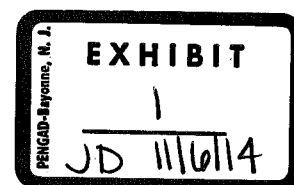


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Family Court, Ninth Judicial Circuit, Seat 2

1. NAME: Mr. John Lawrence Duffy, III
BUSINESS ADDRESS: 5110 North Rhett Avenue
North Charleston, SC 29405
TELEPHONE NUMBER: (office): 843-225-9287
2. Date of Birth: 1976
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 March 27, 2010, to Abigail Scudder Duffy (f/k/a Abigail Kathleen Scudder). Never divorced, One child.
6. Have you served in the military? N/A
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
 - (a) Furman University, 8/1995 – 6/1999, BA – History, BA – Spanish;
 - (b) Florida Coastal School of Law, 8/2003 – 12/2005, 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.
SC, 5/2006, taken once.
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) Student Bar Association – FCSL;
 - (b) Spanish Club – Furman;
 - (c) Foreign Study (Spain) – Furman;
 - (d) Foreign Study (Italy) – FCSL;
 - (e) Sigma Delta Pi, Spanish Honor Society – Furman.
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</u>
(a) Adoption Law In SC and Beyond	08/1/14;
(b) Prosecuting the Impaired Driver	7/22/14;
(c) High Risk Issues	04/16/14;
(d) 5 th Annual SC Gun Law Seminar	02/21/14;
(e) In the Best Interest of the Child: 2014 GAL Training/Update	01/31/14;
(f) Prosecuting the Impaired Driver	07/17/13;
(g) Federal Criminal Practice	10/24/13;
(h) Orientation School for Municipal Judges	07/16/12;



- | | | |
|-----|--|-----------|
| (i) | U.S. Sentencing Guideline | 09/26/12; |
| (j) | DUI Defense A-Z | 11/11/11; |
| (k) | Federal Criminal Practice | 10/20/11; |
| (l) | Blues Bar-B-Q and Bar CLE | 07/08/11; |
| (m) | U.S. Sentencing Guideline | 04/08/11; |
| (n) | Federal Drug Court Seminar | 12/20/10; |
| (o) | 3 rd Annual Reese I. Joye DUI | 11/05/10; |
| (p) | Federal Criminal Practice-Fall 2010 | 10/28/10; |
| (q) | Presentation by Chief Justice Toal | 07/15/10; |
| (r) | Bridging the GAP: Defending DUI | 11/13/09; |
| (s) | Federal Criminal Practice-Fall 2009 | 10/29/09; |
| (t) | Annual Continuing Legal Education | 08/13/09; |
| (u) | Advanced Sentencing Guidelines | 07/30/09. |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? N/A
12. List all published books and articles you have written and give citations and the dates of publication for each. N/A
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) State Courts of SC, 5/2006;
- (b) Federal District Courts, SC, 2006;
- (c) United States Court of Appeals, Fourth Circuit, 2008.
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) The Wigger Law Firm (6/2006 – 7/2007): 100% Litigation, Plaintiff's Work (personal injury, employment law, social security disability. Handled all appointed Family Court Matters for the Firm);
- (b) O'Neill & Phipps, LLC (2/2007 – 2/2012): General Practice of Law;
- (c) The Duffy Law Firm, LLC (3/2012 – present): General Practice (primarily Family Law).

If you are a judge and are not seeking a different type of judgeship, the following questions are inapplicable:

- 14.(a) If you are a candidate for Family Court, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background has prepared you to preside over such matters as a Family Court Judge.
1. Divorce & Equitable Distribution:
 In the course of my practice, I have been afforded the opportunity to be involved with divorces based on all the various grounds for divorce permitted by the SC Code. While the majority of cases are routine divorces based on one year's continuous separation, I have also had the chance to handle divorce based on the

grounds of physical cruelty, adultery, habitual drunkenness and on the periphery, abandonment. In all cases, I have aimed, first and foremost, to protect the children of the parties (where there were children involved) as it my belief that children should be insulated from litigation as much as possible. Subsequent to insulating children, I take a through look at the evidence of the fault basis to see if the matter can truly withstand the scrutiny of the Court. Upon the completion of discovery, I spend a substantial amount of time reviewing the information that has been submitted and figuring out how the issues in the cases are resolved or complicated by the information provided. In most cases the basis for divorce is clear-cut and requires little more than a basic presentation of facts. In the matter of equitable distribution the details become more important, as often, one side is attempting to hide an assets or claim that an asset is non-marital in nature.

I have recently settled a contested divorce based on one year's separation where the husband sought to exclude the marital residence as part of the marital estate by claiming that he used only his own personal, premarital funds to buy the land and build the home on the land. The parties owned a townhouse prior to their move to the residence in question. After conducting a through review of the financial documentation produced in discovery, I conducted research into transmutation and how to "follow" an asset through financial documentation to determine if an asset had, in fact, transmuted into marital property. In this case, a review of the joint tax returns showed that the husband had claimed the townhome and the marital residence on a yearly basis to receive the benefit of the available tax breaks associated with homeownership. During mediation, I was able to express to the mediator my findings, who in turn reviewed the statutory law and case law with opposing counsel. Because of this, an all day mediation, that was expected to result in a continuation of litigation, was concluded in several hours, and my client received an extremely favorable result without the necessary expense of trial.

It has been the policy of my office to attempt to resolve matters outside of judicial intervention as much as possible. I understand the risks that are inherent in taking a matter to the Court for resolution, and this is a matter that is reviewed thoroughly with my clients at all points of litigation. From the outset, I establish realistic goals for my clients and make sure that we have the same understanding of what can be done and what the client would like to have happen. Therefore, I have found that it is important to take stock of a client's financial situation and the marriage's financial status early in litigation and to determine what my client should be entitled to and how the fault basis of a divorce effects my client's ability to get either more or less of the marital estate.

I believe that it is important for a judge to encourage resolution between the parties and to take any steps necessary and permissible to encourage parties to resolve their matter on their own. To that end, a Judge should order parties to participate in meaningful mediation and encourage parties to understand that they lose control of the outcome of their case when a matter is tried and submitted to a Judge for decision. Additionally, I believe that it is important that the Court not entertain frivolous motions or motions that show a clear abuse of the judicial system by a litigant. It is additionally, extremely important, that matters pending in Family Court be resolved quickly as there are often children involved and these matters

have a huge impact on litigants financially and emotionally. Quick resolution is imperative to permitting families to heal and move forward.

2. Child Custody:

The majority of cases handled in my office revolve around children, whether the issue is custody, visitation, support or other child related issues. The policy of my law firm is to remain child focused and make sure that clients understand and focused on the impact litigation has on their children.

Recently, I represented a father in seeking custody of his children from his former wife. The wife had been engaging in increasingly erratic behavior, which reached an intolerable level when the ex-wife assaulted his current wife in the presence of the minor children. Based on the assault and the alienation that was shown to the Court, my client was granted custody of the children. Subsequently, the ex-wife's behavior continued to the point that she ended up with supervised visitation only. I have relied heavily on the Guardian in determining how I should proceed and move forward in this matter, in the hopes that we will be able to resolve the matter in a fashion that will promote a healthy relationship between both parties and the children. This matter is pending a final hearing on the matter with a co-parenting plan in place to assist the family going forward.

I have had several cases involving children born during wedlock and the need to sever legal paternity to establish legal protection for the biological father and children. I find paternity to be a particularly important matter in my cases as a father should have full legal rights to their children, and should be held responsible for their children; additionally, children have a right to know who their father is and be afforded an opportunity know their paternal family. Currently, I have a case where the biological father is seeking visitation with his child and the mother has used the legal paternity of the child as a grounds for denial of visitation. I have worked closely with opposing counsel on bringing this matter to conclusion without Court intervention, however, it may now be that this matter is in need of judicial intervention to force the mother to understand the gravity of the matter and to grant my client the rights that he is entitled to, and to sever the legal paternity of the mother's husband.

It is generally the policy of my office to proceed in custody litigation with the client's understanding that joint custody is going to be in the best interests of their child. Certainly, I have cases where a child should not be subjected to contact with abusive parents, and have pursued termination of parental rights in one case. Since my law firm is a "child focused" law firm, I make it a point of representing the client's interest which will always include an analysis of what the client can do to protect their child, including what the client will need to do to support the child's relationship with the other parent. I believe that custody and visitation matters should be carefully constructed and as detailed as possible to ensure that any agreement protects the children involved, while minimizing any risk to my client needing to seek modification or needing additional legal assistance against a modification request by the other party. Child custody should be structured to give both parties an active role in the life of their child and provide the child with stability and assurance that both parents are part of the child's upbringing.

I would bring this “child focused” philosophy to the bench with me if elected. I firmly believe that children should enjoy a relationship with both parents, and that both parents should be involved in the decisions regarding their children. However, the parent’s rights to be involved must be subordinate to the child’s right to have a healthy, stable and safe upbringing. To that end, any parent that presented as a potential risk to their child should be limited in access to that child as is necessary to protect the health, safety and welfare of the child, while the parent is afforded an opportunity to correct or eliminate the risk of harm. In the event a parent was unable to act in a manner that showed focus on the wellbeing of their child, I would protect the child to the extent permissible by the facts, pleadings of the case and the law as enacted by the legislature.

3. Adoption:

I have very limited experience with adoption, as my firm does not focus on adoptions. However, I have had the pleasure and privilege of working with three families where adoption either was or, is currently, the ultimate goal of litigation. In the last two weeks, I was able to finalize a SCDSS adoption after being involved in the matter since July 2012. The case involved a fairly routine Abuse & Neglect action, followed by an equally unremarkable termination of parental rights action. However, it was after the parental rights had been terminated as to both parents that this case became unique and highly litigious. My clients were the foster parents of the minor child, age 4, who had been in their care since he was approximately 7 months old. My clients are the only family that the minor child has ever known and he is an established member of my clients family. In September 2013, following the termination of parental rights, the paternal grandfather and his current wife sought to adopt the minor child under the family member adoption statute. My clients filed a competing action for adoption under the general adoption statute. This matter quickly escalated and had the potential become a public spectacle. During the course of the litigation, the DSS case workers acted contrary to statutory law and gave the appearance of bias based on the race of my clients verses the race of their son. By turning to the Children’s Code, and with the help of my law partner, I was able to control the tone and course of litigation to give permanence to my clients’ son. However, it required the filing of several motions, including an injunction, to force the caseworkers to conform their behavior and to bring the matter to conclusion. Additionally, this case required me to work with General Counsel for DSS, the local attorney for DSS and opposing counselors. I was put in a position were the majority of these matters could be handled by simply reaching out to those attorneys and seeking explanation and redress. These relationships were ultimately the reason that this matter was successfully resolved to the benefit of my clients’ son.

Currently, I have just intervened into another foster care case where my clients are seeking to terminate the parental rights of the biological parents and adopt the child in their care. This case is likely to be litigious as well, and it is unlikely to resolve without at least one, possibly two, fully contested trials. Based on the information I currently have, I believe that we will successfully conclude this case to the child’s best interest.

I am currently involved with a private termination of parental rights and stepparent adoption matter. The minor child in this case has been traumatized by the

actions of his mother in abusing another sibling. This matter is highly contested and will be brought to trial for the Family Court to ultimately decide.

Regardless of whether the case is a DSS case or a private case, adoptions are the most important function of the Family Court. In no other situation is the Court able to substantially protect a child and offer a child a stable life, than in the timely handling of all adoption matters. It should be the goal of all members of the bench to be accommodating in adoption matters to have them scheduled and resolved as quickly as possible. The Court must also ensure that the record is clear and that the adoption is handled properly to avoid any appeal or challenge to the Adoption Decree. There are certainly situations where the Court will follow all applicable laws in reaching a decision and the matter will still be appealed, as in the Baby Veronica case. However, what is clear about that case was that every member of the judiciary involved followed the laws as written and based on the understanding of those laws at the point in which the case was before them. As the judges and justices took the matter into consideration, it was always a matter of what the law meant rather than the procedural errors of any Court. For that reason, a young lady now has a stable home and is legally adopted with no further question as to the legitimacy of that Adoption Decree.

4. Abuse & Neglect:

Since being admitted to the SC Bar I handled several DSS appointments pursuant to the prior rule regarding appointments. In all those cases, I was able to guide my clients through the process and help them reach resolution of their matter with DSS. Additionally, I was appointed to serve as a Guardian *ad litem* for children in DSS cases prior to the change in the appointment rule. I found that working with DSS was consistently a challenge and led to no end in frustration. Again, as above, the objective became one of fostering a relationship with one of the attorneys at DSS so that I could reasonably move my cases forward without waiting for DSS to take action.

Since March 2012, I have taken several private DSS actions into my caseload. My clients in these cases are generally Spanish speakers without any real concept of what they have done and what needs to happen going forward. I have utilized my fluency in Spanish and legal training to assist these families in understanding the proceedings and what would be expected of them for the benefit of their children. My firm has administratively appealed three DSS determinations; one was successfully overturned one was lost at an administrative hearing and the other was filed with Court for Intervention and determination.

I believe that I have a very unique view of DSS and the cases they handle. I certainly have seen how frustrating they can be to work with, and, conversely, how easy they can be if the matter is approached in a reasonable manner. My wife was an attorney for Charleston County DSS, and she conveyed a great deal of information to me on the perspective of the DSS attorney and the limitations that those attorneys must work under. Due to her experience, I have been able to get a very thorough understanding of the Children's Code and its nuances, how it should be applied, what the statutes really convey and how the process is suppose to work. I believe that this insight, when applied from the bench, would greatly benefit the children that are the subject of the case, provide litigants clear understanding of what is

required of them, and promote attorneys, state and private, to move matters forward as envisioned by the legislature by the enactment of the Children's Code as currently in place. These matters must be handled quickly and efficiently with the permanency and best interest of the children first and foremost at all times.

5. Juvenile Justice:

After I was admitted to the SC Bar, I have handled several DJJ cases. These cases covered various matters including Possession of a Stolen Motor Vehicle, Assault and Battery (both basic and of an Aggravated Nature) and Strong Armed Robbery. I was successful in keeping all of my appointments from ultimately serving jail time, other than evaluations, and instead I was able to get them engaged in some type of program to help them alter and amend the path they chose. Since March 2012, I have not had any DJJ cases as those matters would be handled by attorneys with contracts with the state for representation.

Despite the lack of continuing contact with DJJ cases, I have garnered a great deal of experience as a municipal judge with the minors that come before me. In the handling of these cases, I find that it is important to consider the past criminal history of the minor, the offense for which they are accused of committing, and how having a criminal record will affect the rest of their lives. With minors, the goal should always be rehabilitation through community outreach programs or restitution; the State should desire to encourage these minors to conform to the expectations of society so that they may become a beneficial member of society rather than a tax burden. However, this in no way should suggest that minors should not be subject to harsh punishment where the case facts, the law and circumstances demand such punishment.

15. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, etc.? If you are currently a member of the judiciary, list your last available rating, if any.

In 2014, I was named a "Rising Star" by Super Lawyers.

16. What was the frequency of your court appearances during the last five years?
- (a) Federal: 3 – 5 appearances a year;
 - (b) State: 2 – 3 appearances a week.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?
- (a) civil: 10%;
 - (b) criminal: 30%;
 - (c) domestic: 50%;
 - (d) other: 10%.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury, including those that settled prior to trial?
- (a) jury: 1 - 2%;
 - (b) non-jury: 1 – 5%.
- Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Sole Counsel
19. List five of the most significant litigated matters you have personally handled in either trial or appellate court or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.

(a) M. & K. M. v. J. M. & SCDSS. (2013-DR-10-3566):

This case involved the adoption of a foster child who had been in the placement of my clients since he was 7 months old and is now 4. This case began as an Abuse and Neglect case which was only remarkable for the fact that the parents of the minor child who was the subject of the litigation were eventually subjected to an action for termination of parental rights wherein DSS was successful in severing the parents from the child. Subsequent to that hearing, the matter became extremely contested and complex. Naturally, my clients sought to adopt the minor child, however, the paternal grandfather and his current wife filed an action for adoption of the minor child as well. In order to protect the status of the minor child, and my clients standing to adopt, I was forced to monitor both the Abuse and Neglect case as it remained following the termination of parental rights case and both adoption actions. During the course of litigation counsel for the grandparents filed for intervention into the Abuse and Neglect action, which was denied by the Court. Additionally, due to the actions of the DSS caseworkers and supervisors, I was forced to seek an injunction against DSS permitting the paternal grandparents access to the minor child after DSS attempted three times to grant visitation without notification to my clients; this would have been highly traumatic to the child as he had never met the paternal grandparents. The Court granted the injunction against DSS and admonished the caseworker for failure to properly communicate with the foster parents and the Guardian and noted that it was a violation of statute for the caseworker to be supplying information to the grandparents. Once the conduct of the caseworkers' behavior was addressed with the Court, I was able to focus on the adoption petitions and filed a Motion to Dismiss the Complaint for Adoption filed by the paternal grandparents. The basis for the motion was that the paternal grandparents had filed under the relative adoption statute and that, since the child was in the home of my clients, the paternal grandparents lacked standing to petition for adoption of this particular child. After much delay, the Court heard argument on the matter of standing on the part of the paternal grandparents and dismissed their petition. Reconsideration was filed for, however the paternal grandparents elected to withdraw their motion. I was able to finalize the adoption of the minor child the next day by requesting assistance from General Counsel and the Guardian in clearing their schedules and due to the accommodation of the Court in fitting this matter into the docket.

(b) Payton v. Platts (2010-CP-08-3322):

This case involved a claim for personal injury of a retired member of the Marine Corps. The claimant was struck by a drunk driver while disabled on the side of the road resulting in aggravation of a pre-existing condition. The defendant was driving a vehicle without any insurance coverage. During the course of treatment for injuries sustained my client underwent electroshock therapy due to the severity of aggravation of the pre-existing condition; as a result, my client suffered memory loss including the majority of information obtain as part of his postgraduate work preventing him from entering into his chosen profession. I filed action against the claimant's own insurance for uninsured motorist coverage which resulted in protracted discovery and litigation. Despite clear evidence that my client was negatively impacted and severely injured due to this collision, his insurance would

not agree to cover the client in full for his injuries. This matter was tried before a jury over the course of three days; ultimately, the jury was charged and rendered a verdict in favor of my client.

- (c) Thomas v. Gulf Stream Coach, Inc. & Boat N RV Megastore (2008-CP-27-695):
This matter involves the purchase of a luxury RV by my clients that was rendered uninhabitable and unusable almost immediately after purchase, and therefore useless, by the presence of mold and fungus growth in the cabin of the RV and severe rot and water leakage. This RV was to be my clients' retirement plan so that they could take it out on the road and see America. After months of trying to clean the RV and eliminate the mold and fungus, using all available remedies known to my clients, as well as those recommended by the RV dealer and manufacturer, my clients requested that the manufacturer take repossession of the RV and return the expended funds to them. The manufacturer declined to take possession of the RV on the grounds that the defect was either not their fault or easily remedied by the warranty. The matter was filed with the Court of Common Pleas and proceeded through discovery and several settlement attempts. No suitable offer was ever made that would make my clients whole, and so the matter was set for trial. By consent of all parties, it was set for binding arbitration. After hearing all evidence and witness testimony, the arbiter found in favor of my clients against both Defendants. The matter was appealed by the Defendant, Gulf Stream Coach Inc., and has been pending for some time. I was just notified that the Court of Appeals had decided that it will render decision on the matter without argument and I am hopeful that this matter will come to a quick, and favorable conclusion for my clients. I had associated another firm to assist in the arbitration and subsequent appeal.
- (d) Schwuchow v. Schwuchow (2013-DR-10-2322):
This matter involved a divorce based on one year's continuous separation by the parties and for equitable division of the marital estate. There was no argument that this matter was properly a divorce based on one year's separation, rather, the matter was what constituted the marital estate and how it should be equitably divided. My client was a Russian immigrant with a solid grasp of the English language, but did not fully understand her rights and what out of the marital estate should be considered hers. My client had fears that her husband would refuse to give her anything and that she would be left penniless and without the means to re-establish herself. Once litigation commenced it was apparent that client's fears were well placed. The Defendant asserted that there was no marital estate and that my client was not entitled to any portion of the marital home and land, which was the biggest asset the parties had. Opposing counsel quickly confirmed that there was a marital share of retirement that my client would be entitled to but that she would not receive anything else from the Defendant. Standard discovery was engaged in including all tax records. In this case, discovery was able to give me a complete picture of what I was dealing with, as my client did not fully understand her standing in the marriage financially because of her cultural barrier and the exclusion of my client in relation to financial matters during the marriage by the Defendant. On the surface of the matter it appeared that my client was perhaps not entitled to any portion of the home as there was no evidence to support marital

funds being used for the home's construction or maintenance. I completed thorough research on ways in which personal property could be transmuted into marital property. My review of the tax records showed that the Defendant had filed "married filing joint" since he married my client and that each year in which a deduction for home ownership, repairs or improvements was offered, the Defendant utilized the home to the mutual benefit of the parties. Based on the joint claiming of the tax benefit, I was able to convey our position to the mediator, who in turn reviewed my research with opposing counsel. As the Defendant was extremely interested in maintaining the marital residence, a very generous cash settlement was extended to my client for her special equity share in the marital residence. As a result, the parties were able to avoid costly litigation and settle the matter fully between them.

(e) United States of America v. Eliseo Milian Tapia (2:11-cr-02277):

This matter involved a client who was charged with Conspiracy to Possess with Intent to Distribute Narcotics by a joint task force consisting of Homeland Security and the Beaufort County Sherriff's Office. While the evidence against my client showed that he had knowledge of what was taking place in the home, I did not believe that it rose to the level the government depicted and that my client's situation deserved to be review thoroughly and carefully in the hopes of being granted a downward departure of the Sentencing Guidelines. Discovery in my client's case was voluminous and required several weeks to get through fully. After careful review of the discovery, and the permissible grounds for departure from the Guidelines, I drafted a motion to the Court and outlined concisely what grounds there were for departure and how those grounds were applicable to my client. Based on that motion, and argument by the AUSA and myself, the Court found that there were mitigating circumstances that justified a departure from the Guidelines which greatly reduced the sentence that my client ultimately received.

20. List up to five civil appeals you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported.
- (a) Amy Lynn Lapp v. SCDMV, SC Court of Appeals, 692 S.E.2d 565, 387 S.C. 500;
 - (b) Khouri v. Harrison, SC Court of Appeals, 2011-DR-10-3572. I represented the Guardian ad Litem in the matter. It was dismissed soon as the filing of Notice of Appearance;
 - (c) Thomas v. Gulf Stream Coach, Inc. et al., This matter is still pending at the Court of Appeals, Ct. of Appeals Case Number 2012-213361; Circuit Court Case Number 2008-CP-27-0695. The Brief was written by associate Counsel, and the matter is still pending.
21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported. None
22. Have you ever held judicial office?
2/2012 – present; North Charleston Municipal Court. I was nominated by Mayor Summey and elected by the City of North Charleston Council.
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) City of North Charleston v. David W. Carter (Citation Number: 50992 FS).

- Municipal Court Return to the Charleston County Court of Common Pleas.;
- (b) City of North Charleston v. Yasheemah S. Law (Warrant Number M-727518),
Municipal Court Return to the Charleston County Court of Common Pleas;
- (c) City of North Charleston v. Robert Stephen Smith (Citation Number: 15925 FW).
Municipal Court Return to the Charleston County Court of Common Pleas;
- (d) City of North Charleston v. Shondell Devon Mitchell (Citation Numbers: 958866
GJ; 958667 GJ). Municipal Court Return to the Charleston County Court of
Common Pleas;
- (e) City of North Charleston v. Jenni Baldwin (Citation Number 57172 FZ).
Municipal Court Return to the Charleston County Court of Common Pleas.
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.
The Duffy Law Firm, LLC. Full-Time: Practicing Attorney & Owner. March 1,
2012 until present. General Practice of Law with emphasis on Family Court. I have no
supervisor there.
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?
During high school (1992-95), I had employment with Piggly Wiggly in Mt Pleasant
on a part-time basis as a bag boy. In college I was employed as a waiter with Connolly's
Irish Pub, and On The Border, both in Greenville (1997-99). Prior to entering law school, I
was in the food service industry. June 1999 until August 2003. Primary duties were waiter
and bartender. My employers were Peter and Françoise Duffy at Mistral Restaurant.
28. Are you now an officer or director or involved in the management of any business
enterprise? Explain the nature of the business, your duties, and the term of your service.
Together with my wife, I am an owner of the Duffy Law Firm, LLC. My wife
handles the accounting and daily operations of the law firm in addition to her caseload. I
have no role in the daily management but I am regularly consulted on important financial
decisions related to large purchases, hiring and case management. There is no term attached
to my position with this enterprise and my continued involvement will be subjected to the
limitations of my appointment if elected to serve.
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.
Currently I sublet an office to a practicing Family Court Lawyer active in the
Charleston County Bar. I would resolve this conflict by full disclosure to the parties and
immediately recusing myself from cases should any party confirm that there is the slightest
discomfort with my prior relationship with this attorney. Should this attorney continue to
rent from my wife, then the recusal would be automatic.
I have been associated on cases with Family Court practitioners, both in domestic
and criminal matters, and I have represented attorneys in prosecuting Rules to Show Cause.
I would recuse myself from any case where I shared a fee with an attorney (regardless of

amount) and where I represented an attorney; however, should I notify the parties of the potential conflict and need for recusal and all parties indicate a waiver of that conflict, I would note for the record the potential conflict, the nature of the relationship with the person with whom the conflict exists and that the parties, having been advised of such conflict, desired that I continue to hear the matter. Again, should any party express the slightest discomfort at my continuing to hear a case, I would recuse myself and order that the matter be rescheduled to the next available time slot sufficient to hear the matter.

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 to all of the above.
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?

The matter is pending in the Charleston County Court of Commons Pleas. (2013-CP-10-5567). I am a named Defendant through my capacity as a Municipal Judge for the City of North Charleston. I have never been served with pleadings, though I am informed that a motion to dismiss has been filed.

36. Have you ever been investigated by the Department of Social Services? Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? No.
37. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy?

My law firm has been covered by malpractice insurance since it was established in 2011. I joined the company in March 2012, and the insurance company was immediately notified. Coverage has been continuous since that time, and we have increased the amount of coverage yearly to ensure that we have proper coverage, both for our protection, but more importantly, for our clients' protection. Currently, we carry \$500,000.00 in liability coverage with a \$5,000.00 deductible.

38. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.?

Currently I have a Facebook account that I use to keep up with the daily events of my friends who I don't have regular contact with or who live far away. If I were appointed I would either close the account completely, or remove any associations on that page that would give the appearance of impropriety or bias at the direction of Court Administration. I very seldom post anything to Facebook and do not believe that it should be utilized as a soapbox to announce opinions and positions related to political matters. I am aware that I have been featured by reference on the website www.charlestonthuglife.com as a judge. I have no relationship with anyone associated with this website, nor am I aware of the person that maintains the site. I have been made reference to when there have been media worthy crimes in North Charleston, as I conducted the bond hearings on the accused.

39. 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.
40. 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.
41. 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.
42. 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
43. 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.
(a) \$179.20, business cards and stationary, 07/13/2014;
(b) \$39.95, name tags, 07/13/2014.
44. 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
45. 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.
46. 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.
47. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
48. 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.
49. 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.
Charleston County Bar Association
50. 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) Hibernian Society of Charleston. Member of the Social Committee;

(b) Charleston Rifle Club. Presently, I am the club's Solicitor (Attorney for the Club), and previously was acting Director of Membership. I plan to continue to this association, unless directed by Court Administration not to, as I am on a bowling league and find it to be a relaxing distraction. The Charleston Rifle Club is known for its annual bowling tournament in February each year. All money raised goes to the March of Dimes.

51. 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.

Throughout my life I have been told that being a lawyer was what I should "be doing." I was unwilling to accept that I was destined to be a lawyer, but eventually understood that it was not what I "should be doing," but rather it was what I wanted to do. Based on that realization, I went to law school and returned to Charleston upon graduation. Immediately upon passing the Bar, I was offered a job at the Wigger Law Firm. I loved the experience that I received in this capacity but eventually wanted to branch out of Plaintiff's work and undertake a variety of legal issues. When I was offered a job with O'Neill & Phipps, LLC I jumped at the opportunity to get such broad legal experience including Plaintiff's work, Defense work, Criminal Defense, Business Law and Real Estate Law. When O'Neill & Phipps dissolved in 2012, I was left with three options. Both Mr. O'Neill and Mr. Phipps offered me positions in their successor law firms, but my wife had established her own practice and said that she would love to have me join her. At the same time, I was offered a part-time position as municipal judge with the City of North Charleston. Once I was offered that position and knew that I would be appointed, I decided that working for myself in my wife's practice was going to be the best option for me. I have never once regretted this decision and will be content where I am if I am not selected to serve as a Family Court Judge.

My family has a history of service to the State of SC. My father is a municipal judge for the Towns of Mount Pleasant and Sullivans Island, and occasionally fills in on the Isle of Palms Municipal Court. My uncle is a United States District Court Judge in Charleston. Additionally, my wife served as a State Attorney for both Child Support Enforcement and Abuse and Neglect. I was raised to serve the community in whatever fashion I could; and I have put my legal degree to work doing just that. I enjoy the work that I am engaged in privately, but my services as a municipal judge have refocused my desire to serve SC. I believe that I have proper temperament to serve as a judge and the ability to fairly judge the facts of any given case, and not the parties personally. I have been hyper diligent in ensuring that there is no improper communication between defendants, attorneys or police officers and myself in my current position. I know that Court is highly stressful for all the parties to an action and that there is always something of great importance that necessitates the need for judicial intervention. I have found that in being patient with litigants, permitting them to argue their case and explain their logic and reasoning, and in return, clearly explaining my decision to them in a manner they can understand, most litigants are pleased with the experience in my court even if they are unhappy with my ruling. It is important to be heard, so judges must listen carefully to all litigants and allow each party a fair opportunity to be heard.

I love being a judge. I respect the power and authority of the position and refrain from any abuse of the Court's discretionary power. There is no easy decision in any case,

and judges have to make the right decision regardless of their personal feelings or emotions. I want to continue to serve SC as a member of the judiciary and believe that I would be a strong Family Court Judge and capable of executing the requirements of the position fairly and without prejudice to any party.

I know that many believe Family Court to be a horrible place and that there is little redeeming quality to Family Court that would make it an attractive position to seek. I disagree. Family Court is a place where children are protected, lives can be made better and where brilliant attorneys show competency in the law through their maneuvering of their cases through the legal process. There is nothing routine about Family Court and I look forward to working my cases everyday; I know that I will enjoy any time on the bench in the same manner and for the same reasons.

As to anything negative I can report, my only concern is my daughter. She is just under two years of age, and I am concerned that I may be expected to travel more than is fair to her. My wife and I have spoken to several judges about this concern and have been reassured that Court Administration is accommodating to this matter as much as possible. My wife and I expect that I would be gone from time to time, and have been able to make plans for the care of our daughter in the event that I do have to travel in any given week. Additionally, I understand that I will be expected to train with a Judge in another circuit upon appointment for several weeks. My wife and I have been able to figure out what she will need to do during that time and how she intends to ensure that I have regular contact with my daughter. Based on the assurances of the judicial members who have answered my questions, and the confidence I have in my wife's ability to care for our daughter, I believe this to be a marginal concern in seeking this appointment.

52. References:

- (a) P. Steven Barkowitz
1473 Stuart Engals Blvd.
Mt. Pleasant, SC 29464
(843) 284-8585
- (b) Jon A. Wallace
715 King St.
Charleston, SC 29403
(843) 277-2011
- (c) Charlie Condon
880 Johnnie Dodds Blvd.
Mt. Pleasant, SC 29403
(843) 884-8146
- (d) J. Brady Hair
PO Box 61896
N. Charleston, SC 29419
(843) 572-8700
- (e) Denise Orvin
2407 Mall Drive
North Charleston, SC 29406
(843) 529-2030 (Banker)

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

Signature: The Honorable John Lawrence Duffy, III

Date: August 6, 2014

John L. Duffy, III
1114 Marquis Rd.
North Charleston, SC 29405

Jane O. Shuler, Esquire
Chief Counsel
PO Box 142
Columbia, SC 29202

Re: PDQ Revision By Letter
9th Judicial Circuit, Family Court Seat 2

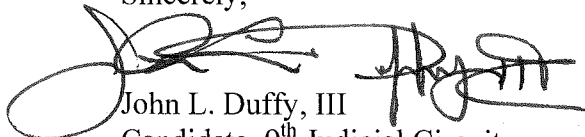
Dear Ms. Shuler:

I am writing to amend my answer to question 34 of the Personal Data Questionnaire. When answering originally, I indicated that I was a named Defendant in a lawsuit (2013-CP-10-5567). I was named in my capacity as a municipal judge. I have been advised that through a background check, SLED will advise the Commission that I am also a Defendant in Case Number 2013-CP-10-6858. Please know that I am not a named Defendant in that matter. I believe that it is scrivener's error on the part of the Clerk of Court when entering that data on their website. The matter centers around the foreclosure of a condominium owned by my aunt, that subsequent to her passing went into foreclosure. I am advised that the personal representative of the Estate(2013-ES-10-0843), my father, was unable to obtain a response from the lender in order to obtain a payoff amount to transfer the condominium per the Last Will & Testament of my late Aunt. Despite attempts to secure a payoff, the matter was sent to a foreclosure law firm and an action commenced. To my knowledge, I am not an heir to my late aunt's estate and was not named in her Will. I simply filed responsive pleadings and was, therefore, listed on the Clerk of Court's website as a Defendant and Attorney.

I sincerely hopes this would clear up any and all confusion pertaining to the listing of any lawsuit that may be listed against me.

Should you have any questions, please do not hesitate to call me at anytime.

Sincerely,


John L. Duffy, III
Candidate, 9th Judicial Circuit
Family Court, Seat 2

The Duffy Law Firm, LLC

P.O. Box 71346
N. Charleston, SC 29415
PH. 843-225-9287 Fax 843-410-5672
Office Location: 5110 N. Rhett Ave. N. Charleston 29405

John L. Duffy, III
Abigail S. Duffy
J. Lawrence Duffy, Jr.*

August 6, 2014

Senator Luke Rankin, Chairman
Senate Ethics Committee
205 Gressette Bldg.
Columbia, SC 29201

PDQ #43

Representative Kenneth A. Bingham, Chairman
House Ethic Committee
519 B Blatt Bldg.
Columbia, SC 29201

Re: John L. Duffy, III
Campaign Disclosure
9th Judicial Circuit Family Court, Seat 2

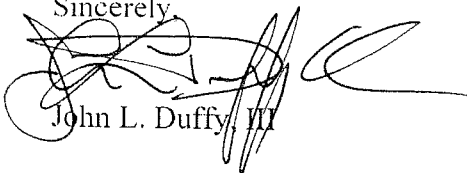
Dear Senator Rankin and Representative Bingham:

Please know that I have expended the following funds toward my campaign:

\$179.20 for business cards and stationary (Date of Purchase 07/13/2014)
\$39.95 for names tags (Date of Purchase 07/13/2014)

Please advise if you would like additional information. I thank you for your time in this matter.

Sincerely,



John L. Duffy, III

CC. Jane O. Shuler, Esquire