

JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:
Circuit Court, At Large, Seat 13

1. NAME: The Honorable Larry B. Hyman, Jr.
BUSINESS ADDRESS: Horry County Government & Judicial Center
1301 2nd Avenue, Suite 3B71
Conway, SC 29526
TELEPHONE NUMBER: 843-915-6711
2. Date of Birth: 1949
Place of Birth: Conway, SC
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 May 26, 1973 to Meredith Valois Hyman. Never divorced; two 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) Coastal Carolina Regional Campus USC, September 1967-May 1969 (transferred to USC);
(b) USC, September, 1969-December, 1972; Bachelor of Arts;
(c) USC Law School, May, 1972-May, 1976; Juris Doctor.
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.
I have been admitted to practice in the State of SC since 1976. I passed the SC Bar Examination on my first attempt. I have not taken the Bar Examination in any other State. I have always been a member in good standing of the SC Bar.
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) Freshman Class President, 1967, Coastal Carolina Regional Campus of the USC;
(b) Student Body President, 1968, Coastal Carolina Regional Campus of the USC;
(c) Phi Delta Phi International Legal Fraternity, 1976, USC Law School.
As President of the freshman class and then as Student Body President of the Coastal Carolina Regional Campus of the USC, I was involved in every activity undertaken by the Student Government. I was awarded the George C. Rogers Faculty Award for the most outstanding student while at Coastal Carolina.
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) 2008 Orientation School for New Judges | 7/9/08; |



- | | | |
|-----|--|----------|
| (b) | 2008 Judicial Conference | 8/20/08; |
| (c) | 7 th Annual Civil Law Update | 1/23/09; |
| (d) | 24 th Annual SC Criminal Law Update | 1/23/09; |
| (e) | General Jurisdiction | 4/19/09; |
| (f) | Annual Judicial Conference | 5/6/09; |
| (g) | 2009 Orientation School | 7/8/09; |
| (h) | Annual Convention | 8/6/09; |
| (i) | 2009 Annual Judicial Conference | 8/19/09; |
| (j) | Civil Law Update | 1/22/10; |
| (k) | Criminal Law Update – Part 2 | 1/22/10; |
| (l) | SCAJ 2010 Annual Convention | 8/5/10; |
| (m) | 2010 Judicial Conference | 8/18/10; |
| (n) | Criminal Law Section | 1/21/11; |
| (o) | Trial & Appellate Advocacy Section | 1/21/11; |
| (p) | 2011 Annual Judicial Conference | 8/17/11; |
| (q) | Part 2 Criminal Law Section | 1/20/11; |
| (r) | Trial & Appellate Advocacy Section | 1/20/11; |
| (s) | 2012 Annual Judicial Conference | 8/22/12; |
| (t) | Trial and Appellate Advocacy Section | 1/25/13; |
| (u) | Part 2: Criminal Law Section | 1/25/13. |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.
- (a) I lectured at an approved CLE Seminar hosted by the SC Criminal Defense Lawyers Association in Charleston, SC, on May 26, 1997. My topic included technical aspects of the BAC DataMaster Breath Machine and legal aspects of its adoption for use in SC;
- (b) I also lectured at an approved CLE Seminar hosted by the SC Department of Transportation on November 14, 2003, in Columbia, SC. My topic was Trial Techniques in Condemnation 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) Admitted to practice before the State Courts of SC in 1976;
- (b) Also admitted to practice before the Federal District Court in 1976.
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.
- I began my legal career following the bar exam in the fall of 1976. I was associated with Attorney Donald L. Van Riper out of Greenville, SC. I worked as a paralegal for Mr. Van Riper until I passed the bar exam. Thereafter, I became a partner and practiced in the areas of criminal, domestic and real estate law until April of 1977. In

1977, I returned to Horry County. My separation from Mr. Van Riper was on good terms and we remain friends to this day.

Upon my return to Horry County, I was given the opportunity to take over the practice of Attorney Sidney T. Floyd who had recently been elected as Resident Judge of the Fifteenth Judicial Circuit. Judge Floyd had been a sole practitioner engaged in the general practice of law for a number of years. This opportunity allowed me to begin practice as a sole practitioner. For approximately one year, Attorney Morgan Martin joined me in my practice. Mr. Martin was with me during 1979/1980 until he took a position as Deputy Solicitor in the Fifteenth Judicial Circuit. I was a sole practitioner after Mr. Martin's departure.

During the first ten years of my practice, I was primarily engaged in domestic law. Family court cases accounted for approximately 70% of my practice. The remainder of my practice included criminal law, real estate, contract litigation, and personal injury. In 1987 I ceased practicing any domestic law. I continued to have an active criminal law practice. However, my civil litigation expanded significantly. In addition to the usual personal injury cases, I successfully handled malpractice, wrongful death, construction, and condemnation cases. I remained active in real estate and general business law. Civil litigation accounted for 70% of my practice. My experience in the criminal courts ranged from handling traffic matters to capital cases. On the civil side of the court, I had experience handling complex plaintiff's cases as well as defending the State Department of Transportation in very complex condemnation cases.

From April of 1984, through June of 1987, I served as Municipal Judge for the City of Conway, SC. My responsibilities included the trial of all cases, compliance with Court Administration Reporting Rules, accounting for fines received, the issuance of all warrants for offenses occurring within the City of Conway, presiding over preliminary hearings and setting bonds in all cases but those involving potential penalties of life imprisonment or capital punishment.

I was elected to the Circuit Bench on February 6, 2008 and qualified on May 4, 2008. I have served continually since.

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. BV.
22. Have you ever held judicial office?

On April 2, 1984, I was appointed City Judge for the City of Conway, SC. I served until June 30, 1987. Jurisdiction of this court allowed me to issue all arrest warrants and search warrants for criminal offenses of any nature occurring in the city. I was also charged with the responsibility of setting bonds for all defendants except those charged with crimes involving a potential penalty of life in imprisonment or death. The courts trial jurisdiction involved all offenses having a potential penalty no greater than \$200.00 in fines and/or thirty days in jail.

I was elected to the Circuit Court Bench in February 2008 and have served continually since May 4, 2008.

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) Regions v. Wingard Properties, Inc. 715 S.E. 2d 348, 394 S.C. 241(App. 2011) Regions Bank brought the action against developer to foreclose on mortgages, and the purchaser of the lot subject to mortgage intervened. Following a bench trial, I awarded the purchaser first priority equitable lien superior to Regions Bank's mortgage. The Court of Appeals, in an opinion written by Judge Pieper affirmed my ruling and held that: (1) The equitable principle of looking at substance over form permitted an award to the purchaser of an equitable lien; (2)The mortgage recording statute did not give the bank's mortgage priority over the purchaser's equitable lien; (3) The trial court properly considered the substantial likelihood that the purchaser of the lot would forfeit their down payment to the developer in awarding the purchaser an equitable lien; (4) The bank's failure to name the purchaser in their foreclosure action did not preclude the bank from seeking equitable relief against the purchaser under principle that he who seeks equity must do equity; and (5) The statute providing that future advances by lender relate back to the date of the mortgage did not give the bank's mortgage priority over the purchaser of lot's equitable lien.
- (b) Randall M. Green and Ann Green v. Wayne B. Bauerle, M.D., Wayne Bauerle, M.D., PC, and Grand Strand Regional Medical Center, LLC. Civil Action # 2011-CP-26-07403. In my order granting Defendant Grand Strand Regional Medical Center, LLC's Motion for Partial Summary Judgment I held that (1) the Plaintiffs could not establish vicarious liability on the part of Defendant Grand Strand Regional Medical Center, LLC because the statutes of limitation and repose had expired as to Grand Strand's independent contractors or employees, and they cannot be held directly responsible for medical malpractice; (2) The Plaintiffs did not properly allege and cannot establish negligent hiring, supervision, and training on the part of Defendant Grand Strand Regional Medical Center, LLC; (3) The Relation Back Doctrine is inapplicable to the vicarious liability and negligent hiring, supervision, and training claims because the plaintiff cannot establish a critical element of the causes of action; (4) Grand Strand Regional Medical Center, LLC was never on notice that the Plaintiffs would assert a vicarious liability claim or a negligent hiring, supervision, and training claim against it based on the non-delegable duty doctrine; (5) The relation back doctrine does not apply to statutes of repose.
- (c) State of SC v. Robert Andre Palmer. In my order denying the admission of polygraph evidence, I excluded the polygraph evidence (1) pursuant to Rule 702 and the Jones factors; (2) because of testing irregularities; (3) pursuant to Rule 403; and (4)as a matter of public policy.
- (d) Clint A. Chestnut et al, individually and as Class Representatives v. AVX Corporation, Civil Action # 2007-CP-26-07459 My order granted Plaintiff's motion to certify a class of the owners of over 200 parcels of property that were contaminated by AVX. This is a case that I have complex jurisdiction over and anticipate a multi week trial at some point next year.
- (e) Donnie McBride and Vincent Masterpaul v. SC Election Commission, et al., Civil Action # 2012-CP-26-04709. My Writ of Mandamus ordered the SC Election Commission to count votes cast for a candidate who was removed from the ballot in order to determine if any candidate had in fact reached a majority of votes cast, and

if no candidate had reached that majority then a runoff election must be held. The SC Election Commission appealed my initial granting of an Ex Parte TRO in this case to the SC Supreme Court seeking a Writ of Supercedeas. The Supreme Court denied the Petition for a Writ of Supercedeas holding that the Respondents have shown a likelihood of success on the merits.

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.

While I was part-time municipal judge, I continued to practice law. Since my election to the Circuit Bench, I have had no other employment.

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

In 1998, I withdrew as a candidate for Resident Judge of the Fifteenth Judicial Circuit, seat number two. My reason for doing so was that the Honorable Paula Thomas was an at large Circuit Judge in Georgetown County. When she decided to run for the vacant resident seat, making her at large seat available state-wide, I realized any further attempts to secure the resident seat would be futile. Immediately prior to my election I ran for the Resident Circuit Court Judge for the Fifteenth Circuit, Seat Two. That election was won by the Honorable Benjamin H. Culbertson on May 3, 2007.

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?

The practice of law has been my only occupation since graduation from law school. As a teenager, and during the summer months, I was a part-time employee with the A & P Company. I have never engaged in any full-time employment other than the practice of law.

28. Are you now an officer or director or involved in the management of any business enterprise? No.

29. A complete, current financial net worth statement was provided to the Commission.

30. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest.

The only conflicts of interest that I could imagine would arise from prior representation of clients. As indicated above, I have never engaged in any employment other than the practice of law. My financial association with other attorneys has been very limited. I have not had a law partner in thirty years. If a prior client appeared before me on a matter in which I have personal knowledge or concerning a matter where I have represented the client, I would certainly recuse myself. If the matter before me did not require automatic recusal, I would still advise the parties of my association with the previous client. I believe my position on recusal has been fully addressed in these matters.

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?

In 1990 a client invited me to a duck hunt on his property. I made three (3) inquiries as to whether there was any illegal bait on the property. My client responded

that there was not. Following the hunt, two (2) Federal Game Wardens approached me and advised me that they had found wheat on the edge of the property near a deer stand. I was charged with attempting to take waterfowl over bait. I might add that I had not shot over the limit, early, or with illegal ammunition. Unfortunately, lack of knowledge at the time of this offense was not a defense. Consequently, I forfeited bond.

In about 2001, while at a hunting lodge in Saskatchewan, Canada, I was given a grouse by a young native boy. I gave the grouse to the camp cook. Saskatchewan is the only Province that has a local law prohibiting hunting on Sunday. My group had never hunted on Sunday as it was our travel day. There was a conservation office at the camp. One and a half years later I received a letter stating I was being charged with receiving game taken on Sunday. Rather than travel 2,500 miles to contest the matter, I paid a small fine.

32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.
33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? No.
34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law?

In 1986, I represented Richard T. Cox in a case where an individual had illegally entered his property and cut timber. The case was tried before the Honorable William Traxler without a Jury. On the day of the trial, judgment was entered in favor of the Plaintiff. Judge Traxler immediately filed a slip Order which was clocked with the Clerk of Court on that same date. The following day I prepared a written Order which was also signed by Judge Traxler and clocked on that day. The Judgment was entered chronologically in the Judgment Roll for Horry County by the Clerk of Court. Subsequently, I began collection efforts. Approximately two (2) weeks after the entry of the Judgment an Horry County Attorney purchased a beach house from the Defendant. When the Judgment Rolls were checked all of the Orders indicated that they were clocked on the day of the trial or the following day and the Judgment was entered in the proper chronological sequence of Judgments. However, some unknown person had made an unauthorized entry in the Judgment Book indicating that the Judgment should not have been entered until a date following the sale of the property. I advised Mr. Cox that I was a potential witness and that he should have independent counsel bring an action against the Clerk of Court. That attorney brought an action against the Clerk and me. The judgment was in the \$30,000.00 range but I was released from the suit upon the payment of \$800.00 which I considered to be nuisance value.

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?

I was always covered during private practice.

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.?

I have a Facebook account so that I can see photos and keep up with the activities of my children. I have never posted any comments on this account or any other. Any type of public post might cast some doubt on a judge's ability to be unbiased. This would cause a loss of public confidence.

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."
No such charges have been made against me. I know of no other candidate who has violated those provisions.
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."
No such charges have been made against me. I know of no other candidate who has violated those provisions.
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? 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.
(a) SC Bar Association 1976 to present;
(b) Horry County Bar Association 1976 to present.
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) Trinity United Methodist Church – I have been a member for 30 years and have served as Men’s Sunday School Teacher, Pastor Parish Committee Chairman, Finance, Trustees and Endowment Committee;
- (b) Riverside Club – Social club that meets for dinner on Saturday nights. My wife and I attend occasionally and serve as hosts once a year;
- (c) Darling Lake Hunting Club

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.

In 1994 the Fraternal Order of Police presented me with its Life Saving Medal as a result of my coming to the aid of an Horry County Sheriff’s Deputy who had been shot by an escaping Defendant at the Horry County Court House. I was also featured in the Sun News newspaper’s “People Caring About Others” column.

52. References:

- (a) Mr. Jennings Duncan, President and CEO
Conway National Bank
Post Office Drawer 320
Conway, SC 29526
843-248-5721
- (b) Dr. Jonathan L. Dieter, Jr., M.D.
Family Medicine
8014 Myrtle Trace Drive
Conway, SC 29526
843-347-7224
- (c) Ms. Melanie Huggins-Ward
Horry County Clerk of Court
Post Office Box 677
Conway, SC 29526
843-915-6739
- (d) Sheriff Phillip E. Thompson
Horry County Sheriff’s Office
Post Office Box 380
Conway, SC 29526
843-915-5450
- (e) Ms. Dixie C. Eubank
SC Circuit Court Reporter
Post Office Box 2194
Murrells Inlet, SC 29576
843-283-7741

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

Signature: Larry B. Hyman, Jr.

Date: July 31, 2013