

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Family Court, Thirteenth Circuit, Seat 5

1. NAME: The Honorable Michael Don Stokes
BUSINESS ADDRESS: 915 W. Poinsett Street
Greer, SC 29650 and
6 Bailey Mill Road
Travelers Rest, SC 29690
TELEPHONE NUMBER: 864-801-0540 and 864-895-0478
2. Date of Birth: 1966
Place of Birth: Greer, 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 June 9, 1990, to Rachel Elizabeth Few Stokes. Never divorced; three children.
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) North Greenville College (now University) Summer 1984. Summer school-one course, US History.;
 - (b) Furman University, Fall 1984 – Spring 1988; B.A. in Political Science;
 - (c) USC School of Law, Fall 1988 – Spring 1991; J.D.
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.
Admitted to SC Bar in 1991. Passed Bar exam on first attempt.
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.
SC Law Review, 1989-91. Associate Symposium Editor, 1990-91.
10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date</u>
(a) Magistrate Mandatory School	11/7/2008;
(b) SCSCJA Staff School	2/12/09;
(c) SCSCJA Legislative Seminar	3/4/09;
(d) Mandatory Magistrate School	10/30/09;
(e) SCSCJA Staff School	2/10/10;
(f) SCSCJA Hickory Knob School	5/3/10;
(g) SCSCJA Annual Convention	9/8/10;
(h) Mandatory Magistrate School	11/5/10;
(i) SCSCJA Legislative Seminar	3/9/11;



- | | | | |
|--|-----|--|----------|
| | (j) | SCSCJA Hickory Knob School | 5/16/11; |
| | (k) | SCSCJA Annual Convention | 9/7/11; |
| | (l) | Mandatory Magistrate School | 11/4/11; |
| | (m) | SCSCJA Staff School | 2/8/12; |
| | (n) | SCSCJA Legislative Seminar | 3/7/12; |
| | (o) | SCSCJA Annual Convention | 9/5/12; |
| | (p) | SCSCJA Staff School | 2/2013; |
| | (q) | Upstate Fare (Greenville County Magistrates) | 5/17/13. |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
Upper State Fare, May 17, 2013, Summary Court Judges. Lecture and presentation on Summary Court Mediation.
12. List all published books and articles you have written and give citations and the dates of publication for each.
- (a) Comment, Logical relationship Test for Computing Counterclaims Adopted, SC Law Review, Vol. 42, number 1, pp. 188-191 (Autumn 1990);
- (b) Comment, Volunteers Ineligible for Worker's Compensation: Subject Matter Jurisdiction over Compensation Agreements Unsettled, SC Law Review, Vol. 42, number 1, pp. 273-275 (Autumn 1990).
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, 1991;
- (b) United States District Court for the District of SC, 1992;
- (c) United States Court of Appeals, Fourth Circuit, 1992.
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.
- 1991-96, Associate, Chapman, Harter & Groves, PA. During this time I was engaged in the general practice of law an focused on family law, including divorce and equitable division of property an child custody cases. I also engaged in a real estate practice doing residential home closings and refinances. I was further exposed to insurance defense word associated with motor vehicle accidents, an defending the State of SC in tort claims made against the state from highway construction and suits brought against the state and its agencies, especially the Department of Corrections. I was also involved in preparing workers' compensation appeals to the full Workers' Compensation Commission, the circuit court and the state supreme court.
- 1996-2000, Solo practitioner, Greenville, SC. During tis time I maintained a general practice much as before, but expanded my practice areas in the field of family law in encompass not only divorce, child custody an equitable division cases, but also adoption and abuse and neglect cases. I continue to engage in residential real estate transactions, but also expanded into the area of representing financial institutions, and doing general counsel work for a credit union.
- 2000-01, Partner, Mims & Stokes, Greer, SC. While in partnership with Hank Mims, I continued to practice all areas of family law such as divorce, equitable division,

adoption, and abuse and neglect cases. Further, I continued in real estate and expanded into the area of criminal law.

2001-2005. Solo practitioner, Greer, SC. My practice during this time began to sharpen its focus more tightly into the areas of family law. I continued in real estate and probate law.

2005-present, President, Stokes & Southerlin, PA. The practice as a whole continues to be heavily involved in family law, real estate, probate law and business law. For the past five years, my personal practice has been almost exclusively focused on family law.

1996- present, Greenville County Magistrate Judge. In this capacity, I am the magistrate who serves the north east quadrant of Greenville County which includes the communities of northern Greer and Travelers Rest, Blue Ridge, Tigerville, Mountain View, Gowensville, Skyland, and the Cliffs of Glassy. I manage a free standing office and am responsible for docket management for the civil docket, jury and non-jury, and the criminal non-jury docket. I am responsible for all public monies that pass through the office and managing the court's staff. This office handles criminal cases, summons and complaints, claims and deliveries, restraining orders and landlord tenant matters. I am also responsible for hearing all cases that arise under a county ordinance relating to building standards, property maintenance, zoning, animal control, and enforcement of county tax ordinances. I am also responsible for the Summary Court Mediation Program for the whole of Greenville County. I have a courtroom and office at county square that is used for these county wide cases.

- (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.

DIVORCE, PROPERTY DISTRIBUTION, AND CHILD CUSTODY

I have maintained a practice in Family Court for the entire time I have been an attorney, over 20 years. Most of my cases have involved divorce and property distribution along with child custody. As with most good practitioners, I have settled approximately 90 to 95% of my cases. I attribute this good settlement record to being able to work well with other attorneys and clients, and being able to explain the law to clients that apply to the client's case, so that settlement can be realistically pursued for the client and with the client's support and enthusiasm. The law in these areas is reasonably settled and practitioners should be able to predict with reasonable accuracy the range within which a decision by a court will fall. Also, settlements have been facilitated in Greenville County because this county has had mandatory mediation for some time and this has greatly helped both litigants and the courts. Of course, for various reasons not all cases settle, and I have tried many cases before the court to conclusion.

ADOPTIONS

I have done several adoptions in my practice. I have undertaken private adoptions, step-parent adoptions, and adoptions that involved DSS where foster parents adopt the children that have been placed in their care.

ABUSE AND NEGLECT

I have handled abuse and neglect cases that have involved DSS and private actions that involved issues of abuse and neglect and termination of parental rights.

JUVENILE JUSTICE

I have never had an opportunity to handle a juvenile case. However, I have reviewed the procedure in preparing for this process, both as it relates to crimes and status offences. I have litigated several criminal matters, and as a magistrate I have heard thousands of criminal matters so I feel comfortable with the underlying criminal law and believe that I am competent to apply the process in a juvenile case in Family 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.
16. What was the frequency of your court appearances during the last five years?
 - (a) federal: 0;
 - (b) state: Attorney 3 to 6 per month average. Magistrate, daily.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?
 - (a) civil: 25%;
 - (b) criminal: 5%;
 - (c) domestic: 70%;
 - (d) other: 5%.
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: 5%;
 - (b) non-jury: 95%.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) Knight v. Knight. Family Court case involving a long term marriage, significant real property in two states and a small business;
 - (b) Bishop v. Bishop. Family Court case involving a long term marriage, property, significant debt, bankruptcy, and several contempt proceedings;
 - (c) Marion v Marion. Family Court case involving real and personal property issues and significant Quadro issues;
 - (d) Wade v. Wade. Family court case involving allegations of abuse and property issues;
 - (e) Holt v. Holt. Child custody dispute involving allegations of abuse, drug abuse, child custody and visitation, and competing jurisdiction between two states.
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) Mullinax v. Winn-Dixie Stores, Inc., 318 S.C. 431, 458 S.E. 2d 76 (Ct. App. 1995);
 - (b) Seeger v. Wrenn Handling Company, Employer, and Farmington Casualty Company, Carrier, Unpublished opinion of Court of Appeals, 1999.

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?

I was appointed a Greenville County Magistrate Judge in November 1996 and have served continuously since. The criminal jurisdiction is offenses not exceeding a fine of \$500 or 30 days imprisonment, or both. The civil jurisdiction is matters where the amount in controversy does not exceed \$7,500.00. Unlimited jurisdiction in landlord/tenant matters.

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) EmTec eviction. Case involved the eviction of a manufacturing plant. The case involved multiple parties and the amount in controversy was well into the six-figure range;

(b) I handled the criminal case when a fire escaped and burned a portion of Paris Mountain. The case is significant in that it had significant media attention;

(c) I have handled several animal cruelty cases that have received significant print and television coverage;

(d) Most civil cases I hear are without significance on their own (except to the parties involved). However, they are significant here as a group because of the volume of the cases I have heard and decided is now well in excess of two thousand;

(e) Most criminal cases standing alone are without significance at my current level of court (excepting the defendants and victims). However, the volume of cases I have decided is significant in that the number of such cases now conservatively exceeds one thousand.

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.

I have continued my practice of law while a continuing part time judge from 1996 to the present at the places listed in the answer to question 14 above. I have always been my own supervisor.

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

I have run for family court 3 times from May 2008 to present. I was always found qualified, but not nominated.

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?

I had several jobs in college and law school such as dish washer at a college dining hall, a porter and sales associate at Belk's and as a runner and law clerk at the Chapman Law Firm in Greenville. I do not remember the exact dates as this was approaching 25 to 30 years ago.

28. Are you now an officer or director or involved in the management of any business enterprise?

I am the president of Stokes & Southerlin, PA. This is the vehicle for my private law practice. I am involved with the practice of law and in the major business decisions of the office. My law partner handles the day to day management duties. I have been president since this professional association was formed in 2005.

29. A complete, current financial net worth statement was provided to the Commission.
30. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest.

I have practice law with several individuals in the past. I would recuse myself from hearing cases where these lawyers appeared. I do not think I have any other items that would cause a conflict of interest.

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?

The SC Department of Revenue filed tax liens against my former law office. However, the liens were cancelled when it was shown that the quarters they were concerned about had been in fact paid under the new law firm, Stokes and Southerlin, PA. In the end no taxes were due, no interest was due, and not penalty was due and the liens were removed as in the end all taxes had been properly paid.

I have never defaulted on a student loan. All my student loans are paid off. I have never filed for bankruptcy.

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?

I was named as a party in a foreclosure action involving an estate for which I was the personal representative. I had no ownership interest, or personal interest in the suit other than as personal representative. After communicating with the plaintiff's attorney I was dismissed as an individual. Later, as the personal representative, I was able to gather sufficient assets from the estate to pay off the underlying mortgage and the whole case was settled and dismissed. The property was ultimately sold at a profit for the estate.

There is a current case pending involving a contract dispute over fees with an attorney who did some contract legal work for Stokes & Southerlin, PA. This case is about 6 months old and is in the discovery phase. The amount in controversy would be less than six to seven thousand dollars at most being generous to the plaintiff. I have no personal exposure in this matter, but disclose in the abundance of caution.

There is a current case pending where Benjamin Graydon has sued, some individuals, a homeowners association, DHEC, and some judges. The case stems from the homeowners association filing an action to collect sewer fees it maintained the Graydon's owed. That case was adjudicated by Judge Robert Sims who found for the homeowner's association. I was involved in that case in some of the pretrial motions and was scheduled to hear the case until Graydon requested that I recuse myself which I immediately did. The present case has the Graydons suing in an approximately 50 page *pro se* complaint maintaining among other things, terrorism, constitutional violations, civil rights violations, that the courts do not exist, thus no real judges exist, that the Bench and Bar are controlled by the City of London, which in turn is controlled by the Vatican. I will also note that Mr.

Graydon has filed documents in the ROD of Greenville County maintaining that he is the Governor of SC, in its original jurisdiction. All judges and DHEC are being represented by the Clarkson Law Firm in Greenville through the SC Insurance Reserve Fund. I am advised by my counsel that the case has no merit and they expect me and the other judges to be dismissed from the suit at a motion hearing scheduled in August 2013.

I have not been sued in any lawsuits that involve me in my personal capacity.

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 covered by malpractice insurance. I have always carried it. Our current coverage is \$500,000.00 with a \$5,000.00 deductible.

I have never been covered by a tail policy.

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 page that I use solely in my capacity as a scout leader. I visit it as little as I can. I do not like social media and do not like to use it. I use this account to enable me to have online meetings with the officers of the Order of the Arrow Lodge, Blue Ridge Council, BSA. I am the advisor of the lodge. I would gladly use any excuse to cancel the membership, and election as a family court judge would justify the cancellation.

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." 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." 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. 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;
 - (b) Greenville County Bar;
 - (c) SC Summary Court Judges Association. Life Member.
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) Masonic Lodge. Bailey Lodge, Greer, SC. No offices held;
 - (b) Boy Scouts of America, Blue Ridge Council. I am on the Executive Board of Directors, a District Chairman, and the Advisor to the OA lodge for the council (OA is the Boy Scout Honor Society). I have received most awards and recognitions offered by the BSA, including but not limited to, Silver Beaver, Vigil Honor, District Award of Merit, and Eagle Scout.
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.

My life experience would greatly affect the type of family court judge I would make. I was raised on my family's farm with both my mother and father, who both worked full time to provide an education, guidance, and opportunity for travel and learning experiences for me and my brother. While both my brother I were expected to achieve to the best of our abilities in school, scouts, and other extracurricular activities and to contribute to daily farm operations, we never know want or even worried about where our material needs would come from. I now realize that our relative financial comfort was in large part because my mother also worked outside the home so that we could have these privileges that others could not. I now also realize that there were no extraneous calamities, such as long-term illness, job loss, or a severe family situations that many people deal with every day. Thus, from my perspective, my early family life was rather free of struggle and worry.

I graduated from Blue Ridge High School in 1984 and went directly to college at Furman University, and from there directly to Law School at the University of SC in Columbia. While I hope my children have a similar, ideal start in life, my early background was not conducive to learning some lessons about the real world.

After law school, I immediately entered private practice and did this for about five years. At the age of thirty I was appointed as a magistrate for Greenville County. In hindsight, this was exceedingly young for someone to be made a judge. At that time I had had no children, no personal hardships, no health problems in my family to contend with,

and had had little exposure to people who were not like me and had not had the similar experiences and opportunities I had enjoyed. However since that time I have had to live through life situations I would never had anticipated. I have seen others in trying circumstances through my law practice and as a magistrate.

I have been blessed and challenged by the births of my three children; two sons and one daughter, two of whom are special needs children. One of my children is severely dyslexic, couple with central auditory and central visual processing deficiencies. She requires special treatment for her impairments and had to have highly-specialized, expensive, private education. My oldest child is considered to be a high-functioning autistic child on the autism spectrum. His official diagnosis is "PPD-NOS," (Pervasive Developmental Disorder, Not Otherwise specified), as he exhibits many traits of Asperger's Disorder, but does not fully meet all the criteria. His condition requires extensive medical and therapy intervention and requires us to learn volumes of information regarding how to nurture him so that he can grow and thrive. The blessing of having my children is that through them I have an opportunity to view life from an angle that is vastly different from "normal" people. They teach me to see and focus on events an situations that would otherwise be overlooked or given little notice. The challenge is that nurturing them properly requires tremendous amounts of patience; their situations require that I must provide more time, advance notice, latitude, and specific detailed instructions for them to perform what would be considered routine task for others.

Particularly with my oldest child, I have to continually monitor my own demeanor, as he wil absorb the demeanor and attitude of the parent with whom he most closely identifies. With autism such as his, he does not instinctively know how he is to interact with others, both privately and in social situations. The way he learns to deal with other people and society is essentially by memorizing what to do from watching his role models. The professionals inform my wife and I that he will learn most of his social skills from watching me. Thus, I have learned to be mindful of my demeanor and social interaction skills to a heightened degree. U use every opportunity to set a good example for him. I am by nature a mild and friendly person, but his condition has taught me to read the demeanor of others as to how they are reacting to me. This increased awareness has been invaluable to me as a magistrate, an attorney, and as a person in general.

Having my children and the cost associated with treating their special needs has enabled me to be aware of how difficult it is to make ends meet with all the financial demands of caring for and supporting a family. I am greatly sympathetic with families and persons who are working hard and having to be mindful of their finances. I am also sympathetic to families like my own who are not only struggling financially, as is my family to help our children, but also emotionally, and have not been as fortunate as I have been in obtaining educational, medical, and emotional support. Many parents with children like mine are unable to provide the services they require regardless of their hard work and loving intentions.

I have also seen the difficulty a family can have when one of the wage earners is disabled. My wife was temporarily disabled for about six months; with three children, elderly parents, the expense for her medical care, and the loss of income, I experienced a very rude awakening to the struggles some families experience all the time.

Despite the sometimes frustrating hardship, I am in some ways thankful that I am living through these situations. These trials have given me the insight to better understand

the people who come through the courtroom or my law office. Before, I intellectually understood the hardships of others, but now I have some understanding and empathy for how they feel, what they fear, and what they hope for. I better like and respect the person I have become from having experienced these trials.

These experiences along with the simple passing of time and getting older have made me a much better person, judge and attorney. The forty-seven year old judge and attorney has much smoother edges than the thirty year old, well-educated novice. I am much more relaxed with my position and am less guarded and less rigid. I have developed more patience with others as time goes on and do not hesitate to take a few extra minutes to let a client or party say a few words that may not be relevant under the rules of evidence or even to the case at hand so that they feel better and I have learned that this is not a case of a judge losing control of the courtroom or displaying weakness, but is a sign of a mature judge who tries to understand people and have a bit of compassion for them.

52. References:

- (a) William Roughton (banker)
1200 W. Wade Hampton Blvd.
Greer, SC 29650
864-848-4076
- (b) Jerri Smith
1090 Lake Cunningham Road
Greer, SC 29651
864-915-6032
- (c) Stephen L. Shochet
2 Hydrangea Way
Simpsonville, SC 29681
864-458-8727
- (d) Lisa Mason
1471 N. Highway 101
Greer, SC 29651
864-877-7404
- (e) Kenneth G. Southerlin, Jr.
PO Box 2077
Greer SC 29652
864-354-6689

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

Signature: Michael Stokes

Date: August 7, 2013