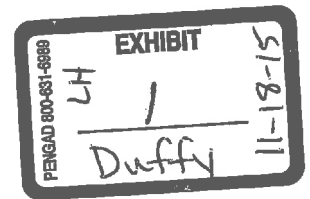


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**



Court, Position, and Seat # for which you are applying: Family Court, Ninth Judicial Circuit,
Seat 3

1. Name: Honorable John Lawrence Duffy, III
 Name that you are known by if different from above: John Duffy
 Are you currently serving in some capacity as a judge? Associate Municipal Judge for the City of North Charleston
 Business Address: 5110 N. Rhett Ave.
 Telephone Number: (office): 843.225.9287
2. Date of Birth: 1976
 Place of Birth: Mount Pleasant, SC
3. Are you a citizen of South Carolina? Yes
 Have you been a resident of this state for at least the immediate past five years? Yes
5. Family Status: Married on March 27, 2010 to Abigail Scudder. Never divorced, one child.
6. Have you served in the military? No service record.
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
 - (a) Furman University: August 1995–June 1999; BA–History, BA–Spanish;
 - (b) Florida Coastal School of Law: August 2003–December 2005; JD.
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.
 SC, admitted 2006.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.
 - (a) Student Bar Association;
 - (b) Foreign Study, Italy; Summer 2004;
 - (c) Sigma Delta Pi, Spanish Honors Society;
 - (d) Spanish Club;
 - (e) Foreign Study, Spain; Fall 1997.
10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Charleston County Summary Court Judges Association	May 22, 2015;
(b) Federal Criminal Practice	October 30, 2015;
(c) Adoption Law in South Carolina and Beyond	August 1, 2014;
(d) Prosecuting the Impaired Driver	July 22, 2014;
(e) High Risk Issues	April 16, 2014;
(f) Fifth Annual SC Gun Law Seminar	February 21, 2014;
(g) In the Best Interest of the Child, 2014	January 31, 2014;
(h) Prosecuting the Impaired Driver	July 17, 2013;
(i) Federal Criminal Practice	October 24, 2013;

- (j) Orientation School for Municipal Judges July 16, 2012;
 - (k) US Sentencing Guidelines September 26, 2012;
 - (l) DUI Defense A–Z November 11, 2011;
 - (m) Federal Criminal Practice October 20, 2011;
 - (n) Blues, Bar-B-Q and Bar CLE July 8, 2011;
 - (o) US Sentencing Guidelines April 8, 2011;
 - (p) Federal Drug Court Seminar December 20, 2010;
 - (q) Third Annual Reese I. Joye DUI November 5, 2010;
 - (r) Federal Criminal Practice–Fall 2010 October 28, 2010;
 - (s) Presentation by Chief Justice Toal July 15, 2010.
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
Charleston County Summary Judges Association Luncheon (Course 154343) May 22, 2015: This case was offered to all Summary Court Judges in the Charleston County area. The class presenters were Scarlett Wilson, Ashley Pennington, and the Honorable Roger Young. I was on the committee that prepared the seminar and curriculum.
12. List all published books and articles you have written and give citations and the dates of publication for each.
N/A
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
- (a) State Courts of SC–May 2006;
 - (b) Federal District Courts, SC–2006;
 - (c) US Court of Appeals, Fourth District–2008.
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.
- (a) The Wigger Law Firm–Plaintiff’s work; June 2006–July 2007
-personal injury, employment law, social security disability;
 - (b) O’Neill & Phipps, LLC–General Practice; July 2007–February 2012
-criminal representation and plaintiff’s representation in civil matters;
 - (c) The Duffy Law Firm, LLC–General Practice; February 2012 to present
-family law, criminal representation, plaintiff representation in civil matters;
 - (d) The City of North Charleston–Associate Municipal Judge; February 2012–present
-handling of criminal matters handled on the municipal level, code enforcement, setting of bonds, and courtesy summons court.
15. Please answer the following (if you are a judge and are not seeking a different type of judgeship, this question is inapplicable):
- (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.
 - (a) Divorce and Equitable Division:

In the course of my practice, I have been afforded the opportunity to be involved in divorces based on all the various statutory grounds enumerated by the SC Code. While the majority of cases are those that are uncontested and based on the ground of one year separate and apart, I have also handled divorces based on physical cruelty, adultery, habitual drunkenness and abandonment. In all cases, I first seek to ensure the safety of my client and their children as divorces actions can quickly lead to unsafe and dangerous behavior of the aggrieved spouse. I always seek to insulate minor children as best as possible through restraining orders; once that is accomplished evidence is gathered to show the fault base and to see if the action is one that can (or should) be brought to the Court on that premise. For the most part, the basis for divorce is factually easy to determine and show to the Court; it is the division of the marital estate where the most fight takes place, and where a great amount of attention must be focused. It is a policy in my cases to seek mediation as quickly as possible and to see what can be resolved and divided immediately; then only litigate matters that were not resolvable.

By way of example, I had a simple divorce on the ground of one year's separation that settled in 2014. The ground was uncontested, and for the most part the assets were easily dividable between opposing counsel and I. The issue that we ran into was the matter of the marital residence. It was the Defendant's position that the land was his prior to marriage and that he had not expended any marital funds in the building of the home on the land. I reviewed all of the financial documents very thoroughly and conducted the necessary research on transmutation. By doing this, I was able to show that my client was entitled to a share of the marital home as the Defendant had filed joint taxes to take the benefit of married filing joint, and in doing so he claimed the interest on the home, thus giving my client a share in the property. The Defendant bought her share out and she was left with sufficient funds to start her life over and move forward.

I have made it a policy in my office to attempt resolution of case immediately upon opening the file. Often this works with the "uncontested" cases that actually have a few matters that need resolution that were not considered by the parties. I understand the risks that are inherent to taking any case to trial, and I strive to make my clients appreciate that risk as well and to assist them in seeing that it is the result of the case, and not the fight to get to the end, that really matters. I set out to give my client a reasonable expectation of what the result of litigation could be; I make it a point to review the reasonable expectation of the client at all points of case involvement to allow them to make the best informed decision for their lives. Cases are fluid and evolve quickly and it is important that the litigants, the attorneys, and the Court be able to assess the matter so as to make the best and most informed decisions.

As for the judiciary, I personally appreciate those judges that strive to encourage litigants to reach a resolution between themselves, and to reach that resolution quickly. I have found that ordering discovery to be conducted quickly and for mediation to happen in a relatively short period of time has been beneficial in preventing the lingering of a case that could be quickly and easily resolved. I believe that the Court assists in this goal by refusing to entertain any frivolous motions or permitting unreasonable delays by either party. Family Court controls the lives of children, disposition of property, and the ability of entire families to

move forward and heal. The Court should be filled with those candidates that show that they will be expeditious in the handling of the cases before them, while remain fair, neutral and impartial. If elected to fill this seat, I would bring with me the policies that are espoused in my office to work case thoroughly and quickly for the benefit of the parties.

(b) Child Custody:

The majority of the cases in my office involve minor children; either of marriage or not of marriage. I handle cases involving custody, visitation, support, cases with the Department of Social Services and any other matter that may arise regarding children. In the last year, I have had the privilege of working with numerous families that have special immigration matters related to minor children that need to have the protection of the Family Court to prevent being sent to their "home" which is generally unsafe for the minor children. I make clear to my clients when I am retained that they must, at all times, keep the best interests of their children in mind; as such, I will explain to them the impact that their choices will have on their children so that the client can make a fully informed decision as to how the client would like to proceed. Ultimately, I understand that my clients may make a choice that is not in their child's best interest, and I will do as the client directs, but I firmly believe that they should be informed and offered the opportunity to have that information with which to make their decision.

I have represented a father who had his current wife assaulted in the presence of their daughters but the mother of his children. The mother had custody of the girls, and over several years, her behavior became increasingly hostile and erratic. I was able to secure temporary custody for my client on the basis of the erratic behavior and the mother's increasing alienation of the children's affections for their father. We attempted resolution through alternative dispute resolution several times, and it was only after discovery was complete and a therapist was engaged for the minor children that we were finally able to resolve the matter. The family was (last I heard) continuing to engage in co-parenting counseling and attempting to better themselves for the benefit of their girls.

As a father, I find that paternity is an extremely important issue that should be handled with the greatest level of attention to detail. I am consistently reminded that the State has a vested interest in the paternity of all children. Only once my child was born did I truly understand what that really meant. It is not just fathers that are entitled to have their paternity established, but it is the child's right to know who his or her father is, and be to afforded an opportunity to have a relationship with that father. I have handled voluminous cases where a child is either born out of wedlock or is born in wedlock to a man other than the mother's husband. While these severance of paternity cases are relatively simple in nature, the importance of following the procedure and knowing all the details are immeasurable; by both the attorney and the Court. We have handled extremely litigious cases were the battle for custody or visitation as been a direct result of, or complicated by, the legal and/or biological paternity of a child's father. Children require two parents, and they should be able to have contact with both parents in the hopes that they will grow up to be healthy and will adjusted adults.

When my wife established our law firm (I joined several months later) it was her intention to make the firm "child focused." This was a view that I espoused and

continued once I joined the firm. I recognize that for most parents custody of their children is the most important matter facing them in a divorce. Under the present statutory scheme, I first and foremost explain that SC is a “joint custody” state, and that my client should be prepared for that outcome. There are the exceptional cases where one parent is so unfit to make any decision, that a Court may end up awarding sole custody to one parent (and we have had the occasional termination of parental rights actions where the other parent was completely unfit), but that these cases are difficult burdens to meet. But there is still a need for the other parent to be involved. The result in my office has been to learn to craft very detailed and carefully thought out custody agreements for clients so as to minimize stress for the parties, but most importantly, for the children, once the lawyers, guardians and courts are no longer involved. The goal in child custody is not to see who will make the decisions or have the minor children on Wednesday night, but rather to provide children with stability and assurance that both of their parents are there for them and love them.

(c) Adoptions:

Since my last candidacy my office has seen an increase in the number of adoptions that we are participating in, and they are all almost completely highly contested cases. Everyone in my office work these cases very closely to ensure that all the work is completed correctly. We have had the pleasure of succeeding in two highly contested adoptions in the past two years.

The first, A.M. and J.M. In Re: J.B.M. resolved in July 2014 and was discussed in my last application, and will be discussed below in greater detail. Our clients were the foster parents to a very young child that had been placed with them since he was just a few week old. When J.M. was over the age of two, the Charleston County Department of Social Services ‘found’ relatives to place the child with and were set to remove him, place him with these relatives that he did not know, and close their case. I set about very quickly to stop any movement of the child from his foster home and to force the Department into trying the termination of parent rights action. I felt that it was more appropriate that the parental rights be terminated and that the foster parents and the ‘relatives’ be permitted to present their case for why permanent placement with either party would be in the child’s best interest. A year to the day after the completion of the termination of parental rights action, our clients were awarded adoption of J.B.M., to now be known as J.J.M., who was four years old at the time that he was adopted into the only family he had ever known. He remains in their home, happy, thriving and loved by his parents and their extended family.

The second case was far more difficult. Again, Charleston County Department of Social Services had left a child in the care of a wonderful family for an extended period of time and notified them that they were going to be seeking termination of parental rights and asked if they would like to adopt A.N. Only at that time did my clients let go of the protective shield they had carried and let themselves fall completely in love with A.N. At the last minute, the Department produced an approved Interstate Compact for the Placement of Children report from the Commonwealth of Virginia for placement of A.N. with distant relatives with whom she had met but had no connection with. It was ordered by the Charleston County Court that A.N. be transferred to the custody of the relatives and that my clients be dismissed from her life. My office took aggressive action; the ultimate

result of which was that my firm secured an extremely rare ex parte Writ of Supercedes overriding the lower court. The fight for A.N. continued for another five months until she was adopted by our clients in late May of this year.

While I wish I could take all the credit for these happenings, being part of a team that is so dedicated and has spent so much time exhausting all their resources to ensure that a child is primarily adopted by the family that is in his or her best interests, but that such adoption is done in a manner to protect against any appeal, and thus disruption of a child, has allowed me to understand that adoptions and termination of parental rights actions are individualized and not to be taken lightly. I am familiar with the workings of these statutes and their interplay with the Rules of Procedure from these experiences. My office has now undertaken another case of similar nature in Horry County, and it has proven thus far to be more difficult than the last two combined.

Should I be elected, these would be the case of the greatest importance to me. These actions end the relationships between parents and children; they make families that may never have existed without the assistance of a strong minded attorney and judge willing to make an unpopular and difficult decision. It is with these cases that the Family Court makes the greatest difference in the lives of children across the state by offering them permanency and love through those foster parents and relatives that are willing to love them unconditionally.

(d) Abuse and Neglect:

Since being admitted to the SC Bar, and prior to the implementation of 608 appointments, I handled several cases against the SC Department of Social Services. Since the implementation of that appointment list, and joining my law firm, I have had the chance to assist many Spanish speaking families that would otherwise have no real assistance in protecting their rights and children while competing with the Department of Social Services. For the most part, I have been able to assist my client through the maze of requests and treatment plans as laid down by the Department, plans that very rarely have anything to do with the underlying allegations and provide little to no help in assisting the parties in determining where they should seek services.

I have found in working with the Department that one cannot wait for them to help you with even the most basic of information; for example, which drug testing facility would they like the client to use? Rather, it comes down to fostering a relationship with at least one if not more of the attorneys in the legal department to get their assistance in determining what the treatment plan truly means. This has been frustrating to me with my Spanish clientele, it was frustrating for me when I was appointed to represent a parent in a DSS action, but it was infuriating when I was appointed to be the guardian for a minor child who was out of their home, with parents that were doing all that they could with the little assistance that they were able to glean from DSS.

My wife went to work with the Abuse and Neglect Division of Charleston County DSS in November 2009. Once she left, and we began to really have to defend parents against the agency, she and I have both learned precisely how these statutes interplay with each other, how there are protections for both parents and children that are not invoked, or worse outright ignored; and have seen firsthand the devastation that can occur when improperly trained attorneys represent the agency

full of overwhelmed workers against very busy attorneys. I believe that, if strictly followed, the Children's Code can, will and does protect children against institutional abuse and falling through the 'cracks' into permanent neglect. When the State undertakes to protect children, it is the job of the judicial branch to ensure that DSS is bettering the chances for the family, caring for the children, and ultimately resulting in stronger families and citizens.

(e) Juvenile Justice:

After being admitted to the Bar, I was assigned to handle any family law appointments that were assigned to the Wigger Law Firm; this was also the case at O'Neill and Phipps. Additionally, I was hired by several parents to represent their children in matters involving the Department of Juvenile Justice (the most recent being within the last two months). These matters included Possession of a Stolen Vehicle, Assault and Battery—both of a basic nature and of an aggravated nature), Strong Arm Robbery, and Underage Drinking. These cases allowed me to apply my background in Criminal Law in the unique setting of Family Law to see how they interplayed and how the Court was able to use its discretion to attempt to help these children and not just punish them.

With the exception of the one case that I had several months ago, that resolved exceedingly fast, I have not handled a Juvenile Justice case in years. This does not mean, however, that I do not have continued experience with juveniles in Court. As a judge in North Charleston, I am, on a daily basis, forced to address matters that involve minor over the age 16 children disregarding the law. I always remember that these are minors that need to have an entire lifetime considered and regularly take into consideration the past criminal history of the offender, the gravity of the offense for which they are before the Court and how the requested charge will effect that child's life. As I have seen from the local Family Court bench, and through my own experience as a judge, it should be the goal of intervention or early rehabilitation to help children understand the constraints that allow society to function and to help them become active and successful members of our community.

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.
 - (a) Super Lawyers: Rising Star 2014 and 2015;
 - (b) National Association of Criminal Defense Lawyers: Top 10 under 40 2014.
17. What was the frequency of your court appearances during the past five years?
 - (a) federal: 3–5 appearances a year;
 - (b) state: 4–5 appearances a week.
18. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years?
 - (a) civil: 5%;
 - (b) criminal: 20%;
 - (c) domestic: 70%;
 - (d) other: 5%.
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: 1–2%;
 - (b) non-jury: 10–15%.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters?

Either sole counsel or chief counsel.

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.

(a) A.M. and K.M. v. J.B.M. and SCDSS

This case is significantly important in that it involved a contested adoption of a child that had been in long term foster care. J.M. had been placed with my clients since he was seven (7) months old. At the age of three, SCDSS made the decision that they were going to remove J.M. from my clients' care and that J.M. would be placed in the home of grandparents that he had never met. I had already intervened in both the child protective services case and the adoption case in order to protect my clients' interest in the action. During the course of this litigation we successfully obtained the termination of the parents' parental rights. Subsequently to the termination of parental rights trial the grandparents filed to intervene and adopt J.M. After their intervention, DSS began to show bias on the basis that the grandparents were 'family' and there was an issue of race that was continually insinuated at which involved the involvement of Associate General Counsel for DSS. I was able to secure several injunctions against DSS, have the grandparents removed for lack of standing, and a year to the day after the rights of the parents had been terminated, J.M. was adopted by my clients became a legally secure family, and J.M. was given the permanency and protection that he was entitled to.

(b) Payton v. Platts

This was a personal injury matter that was tried before a jury in Berkeley County as a multiday trial. My client was a retired Marine Corps Special Forces officer that was forced to retire due to an injury he sustained. My client was hit head on by the Defendant while my client was at a dead stop on the side of the road with engine trouble. What made this case stand out from all the other personal injury cases that I had previously handled was that my client had obtained a JD, and was getting ready to take the Bar Exam at the time of his injuries. My client underwent several years of treatment for the pain associated with his injuries, which included electroshock therapy. By the time the doctors had my client's pain under control and cleared him from treatment, he had lost so much of his memory that he no longer retained the education or skills that he had learned in law school and has never been able to pass the exam. I brought suit against my client's own insurance company as the Defendant did not have coverage on his vehicle. The matter was tried over three days, the jury was charged and verdict was rendered in favor of my client; regretfully not in sufficient amount to truly compensate him for his loss.

(c) Thomas v. Gulf Stream Coach, Inc. and Boat 'N RV Megastore

In this matter, my clients had purchased their dream RV and were set to achieve their lifelong dream of retiring and traveling the US in their RV. Within days of purchasing this luxury vehicle, it was rendered useless by the presence of fungus and mold. My client attempted to have the matter corrected by cleaning as thoroughly as possible and by taking the vehicle back to the dealer for assistance. It was discovered by the dealer that the floor of the vehicle had severe rot and that there was water leakage present. The dealer and manufacture outright refused to take repossession of the vehicle and left my clients with no recourse other than to seek

the assistance of an attorney. Resolution was attempted prior to filing, but the Defendant's proved unreasonable. The matter was filed in Common Pleas and was eventually subjected to binding arbitration. Verdict was rendered in favor of my client; to which the Defendant's promptly filed for appeal. The matter is now complete with all remedies for both sides exhausted; I am now waiting for my clients' award to be paid.

(d) Schwuchow v. Schwuchow

This matter involved a simple divorce on the statutory basis of one year's continuous separation. There were no children of the marriage and the only matter that was contested was the equitable division of the marital estate. My client was from Russia and had come over at the request of her husband to get married and start a new life with him. The relationship was a failure from the beginning due to the isolation that my client was subjected to by her husband. The parties major assets were the husbands retirement and the marital residence. Opposing counsel and I were able to work out the retirement matters very quickly. This left the marital home. It was the position of opposing counsel that my client was not entitled to any part of the residence or the land that the home was located on due to the facts that her client had inherited the land and had purposefully only used his own funds to pay for the house to be built. After extensive research on the matter, I was able to determine that my client was entitled to an equitable share of the home. The Defendant in the case had habitually taken the benefit of married filing joint and claimed the home on taxes to receive the additional benefit of that deduction. Through discovery, and extremely thorough research, I was able to convince opposing counsel that there was transmutation and that her client needed to make a substantial offer to buy out my client's share of that property. An offer was made that gave my client the ability to invest her share of the funds received and continue to move towards the better life that she had sought in coming to SC.

(e) United States of America v. Eliseo Milian Tapia

In this matter, I was appointed to represent Mr. Tapia who was charged with Conspiracy to Possess with Intent to Distribute Narcotics after he was arrested by a joint task force consisting of the Department of Homeland Security and the Beaufort County Sheriff's Department. While there was some evidence that my client may have know about what was taking place in the home that he was residing in, I felt that the evidence did not support the offense under which he was charged and that the evidence needed to be reviewed more closely. Discovery was conducted and I spent weekends reviewing the evidence that was collected by the joint task force. I pulled my Guidelines and line by line reviewed what the charge should have been, what the sentence should be and what deviation factors the Court should consider. I produced a motion for departure from the guidelines for the Court's consideration that outlined what the evidence actually presented against my client and why my client should be granted downward deviation from the Guidelines. Despite the Assistant United States' Attorney's arguments, the Court did find that there were mitigating circumstances that he should take into consideration and that justified the requested downward departure that greatly reduced the sentence that my client received from the Court.

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.

- (a) Amy Lynn Lapp v. South Carolina Department of Motor Vehicles, SC Court of Appeals 2010, 387 S.C. 500, 692 S.E.2d 565 (Reported);
 - (b) Khouri v. Harrison; SC Court of Appeals 2013, 2013-001148 (Unreported);
 - (c) Thomas v. Gulf Stream Coach, Inc. et al., SC Court of Appeals 2014, 2012-213361 (Unreported).
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.
N/A
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.
I serve as an associate municipal judge for the City of North Charleston and have been there since February 2012. I was appointed by the North Charleston City Council. I routinely handle extremely large dockets that primarily consist of matters that have been written on city citations, with the largest quantity of those being traffic tickets. Additionally, there many tickets issued for Criminal Domestic Violence, Disorderly Conduct, Public Intoxication, Driving Under the Influence, and other such misdemeanor offenses. In addition to the “routine” docket, I regularly handle Bond Court, and Code Enforcement Court. The jurisdiction of my court extends only to those matters for disposition that are misdemeanor offenses committed in the City of North Charleston; concomitantly as a judge for the City of North Charleston I set bonds for all offenses committed in the City of North Charleston (inclusive of those parts of the city located in Berkeley and Dorchester Counties) where North Charleston Police Department is the arresting agency, where the legislature has not designated that a Circuit Court judge must set the bond. The Court in North Charleston also does preliminary hearings for matters that occur in North Charleston in Dorchester County.
24. If the answer to question 23 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions.
- (a) City of North Charleston v. David W. Carter–North Charleston Court’s Return to Charleston County Common Pleas;
 - (b) City of North Charleston v. Yasheemah S. Law–North Charleston Court’s Return to Charleston County Common Pleas;
 - (c) City of North Charleston v. Robert Stephen Smith–North Charleston Court’s Return to Charleston County Common Pleas;
 - (d) City of North Charleston v. Shondell Devon Mitchell–North Charleston Court’s Return to Charleston County Common Pleas;
 - (e) City of North Charleston v. Jenni Baldovin–North Charleston Court’s Return to Charleston County Common Pleas.
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. If not, were you ever subject to a penalty?
N/A
26. 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.
3/2012–present: The Duffy Law Firm, LLC

- I perform the majority of the firms contested trials and carry a diversified caseload that includes family law, criminal law, civil litigation, and probate matters.
27. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
Yes, I submitted an application in August 2014 to fill Family Court, Charleston County, Seat 2. I understand that I was well received by both the local bar through the Ballot Box system and by the Citizens Committees here in Charleston. I also believe that I did well on the interview with the SC Bar and was told that I had received very high recommendations from my peers. I tested and passed; I also completed my public interview. Ultimately I was found to Qualified for the position but I was not one of the nominated candidates.
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?
- (a) I worked at my local Piggly Wiggly as a part time bag boy in High School (1992–1995).
 - (b) During college I worked at Connolly’s as a server and eventually a bartender, and for On the Border as a server. (1997–1999);
 - (c) After college I worked at Mistral (now closed) in Charleston as a server and bartender until entering law school (1999–2003).
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.
I am a member and senior partner of The Duffy Law Firm, LLC. We offer generalized legal services with an emphasis in family law. We have a business manager and assistant that works closely with me on my cases, and assists my wife in the day to day operations of our office. I also supervise one associate attorney that we have hired since the last election.
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.
- (a) I have regularly shared office space with Mr. Eric S. Durand, Esq. which has included the collection of rent income from him and have had several cases where we have split the fee. I would not permit Mr. Durand, Esq. to appear before me;
 - (b) Ms. Valerie Lowndes, Esq. was a mentee of both my wife and myself and worked for us while she awaited her bar results. I believe that since that time, we have worked a case or two with her where she was appointed to serve by the Court. Disclosure of the conflict was made so that the cases could be reappointed or progress as necessary. I would not permit Mrs. Lowndes to appear before me;
 - (c) My current associate, Ms. Rachel McKain, Esq., and my wife would not be permitted to appear in front of me due to the actual conflict of interest in my one-half ownership of the law firm we own as a marital asset. Following any severance of the Firm by Ms. McKain, I would also recuse myself from hearing any matter in which she was involved;
 - (d) I have over the years shared cases and fees with numerous attorneys and I am unable to recall them all. Should the issue of fee sharing or splitting be brought to my attention, I would advise the parties of such, ask them to make an election between waiver of conflict or rescheduling due to the conflict, and would proceed as elected by the parties. If the matter was a substantial fee share, I would simply recuse myself.

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?
No
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?
- (a) I was a named defendant in action 2013-CP-10-5567. This was an action brought against the City of North Charleston in which the Plaintiff named me, amongst numerous other persons, in my official capacity as a municipal judge for the City of North Charleston. A review of the Public Index shows that the matter was dismissed by the Court;
- (b) I was listed online as a defendant in action 2013-CP-10-6858. This matter was the foreclosure of my paternal aunt's home subsequent to her passing and I should not have been listed as a Defendant, but rather as the attorney handling the matter. It was an unfortunate scrivener's error on the part of the Clerk's office that could be easily remedied.
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.
My firm is covered by malpractice insurance and have carried it since the time that we open the firm. My office carries \$500,000.00 per incident with a deductible of \$5,000.
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?
- (a) I have a Facebook account that I used to keep updated on the happenings of friends from grade school through law school. I very rarely interact with any of the postings, but I enjoy seeing what is going on in the lives of my friends. I am not aware that I have any other social media accounts, and state to this commission that if any is found it is one that is not used and long forgotten about;
- (b) I have a LinkedIn account that I have not utilized in quite some time and cannot even remember the password;
- (c) I have been named on the website www.charlestonthuglife.com on one occasion. I have no affiliation with that person and no idea who he might be;

- (d) I would continue to use Facebook as a means to keep in touch with my friends. I am aware that there are several judges that keep accounts as well so that they can see what is happening in the lives of their friends, families and the attorneys in the area; however, I am not aware of any judge that interacts with any posting by the local attorneys in the area. This would be my strict policy as well regarding any attorney that my “friend” on Facebook. If directed by this Court to either remove all attorneys or discontinue the use of the account, I would follow that directive;
- (e) As to being name on the internet, I would have very little control over that issue and would simply strive to remain a fair and neutral judge and not draw any unwanted or unnecessary attention to my Court or the Family Court in General.
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.
I am not aware that any such allegations being brought against myself or the other candidates that I know are running.
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.
I am not aware of any violation on my part, or on the part of the candidates that I am aware of, as to this provision.
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.
None
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?
I have made no such requests, and am not aware of any requests being made 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?
N/A
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) Charleston County Bar Association;
(b) SC 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) Hibernian Society; I am a member of the Social Committee. This is an Irish historical for the promotion of Irish History and Culture;
(b) Charleston Rifle Club: I am presently the Club's Solicitor and held the previous position of Director of Membership. I regularly engage in the league bowling there. The Club is a charitable organization that is well known for its annual bowling competition for the March of Dimes;
(c) SC Irish Historical Society: The SC Irish Historical Society is a society that promotes Irish culture and heritage. The Society was instrumental in securing the Irish memorial located in Charleston. To be a member of this Society one must prove that they are of Irish decent.
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.

Throughout my life I was always told that I would be a lawyer; it was in my blood. I fought against this notation for several years after graduating from college before I really thought about what I wanted to do, and I realized that being a lawyer was what I wanted and that it was in my blood. My family has taken a very active role in the legal community in Charleston, and it was a tradition that I wished to continue. In all, there are six attorneys in my family: the Honorable John Lawrence Duffy, Jr. (Mt. Pleasant and Sullivan's Island Municipal Courts), the Honorable Michael P. Duffy (US District Court), Brian C. Duffy of Duffy and Young, myself, Tim Amey and my wife. Each member of my family has sought to assist in the access of the legal system to the underprivileged and has always taken the position or role that they occupy seriously and with great consideration as to the outcome. This is a tradition that I wish to continue by seeking to fill this position. I want to continue to serve the people of SC by being a fair, neutral, and considerate member of the Judiciary. I want to serve on the Family Court bench in particularly as I believe making an impact on the lives of children and families will give us the best chance for societal progress.

As an Assistant Judge in North Charleston, I have become known to being fast, thorough and fair in my rulings. I am known for permitting the parties to present their cases and for ruling as the law requires. I will not “rubber stamp” a ticket simply because the matter was brought to me by the police. We were told in Judge’s School that the number one complaint of litigants was that they did not feel that the Court had “heard” them on their concerns. I have taken that matter to heart, and I ensure that the litigants are heard, and, to the best of my abilities explain to them why I can or cannot rule as they are requesting.

I love being a judge. I love the new challenges that are presented on a daily basis. I love being a municipal judge and will continue to do that if I am unsuccessful in securing this position. Family Court requires a high degree of nuance and creativity that you do not see in other areas of the law. Family Court permits litigants to be creative and to show the Court new perspective with every case. Family Law develops and changes; I want the challenge of that constant fluidity and to know every morning where I am going to work, but never knowing what will be presented to the Court. Additionally, I have made strong contacts with several members of the Family Court Bench and have been told that they are not just a group of officials who get together, but they are a family that relies on each other. This is the group of professionals I would be honored to spend my career with if selected for this position and for as long as I was permitted to have the pleasure.

It was also mentioned in my last application that I concerns about my daughter and seeing her. She has grown amazingly during the last year, and I believe the concern has been quelled. My wife has great flexibility as a law firm owner to ensure that I will have daily contact with my daughter; I have a strong and supportive partner in my wife. With that understanding and reliance, I have no further concerns about being away from my child for any period of time.

53. References:

- (a) Denise Orvin, Assistant Vice President
NBSC – Charlestown Square Branch
2407 Mall Drive
N. Charleston, SC 29406
843-529-2030
- (b) Charles Condon, Esq.
Charlie Condon Law Firm, LLC
880 Johnnie Dodds Blvd.
Mt. Pleasant, SC 29464
843-884-8146
- (c) J. Brady Hair, Esq., Law Office of J. Brady Hair
2500 City Hall Lane
N. Charleston, SC 29406
843-572-8700
- (d) Christopher A. Skipper, Esq.
The Skipper Law Firm, LLC
15 State St.
Charleston, SC 29402
843-723-7177

- (e) Ann Frances Bleecker, Esq.
The Bleecker Law Firm, LLC
PO Box 30245
Charleston, SC 30245
843-571-2725

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.
- 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/John Lawrence Duffy, III

Date: August 9, 2015