

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

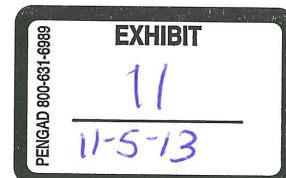
Court, Position, and Seat # for which you are applying:
Circuit Court, At-Large, Seat 12

1. NAME: The Honorable Thomas A. Russo
BUSINESS ADDRESS: 180 N. Irby Street, MSC-O
Florence, SC 29501
TELEPHONE NUMBER: 843-665-3020
2. Date of Birth: 1955
Place of Birth: Chicago, Illinois
3. Are you a citizen of SC? Yes
Have you been a resident of this state for at least the immediate past five years? Yes
5. Family Status: Married on October 14, 2000, to Cheryl Matthews Russo. Divorced on July 11, 1989, Lauren Chafin Russo, Superior Court State of Georgia; Irreconcilable Differences. Divorced on April 2, 1998, Andrea McDonald Russo, Family Court Aiken, S.C., Irreconcilable Differences.
Three children.
6. Have you served in the military? I have not.
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
 - (a) USC, August 1973 - May 1977, B.S. in Education;
 - (b) USC School of Law, August 1984 - December 1986, Juris Doctor Degree.
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.

SC admitted in 1987 - Member in Good Standing - Yes

Georgia admitted in 1988- I am no longer a member of the Georgia Bar. I voluntarily resigned my membership last year because it became apparent to me that I would never return to the State of Georgia to practice law. At the time of my resignation or withdrawal to practice law in Georgia I was a member in good standing.

I was temporarily suspended from the State of Georgia. When I was 1st elected to the bench in May of 2005 I received a Georgia Bar Dues Notice that my dues were past due. At that time I decided I would withdraw from the Georgia Bar since I felt I would not be practicing in Georgia again and it would be wasteful to continue to pay those dues. I prepared a letter to that effect but in the process of moving from the practice of law to my position on the bench that letter got lost in the shuffle and was never sent. Subsequently, I received a notice that I was suspended for not paying the dues. I immediately called the Georgia Bar authorities and although I explained my situation and that I wished to withdraw from practicing in Georgia I was informed that I could not withdraw while suspended and that I would have to be reinstated in good standing before I could withdraw. I immediately submitted the necessary paperwork to be readmitted and made the past dues current. It has



turned out to be a lengthy process and I was reinstated and was a member in good standing with the Georgia Bar Association until my voluntary resignation last year.

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) Walk-on for the University of SC Gamecock Football Team, 1973-75;
- (b) Member of Fellowship of Christian Athletes at USC 1973-75;
- (c) Worked with Columbia Area Special Olympics 1973-77;
- (d) Christian Legal Society-1984-1986-Vice President 1985, President 1986.

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) 23rd Annual SC Criminal Law Update	01/25/2008;
(b) 6th Annual Civil Law Update	01/25/2008;
(c) SCCJC – Annual Judge's Conference	05/14/2008;
(d) SCAJ- SCAJ Annual Convention	08/07/2008;
(e) SCCA Judicial Conference	08/20/2008;
(f) SCDTAA - Annual Meeting	11/13/2008;
(g) 7th Annual Civil Law Update	01/23/2009;
(h) 24th Annual SC Criminal Law Update	01/23/2009;
(i) SCCJC – Annual Judge's Conference	05/06/2009;
(j) SCAJ – Annual Conference	08/06/2009;
(k) SCCA – 2009 Annual Judicial Conference	08/19/2009;
(l) SC Bar – Civil Law Update	01/22/2010;
(m) SC Bar – Criminal Law Update	01/22/2010;
(n) SCCJC – Annual Judge's Conference	05/05/2010;
(o) SCAJ – SCAJ 2010 Annual Convention	08/05/2010;
(p) SCCA – 2010 Judicial Conference	08/18/2010;
(q) SCDTAA – 43rd Annual Meeting	11/11/2010;
(r) SC Bar – Criminal Law Update	01/21/2011;
(s) SC Bar – Civil Law Update	01/21/2011;
(t) SCCJC – Annual Judge's Conference	05/04/2011;
(u) SCAJ – 2011 SCAJ Annual Convention	08/04/2011;
(v) SCCA – 2011 Annual Judicial Conference	08/17/2011;
(w) SC Bar – Criminal Law Update	01/20/2012;
(x) SC Bar – Civil Law Update	01/20/2012;
(y) SupCt – Lawyer Mentoring Second Pilot Program	03/01/2012;
(z) SCCJC – Annual Judge's Conference	05/02/2012;
(aa) SCAJ – 2012 Annual Convention	08/02/2012;
(bb) SCCA – 2012 Annual Judicial Conference	08/22/2012;
(cc) SCDTAA – Annual Meeting	11/08/2012;
(dd) SC Bar – Civil Law Update	01/25/2013;
(ee) SC Bar – Criminal Law Update	01/25/2013;
(ff) SCCJC – Annual Judge's Conference	05/01/2013.

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

- (a) Taught Business Law at Florence/Darlington Technical College 2001-05;
 - (b) Taught "Trying DUI Cases in Municipal & Magistrates Courts" for S.C. Solicitors Association 2002;
 - (c) Lectured at the S.C. Public Defenders Conference on, "Common Errors Judges witness from lawyers during jury trials."
12. List all published books and articles you have written and give citations and the dates of publication for each. None
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
- (a) All SC Courts – 1987;
 - (b) All Georgia Courts – 1988;
 - (c) United States District Courts for SC – 1987;
 - (d) United States District Courts for the Middle District of Georgia – 1988;
 - (e) United States Court of Appeals for the 4th Circuit – 1987.
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) June 2005 to Present – Circuit Court Judge At Large, Seat 12
Preside over all matters before the Circuit Court, i.e. Jury & Non-Jury Trials, Motions, Hearings, Pleas, etc.;
 - (b) February 1999 to June 2005 – 12th Circuit Solicitors Office- Florence, S.C.;;
Deputy Solicitor focusing on violent crimes & drug cases. Prosecute those type cases throughout the 12th Circuit;
 - (c) March 1996 to February 1999 – Tri-County Public Defender – Edgefield, McCormick & Saluda Counties. Served as the contract Public Defender for the referenced counties while maintaining my private practice of law. Represented indigent defendants in General Sessions Court;
 - (d) Oct. 1995 to Feb. 1999 – Law Office of Thomas A. Russo – Edgefield, S.C.
General practice of law with an emphasis in plaintiff's personal injury work; also criminal defense, real estate closings, probate, contracts and adoptions;
 - (e) Nov. 1993 to Oct. 1995 – Law Offices of Ronald A. Maxwell – Aiken, S.C.
General civil trial practice in all state and federal courts doing plaintiff's personal injury work, workers compensation, products liability & wrongful death litigation.
 - (f) Sept. 1991 to Nov. 1993 – 2nd Circuit Solicitors Office – Aiken, S.C.;;
Deputy Solicitor focusing on all drug cases. Prosecute those type cases throughout the 2nd Circuit. Aided in establishing a multi-jurisdictional drug task force coordinating law enforcement agencies in the circuit's 3 counties;
 - (g) March 1988 to Sept. 1991 – Knox & Zacks, P.A. – Augusta, Georgia
Medical malpractice defense of physicians and hospitals. Plaintiff's construction litigation, contracts and auto torts;
 - (h) Sept. 1987 to April 1988 – Law Offices of Mitchell Willoughby – Columbia, S.C.
Communications law; Public Utilities law; Administrative law; Plaintiff's civil work;

- (i) Dec. 1986 to Sept. 1987 – Honorable Joseph F. Anderson, Jr., United States District Court – Greenville, S.C.
Law Clerk to Judge Anderson preparing briefs and memoranda for the Court and assisting Judge Anderson in carrying out the business of the Court.
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.
I have no rating from any services that I am aware of.
22. Have you ever held judicial office?
June 2005-present as a Circuit Court Judge elected by the S.C. Legislature. My jurisdiction is limited to the trial courts of S.C.
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) The State v. Gregory Daniels, October 10, 2012 – In The Supreme Court Opinion No. 27180 – The Supreme Court affirmed the convictions of Mr. Daniels but proceeded to instruct the Court to remove from my charges any language suggesting that it is the jury's duty to return a verdict that is "just" or "fair" to all parties, warning that such a charge could effectively alter the jury's perception of the burden of proof, substituting justice and fairness for the presumption of innocence and the States burden to prove guilt beyond a reasonable doubt. Copy Attached;
- (b) Berberich v. Naomi M. Jack, April 4, 2011 – In The Supreme Court - Opinion No. 26955 – The S.C. Supreme Court reversed and remanded my decision in this comparative negligence case holding that it was reversible error to not instruct the jury on the definitions of all forms of negligence (i.e.- ordinary negligence, gross negligence and reckless willful or wanton conduct) whenever requested by a party. Copy Attached;
- (c) The State v. Syllester D. Taylor, January 9, 2013 – In The Supreme Court - Opinion No. 27207 – This case began in the appellate system with the S.C. Court of Appeals reversing a conviction of PWID Crack Cocaine holding that I was in error in not granting the defense motion to suppress the drug evidence do to an illegal warrantless search. Cert. was granted by The S.C. Supreme Court and that Court reversed the Court of Appeals and upheld the conviction, finding that my decision to deny the defense motion to suppress was proper under the "Totality of the Circumstances Test." Copy Attached;
- (d) The State v. Herman Donald McKnight, June 17, 2011 – In The Court of Appeals – Opinion No. 2011-UP-303. The Court of Appeals affirmed my decision to deny the defendant's request for a charge on involuntary manslaughter and upheld the defendant's conviction for murder. Copy Attached;
- (e) The State Accident Fund v. S.C. Second Injury Fund (In Re: Clinton Gaskins) v. Pee Dee Regional Transportation Authority, May 5, 2010 – In The Court of Appeals – Opinion No. 4684. The Court of Appeals affirmed me in this case where the State Accident Fund (Carrier) sought reimbursement from the S.C. second Injury Fund (Fund) for monies paid to claimant for a stroke suffered during surgery for a work related back injury. The Court affirmed my decision that the agreement did not cover the Carrier's expenses, also the Court affirmed my determination that the agreement

was not void and finally the Court affirmed my refusal to apply equitable estoppel to the case.

24. Have you ever held public office other than judicial office? No I have not.
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.
I have held no other positions.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
In February 2005, I was a candidate for the position of Resident Circuit Court Judge for the 12th Judicial Circuit. Prior to the election, I withdrew from the race because it became evident that I would not have the votes necessary to prevail and saw no need to waste the Legislature's time in going through the voting process.
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?
- (a) August 1977 to December 1978-West Florence High School-Florence, S.C.
Teacher/Coach; Taught 11th grade U.S. History and 9th &10th grade Physical Education. Head Junior Varsity Football coach and Varsity Soccer coach. Faculty sponsor for the Fellowship of Christian Athletes;
 - (b) January 1979 to May 1983-Strom Thurmond High School-Edgefield, S.C.
Teacher/Coach; Taught 9th grade English, 11th grade U.S. History and 9th &10th grade Physical Education. Assistant Varsity Football coach and Boys Varsity Tennis coach. Faculty sponsor for the Fellowship of Christian Athletes;
 - (c) May 1983 to August 1984-Bristol Laboratories-Florence, S.C.
Pharmaceutical sales in the Pee Dee area of S.C. selling pharmaceuticals to doctors, hospitals and pharmacies;
 - (d) April 1990 to October 1994-Tennis Plus, Inc.-Augusta, Georgia
Part owner of a retail tennis & fitness shop working nights and weekends while I practiced law during business hours;
 - (e) May 1990 to August 1994-Newman tennis Center-Augusta, Georgia
Taught tennis lessons to beginner and intermediate players & helped set up and run tennis clinics and camps. This was done as a side job while I was engaged in the practice of law in Georgia.
28. Are you now an officer or director or involved in the management of any business enterprise? No I am not.
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. Not Applicable
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 I have not.
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No I have not.

33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Yes. Have you ever defaulted on a student loan? No I have not. Have you ever filed for bankruptcy? No I have not.

The State of SC filed liens against me while I had my law office due to an error in my employee withholding taxes. This occurred during the time I was preparing to close my practice to move to Florence to begin my position as Deputy Solicitor. With all the confusion and back and forth with closing the practice and moving, these tax notices and payments were missed. As soon as I was made aware of the problem, I immediately satisfied those liens and filed the satisfactions with the Edgefield County Clerk of Court.

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?

No Professionally, Yes Personally.

I was involved in an automobile accident in January 2000. An unknown driver of a van forced me off the road during an ice storm on I-20 just outside of Columbia, S.C. The van never stopped or knew I was beside him in the left-hand lane. When my car went into the median of the interstate it flipped over twice into the lane of oncoming traffic where I was struck by another car. The driver of that car was injured and sued me. I was not ticketed and was found not at fault by the patrolman in the traffic investigation and the injured driver sued both me and a "John Doe." The case was settled after discovery but prior to trial.

36. Have you ever been investigated by the Department of Social Services? No I have not. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect?

No, it has not.

37. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? Not Applicable.

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.?

facebook and linkedln.

I believe there would be very little affect. In all honesty, I have an account on LinkedIn but have never used it or communicated with anyone on it. As for Facebook, I use it maily to keep up with my family members across the country and do not ever do posts about court or may job in any way. On a rare occasion, I may post a comment on a friends photo or post, but do not use the site in any work related capacity at all. I am very aware of my role and position as a member of the S.C. judiciary and the proper respect and decorum that is expected.

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, I have not.

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, I have not.

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.”

I have no knowledge of any of this activity.

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.”

I have no knowledge of any of this activity.

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. None.

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? No, I have not. 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, I have not.

46. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? No, I have not. Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No, I have not.

47. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No, this has not occurred.

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, not myself nor anyone else to my knowledge.

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.

- (a) SC Bar Association;
- (b) Florence County Bar Association;
- (c) United States District Court Bar.

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) Member of Central American Mission team at Lamb’s Chapel church;
- (b) Member of the Board of Directors for the Fellowship of Christian Athletes.

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.

See question # 8 regarding temporary suspension for lapse of dues in Ga. That oversight has been corrected but I did want to disclose that situation.

52. References:

- (a) Mr. Terry Livingston
3322 Hampton Pointe Drive
Florence, SC 2951
(843) 206-6222;

- (b) Mr. Mark Rearden
2801 Girard Drive
Sumter, SC 29150
(706) 955-3790;
- (c) Mrs. Diane Brown
1004 Via Salvatore
Florence, SC 29501
(843) 621-2500;
- (d) Pastor Lonnie B. Curl, Jr.
Lamb's Chapel Christian Center
3514 Southborough Road
Florence, SC 29501
(843) 667-4823;
- (e) First Reliance Bank
2170 West Palmetto Street
Florence, SC 29501
(843) 674-3221.

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

Signature: Thomas Russo

Date: August 5, 2013