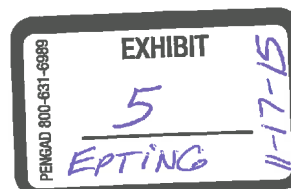


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Circuit Court, At Large, Seat 10

1. Name: Mr. Joseph M. Epting, Jr
Name that you are known by if different from above: Joe Epting
Are you currently serving in some capacity as a judge? No.
Business Address: 1229 Elmwood Ave.
Columbia, SC 29201
Telephone Number: (Office): 803-799-9577
2. Date of Birth: 1970
Place of Birth: Richland County
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 July 10, 1993 to Kelly M Epting (Morgan). Never divorced, three children.
6. Have you served in the military? No.
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure
(a) The Citadel, 1988–1992. BA Political Science;
(b) Samford University. 1994–1997. 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, 1997.
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.
The Citadel
(a) 1991 Cadre Sergeant;
(b) 1991-1992 India Company Commander;
(c) 1991–1992 Vice-Chairman Honor Court;
(d) 1988–1992 Fellowship of Christian Athletes.
Samford University
(a) 1995-1996 Internship, US Attorney for the Northern District of Alabama;
(b) 1996–1997 Law Clerk, Shelby County Public Defender's Office.
10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) SCAJ Annual Convention	08/05/2010;
(b) 2010 Auto Torts	12/03/2010;
(c) RPWP 2011 Litigation Seminar	4/28/2011;
(d) 2011 SCAJ Annual Convention	08/04/2011;



- | | | | |
|--|-----|------------------------------|-------------|
| | (e) | Auto Torts XXXIV | 12/02/2011; |
| | (f) | DUI from A – Z | 11/09/2012; |
| | (g) | SCACDL Blues BBQ & Bar | 07/13/2012; |
| | (h) | RPWP 2013 Litigation Seminar | 04/25/2013; |
| | (i) | SCACDL Blues BBQ & Bar | 07/12/2013; |
| | (j) | SCAJ Annual Convention | 08/01/2013; |
| | (k) | 2013 SCAJ Auto Torts | 12/06/2013; |
| | (l) | RPWP 2013 Litigation Seminar | 04/24/2014; |
| | (j) | SCAJ Auto Torts | 12/05/2014; |
| | (k) | AAJ Annual Convention | 08/10/2014. |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- (a) Fair Labor Standards Act
Paper and CLE Presentation
2002 SCAJ Annual Convention;
- (b) 16 Tons and What Do You Get..A Retaliation Claim
Paper and Presentation regarding employment retaliation claims.
2011 SCAJ Annual Convention.
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) SC, 1997;
- (b) US District Court for the District of SC 1999;
- (c) US Court of Appeals for the Fourth Circuit 2001.
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) 8/1997–8/1998 Law Clerk for The Hon. J. Ernest Kinard. Immediately after graduation from law school I was hired as a law clerk to Judge Ernest Kinard, 5th Judicial Circuit. We spent 6 months as the chief administrative judge in the Eighth Circuit with the remaining time in other parts of the state. We handled capital murder cases and complex litigation cases as well as pro-se litigants. I enjoyed my work traveling with the Judge to so many counties throughout the state and witnesses some great trial attorneys that I would not have seen otherwise. Above all else, Judge Kinard taught me to treat everyone in the court room with respect. I would not be the lawyer I am today without that wonderful start.
- (b) 8/1998–8/2006 The Epting Law Firm, LLC. After I finished clerking with Judge Kinard, I began to practice law with my father. Our practice was a general practice located in Irmo, SC. We handled corporate litigation and collections for a number of small businesses including Epting Distributors, Inc., a business started by my grandfather and currently run by other members of my family. My father was/is also the town judge in Irmo. I began to handle more personal injury litigation and a

small amount of employment litigation. There was also work on estate probate and estate planning. Working in a family business when you are 28 is a complex endeavor at best. However, there seem to be a couple of truths. You are comfortable in the solid moral and ethical character of your law firm because they are the same traits you were taught when you were 10. They don't change. Second, I often find myself looking back now to instances where I was convinced my way/ my logic/ my answer was correct and with age and wisdom I realize my father was right. I worry about recent graduates who start their careers as a solo attorney without the benefits of someone like my father to steer them around the legal minefields we often face.

- (c) 8/2006–8/2012 Epting & Gillis, LLC. In 2006 my father and I joined Derek Gillis, a former Citadel classmate of mine. Derek is a real estate lawyer. Our practice grew to 5 attorneys and 10 staff. I tried more cases during this period, increasingly focusing my practice on civil litigation. I would also characterize this period as increasingly understanding how to run a business and not just practice law. Our firm experienced a great deal of growth and we also faced the contraction of the economy with the recession that began during 2007. I also saw a dramatic increase in clients who came to my office because they were not paid their wages or they were forced to work off of the clock in violation of state and federal wage laws.
 - (d) 8/2012–12/2014 The Epting Law Group, LLC. In 2012, I went into practice as a solo attorney. I wanted to spend more of my time on the trial of cases and less on management. As a small firm, I was able to handle fewer cases that were more complex in nature. These included death cases, class action wage cases and complex personal injury cases.
 - (e) 1/2015–Present Mullis Law Firm, LLC. Pam Mullis and I have been friends since we passed the bar together in 1997. Long ago we began trying cases together in an effort to get more trial experience. We also each practiced law with our fathers. In 2015, Pam was practicing law by herself (her father passed away) and I was practicing by myself as my father was largely winding down his law practice. I joined her this year and have continued to enjoy having a very good trial attorney right down the hall to bounce ideas off.
15. Please answer the following (if you are a judge and are not seeking a different type of judgeship, this question is inapplicable):
- (b) If you are a candidate for Circuit Court, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years and include a brief description of the types of matters handled, issues involved, and procedural history. Please include information such as the primary areas in civil court in which you practice, whether you represent plaintiffs or defendants, or both. You may go back further than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background has prepared you to preside over such matters as a Circuit Court Judge, or how you would compensate for your lack of experience in this area.

Over the last 5 years my practice has been primarily civil litigation; however, I handled several criminal cases each year.

Criminal Matters:

- (a) State of SC v Kendrick Workman (2014)
Charges: Assault and Battery of a High and Aggravated Nature
Pointing and Presenting a Firearm
Assault and Battery 2nd
Barnwell County.
Client pled to Assault and Battery 2nd and received probation in 2014 just prior to trial;
- (b) State v Dustin Rabon (2013)
Charges: Possession with Intent to Distribute Marijuana
Richland County
Client Plead and received 6 months probation;
- (c) State vs. Ashley Currie (2014)
Charges: DUI and CDV
Lexington County
Charges dismissed;
- (d) State vs Dillan Carter
Charges: CDV
Lexington County
Client plead and received probation;
- (e) State of South Carolina vs. Donnie Sheffield, Jr (2013)
Charges: DUI
City of Cayce
Trial: Verdict for Defendant.

Civil Matters

- (a) Simmons, et al vs. Sylvan Food Systems
Fair Labor Standards Act–Failure to pay workers for overtime worked.
Collective Action on behalf of the hourly workers employed by fast food franchisee at all of its locations in SC.
Richland County
Settled obtaining all back pay and liquidated damages on behalf of clients;
- (b) Antoinette Cooper vs Benjamin Spears 2011-CP-21-0695
Automobile accident involving Drunk defendant and injured client who suffered a miscarriage during her 3rd trimester as a result of the accident
Florence County
Verdict for Plaintiff: \$854,075.00;
- (c) Laverne McCray v Jose W Valle
Automobile accident involving a drunk driver defendant and client who had severe injuries.
Berkley County
Verdict: \$647,000.00;
- (d) Jennifer Sturkie vs. Raju Visveswara (2012)
Client was participating in a 5K run and was hit by erratic driving vehicle
Lexington County

- Verdict for Plaintiff: \$34,219.00. Total Recovery \$112,000.00;
- (e) Vickee Doe vs Trucking Company X (2009)
Client was a passenger in a vehicle hit by a commercial tractor trailer truck and suffered a traumatic brain injury.
Barnwell County
Settled in the amount of \$550,000.00 immediately prior to trial.

16. 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.

None

17. What was the frequency of your court appearances during the past five years?

(a) Federal: No Trial. Usually at least one civil case pending per year;

(b) State: Around 20 cases filed at any one time around the state with 2-4 trials per year.

18. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years?

(a) Civil: 90%;

(b) Criminal: 8%;

(c) Domestic: 2%.

(d) Other:

19. What percentage of your practice in trial court during the past five years involved matters that went to a jury, including those that settled prior to trial?

(a) Jury: 100%;

(b) Non-jury: 0%.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? I most often sole counsel or co-counsel with my law partner.

20. 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.

None of the cases were reported at the trial court level so there are no citations. These cases are shown above as well.

(a) Simmons, et al vs. Sylvan Food Systems

This case was significant to me because of the large number of individuals who had worked in fairly tough conditions and were not paid wages that were owed to them. Wages that were not very high to begin with. There was a great deal of satisfaction with the number of people we were able to help.

Richland County

Settled obtaining all back pay and liquidated damages on behalf of clients;

(b) Antoinette Cooper vs Benjamin Spears 2011-CP-21-0695;

(c) Laverne McCray v Jose W Valle

Both case b and c involved defendants who were drinking and driving. I always feel good about drunk defendant cases when we are successful. In Mrs. Cooper's case, it was additionally challenging to convey to a jury the mental anguish associated with losing a child, a daughter, in the last trimester of the case. A value the insurance company had refused to factor in. Money could not make it right; however, we did achieve a more appropriate result for her;

- (d) Jennifer Strike vs. Raju Visveswara (2012)
 Client was participating in a 5K run and was hit by erratic driving vehicle
 Lexington County
 It is always special with you can help someone you have known most of your life like I had Mrs. Sturkie. While not the worst case in terms of damages, I did find the runner vs vehicle angle interesting. I think I learned a great deal in how to try cases in which stereotypes of race or venue are concerned;
- (e) Vickee Doe vs Trucking Company X (2009)
 My client was a wonderful lady who came to me after litigation had begun. She was experiencing significant symptoms that we determined were related to an undiagnosed Traumatic Brain injury. As a result of the case she was able to get the treatment that she needed to begin living a functional life again.
21. 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.
 I have not handled any appeals.
22. 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
23. Have you ever held judicial office? Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.
 No.
25. Have you ever held public office other than judicial office? Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office.
 None
27. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
 Yes. March, 2003. Candidate in the Republican Primary for Richland County Counsel.
28. 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?
 Motion Industries, Inc. 1992–1994. Immediately upon graduation from The Citadel, I was employed by Motion Industries in their executive program and was placed at an Atlanta Distribution location. I assisted sales persons throughout the southeast in managing inventory control systems for manufacturing customers. I also spent time at the company’s world headquarters in Birmingham, AL rotating through various departments to gain exposure to the different corporate functions.
29. 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.
 No
30. A complete, current financial net worth statement was provided to the Commission.
31. 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 business arrangement that could result in conflict would be cases involving my former law partners and I would conflict out of those cases.
32. 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
33. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute?
No
34. 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?
In tax year 2010 I entered a payment plan and paid the amount off early for federal taxes. No tax lien was filed.
35. 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
37. 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
38. 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? If so, please explain when you were covered by a tail policy. Also, if applicable, indicate your coverage and deductible for your current malpractice policy.
(a) I have kept legal malpractice insurance during each year I have practiced law.
(b) I am currently covered by a \$1,000,000.00 policy with a \$2,500.00 deductible.
(c) I had a 2 year tail policy after the dissolution of Epting & Gillis in 2012.
39. 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.? If so, how would your use of social media or other similar types of Internet sites be affected if you were serving in a judicial capacity?
I am active on Facebook, twitter, Instagram, and LinkedIn. To the extent there is a judicial department policy, I would follow that policy. Otherwise, my use would not change greatly. I do not post a great deal and rarely if ever concerning politics or judicial rulings. Abstaining from political or judicial topics would continue. I would also rely of the experience of others in the judiciary.
40. 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
41. 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
42. 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. Include the disposition, if any, of such charges or allegations. None
43. 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. Include the disposition, if any, of such charges or allegations.
None
44. 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.
As of 8/3/2015 less than \$20.00 for postage.
45. 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.
46. 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
47. 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. I am not aware of any specific contact on my behalf.
48. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy?
No.
49. 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?
I left a voice mail at the offices of Pete Strom and Sen. Gerald Malloy prior to obtaining my packet. I have known these two lawyers for a number of years. The voicemails were never returned and I did not attempt to contact them again. When I realized my mistake I also notified the Chief Counsel for the Commission.
50. 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) SC Association of Justice. Past Board Member;
(c) American Association for Justice.
51. 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) Optimist Club of St. Andrews. Past President. Member (2003–2013);
(b) Washington Street United Methodist Church.

52. 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.

53. List the names, addresses, and telephone numbers of five persons, including your banker, from whom references could be obtained.

- (a) Jenny Parker (my banker)
Wells Fargo Bank
1441 Main Street, 16th Floor
Columbia, SC 29201
(803) 765-3640
- (b) Larry Higgins, Esq.
Senior Vice President and General Counsel
Founders Federal Credit Union
737 Plantation Road
Lancaster, SC 29720
(803) 287-4973
- (c) Jonathon Harling
Harling & West, LLC
203 W Main St. Suite B
Lexington, SC 29072
803-603-3012
- (d) Kelly Cannon, Esq.
Howser Newman & Besley, LLC
1508 Washington St.
Columbia, SC 29201
803-238-8692
- (e) David Miller, Esq.
Deputy Solicitor, 2nd Circuit Solicitors Office
Post Office Drawer 3368
Aiken, SC 29802
803-642-1557

54. Describe any interest you or a member of your immediate family has in real property:

- (a) In which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;
- (b) In which there have been public improvements of \$200 or that adjoins property in which there have been public improvements of \$200; or
- (c) Which was sold, leased, or rented to a state or local public agency in South Carolina.

None

List the interest you hold and the value and location of the property. Identify as applicable the:

- (a) nature of any potential conflict of interest;
- (b) nature and value of any public improvements; and
- (c) South Carolina state or local public agency which purchased or is leasing or renting such property.

None

55. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its amount or value, and the name of the agency.

None

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

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

Signature: s/Joseph M. Epting, Jr.

Date: August 17, 2015