. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes.

20. What do you feel is the appropriate demeanor for a judge?

A judge should be pleasant in demeanor, knowledgeable on the law, both procedural and substantive, and allow lawyers to present their cases in a thorough yet expeditious manner. He needs to be firm and decisive in the courtroom without bullying or attempting to control the outcome of a matter.

21. Would 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 that demeanor is a personal characteristic which should apply in everyday life and which I possess and try to achieve daily. I strive to give each case the level of attention and respect the lawyers and litigants deserve.

22. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant?
Anger is not an appropriate emotion for a judge to display; however, it is important that the judge be fair, firm and consistent in his rulings.
23. 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 sent out letters to some of the members of the delegation at a cost of 0.44 cents per letter for a total of \$9.24.
24. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign? No.
25. Have you sought or received the pledge of any legislator prior to this date? No.
26. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No.
27. 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.
28. Have you contacted any members of the Judicial Merit Selection Commission? No.
29. 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/ Mikell R. Scarborough

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

Notary Public for S.C.

My commission expires: 10-30-2011