

JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE



Court, Position, and Seat # for which you are applying: Family Court, Ninth Judicial Circuit,
Seat 1.

1. Name: The Honorable Daniel E. Martin, Jr.
Name that you are known by if different from above: a/k/a Danny Martin
Are you currently serving in some capacity as a judge? Yes. Charleston County Family Court Judge
Business Address: 100 Broad Street, Suite 241
Charleston, SC 29401
Telephone Number: (office): 843-958-4416
2. Date of Birth: 1963
Place of Birth: Charleston, 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 April 29, 1989 to Reba Zealena Hough-Martin. Never divorced,
two children.
6. Have you served in the military? No
7. List each college and law school you attended, including the dates of your attendance, the
degrees you received, and if you left an institution without receiving a degree, the reason for
your departure.
 - (a) Howard University (1980–Dec 1984) BA;
 - (b) University of SC School of Law (1985-1988) 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 in 1989-I took the bar examination twice.
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) Campus Pals (1982-1984);
 - (b) Political Science Club (1982-1984);
 - (c) SC Club-president (1983-1984);
 - (d) Alpha Phi Alpha Fraternity (1983–present);
 - (e) BLSA (1985-1988);
 - (f) Inns of Court (1987-1988);
 - (g) House Judiciary Committee law clerk (1986-1988).
10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) SCAJ Auto Torts XXXII	12/04/09;
(b) SC Bar Estate Planning for Elderly	02/10/10;
(c) SC Bar Ethics in Digital Communication	02/18/10;
(d) SCBLA Annual Retreat	10/01/10;
(e) SCAJ Auto Torts XXXIII	12/03/10;

- | | | |
|-----|--|-----------|
| (f) | FCJA 2011 Family Court Judges Conference | 06/01/11; |
| (g) | SCCA 2011 Orientation School/New Judges | 06/08/11; |
| (h) | SCCA 2011 Annual Judicial Conference | 08/17/11; |
| (i) | SC Bar 2011 SC Family Law | 12/02/11; |
| (j) | SC Bar Family Law Section | 01/20/12; |
| (k) | FCJA 2012 Family Court Judges Conference | 04/18/12; |
| (l) | SCCA 2012 Orientation School/New Judges | 05/30/12; |
| (m) | SCCA 2012 Annual Judicial Conference | 08/22/12; |
| (n) | Mandatory Family Court Judges | 12/06/12; |
| (o) | SC Bar Family Court Bench Bar | 12/07/12; |
| (p) | SC Bar Family Law Section | 01/25/13; |
| (q) | FCJA 2013 Family Court Judges Conference | 04/17/13; |
| (r) | SCCA 2013 Annual Judicial Conference | 08/21/13; |
| (s) | SC Bar 2013 Family Court Bench Bar | 12/06/13; |
| (t) | SC Bar Dispute Resolution Section | 01/23/14; |
| (u) | SC Bar Family Law Section | 01/24/14; |
| (v) | FCJA 2014 Family Court Judges Conference | 04/23/14; |
| (w) | SCAJ 2014 Annual Convention | 08/07/14; |
| (x) | SCCA Annual Judicial Conference | 08/20/14; |
| (y) | SC Bar Family Court Bench Bar | 12/05/14; |
| (z) | SC Bar Family Law Section | 01/23/15. |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- (a) I made a presentation at the New Judges School held in Columbia in 2012. I spoke about my experience as a new judge and gave reflections on things I learned during my first year. I also shared with the new judges things to consider in their day to day life on the bench.
- (b) I was a presenter at the 2014 SC Bar convention held on Kiawah Island. The presentation was on mediation and arbitration. As more and more counties were moving towards mandatory mediation, I explained the process of engaging litigants in mediation and the value of such services to the judicial system.
12. List all published books and articles you have written and give citations and the dates of publication for each.
Not Applicable
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-May 17, 1989;
- (b) US District Court for the District of SC-May 4, 1990;
- (c) US Court of Appeals for the Fourth Circuit-December 29, 1990.
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) | Private practice at Martin and Martin | 1989-2011; |
| (b) | Part-time Charleston County Magistrate | 1989-1993; |

(c) Family Court Judge

2011-present.

Since graduating from law school, I served for nearly four (4) years as a Magistrate for Charleston County (part-time) and presided over Small Claims Court, landlord tenant disputes and claim and deliveries. I also presided over preliminary hearings and Bond Court from time to time. I held that position from 1989 until 1993 and resigned to dedicated myself to the full time practice of law. I practiced law at 61 Morris Street with my father, Daniel E. Martin, Sr., from 1989 until I was elected to the Family Court in 2011.

In my general practice of law, I concentrated heavily in domestic relations and real estate. I had substantial experience in wrongful death cases, medical malpractice actions, excessive use of force actions, personal injury claims, wills and estates, general tort law, criminal defense and land disputes. I also served as legal counsel of the Town of Lincolnton from 1991-1998 and served as Grand Legal Advisor for the Prince Hall Affiliated Grand Lodge of the state of SC. I handled title work for the Charleston County Roadwise Project and was responsible for real estate closings involving the purchase of right-of-ways and land acquisitions. I represented SC State University in several lawsuits.

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.

Unknown. I don't know if I've ever received a rating.

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.

Prior to serving as a Family Court Judge, I served for nearly four (4) years from 1989 until 1993 as a Magistrate for Charleston County (part-time) and presided over Small Claims Court. I was appointed to this position after being recommended by then Senator Herbert U. Fielding and the Charleston County Delegation. The Court was located in downtown Charleston (Old Citadel Complex) and handled landlord tenant disputes, claim and deliveries and civil claims up to \$5,000.00. As a magistrate, my duties also included the issuance of arrest warrants and search warrants. Also, I occasionally presided over bond court and preliminary hearings.

In February, 2011, I was elected by the SC General Assembly to Seat One (1) of the Charleston County Family Court. I was sworn in on April 15, 2011. As a Family Court Judge, I preside over adoptions, divorces, separations, paternity actions and child support enforcement proceedings. I also preside over child abuse and neglect actions, juvenile delinquent adjudications, vulnerable adult interventions and name changes.

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) Margaret Anne Curry vs. Allen T. Curry, Case No. 2010-DR-10-3738, Appellate Case No. 2011-198030

This was the first contested trial over which I presided the first week I served on the bench in Charleston. This was a divorce action. The parties had been married thirty-three (33) years and had accumulated a significant marital estate. The parties made allegations of habitual drunkenness against each other as the grounds for the divorce. The Court determined that the wife had proven her allegations of habitually drunkenness but that the husband had failed to substantiate similar claims against the wife. The Court divided the marital estate by awarding the Wife forty-five (45%)

percent of the marital estate. The husband appealed. The Court affirmed the decision but made a slight modification to the division;

- (b) Adoptive Couple vs. Baby Girl, Birth Fathers and the Cherokee Indian Nation, Case No. 2009-DR-10-3803. Appellate Case No.: 2011-205166 (Final Decree and Enforcement Orders)

This action involved custody of a minor child of Cherokee Indian decent. The mother, a white female, and father, a native of the Cherokee tribe, had a child out-of-wedlock. (The child has since come to be widely known as Baby Veronica) The child was placed for adoption without the knowledge of the father. Unbeknownst to the biological father, the adoptive parent obtained physical custody shortly after the child's birth. After later becoming aware of the pending adoption action, the biological father and the Cherokee Indian Nation objected to the adoption. At the adoption hearing, the trial judge granted the biological father's counter petition for adoption. The child was placed with the father and both left SC and moved to Oklahoma.

The adoptive parents appealed the case. A media storm brewed in SC and Oklahoma. The SC Supreme Court ultimately reversed the lower Court decision and remanded the case to Charleston County. I was assigned the case. At the first hearing, the Court approved the petition for adoption filed by the adoptive parents and issued a Decree of Adoption. The Court ruled that the child was to be returned to SC immediately. Because the father failed to comply with my ruling, it was also necessary to issue orders to enforce the ruling. The unfolding situation drew national attention with governors of both SC and Oklahoma getting involved. The father, after exhausting efforts in the Oklahoma state court system, the Indian tribal court system and the federal court system, ultimately allowed the child to be returned with her legal parents to SC;

- (c) SCDSS vs. Lorena Castillo and Jovanny Contreras, Case No. 2013-DR-10-1276

This unfortunate case involved the death of an infant who was born to the Defendants. The one (1) year old was discovered in her bed not breathing. Four days before his demise, the child was taken to MUSC hospital by his mother for treatment for what the mother thought was poor respiration and problems with his breathing. He was discharged with a night watch system designed to monitor his heart rate and respiration. He was discovered breathless and unresponsive the same night of his discharge. He was taken to the hospital by EMS and was taken off life support five (5) days later. SCDSS initiated this action seeking a finding of substantial risk of harm of physical abuse and physical neglect.

The official cause of death was an anoxic brain injury. There was no prior history of either parent abusing or neglecting the children. The Coroner and an expert witness testified at the hearing. The Plaintiff also presented a videotape of a reenactment of the events involved including the deceased child's last evening at the mother's home. The Court found that the evidence failed to link the child's cause of death with anything that the mother did or failed to do. The Court determined that the burden of proof had not been met by the Plaintiff and the action was dismissed;

- (d) Alex Charles Grech vs. Brittany Mason, Case No.: 2013-DR-10-4236

In this custody action, the father and mother each sought sole custody of their minor daughter. The parties had never been married to one another but did briefly live

together in the home of the father's parents. The father pursued higher education and left the newborn and mother at home with his parents. The paternal grandparents became attached to the child. The mother soon left the home and took several jobs before getting established on her own. The father, after returning back to live in his parents' home, brought an action for custody. The mother married and found stable employment with benefits in Georgia. This case involved issues including custody, out-of-state visitation, child support and the award of attorney fees. The Court decided that custody should be awarded to the mother although she now lived in Georgia;

(e) Garfield Capers vs. Rosemarie Capers, Case No.: 2013-DR-10-3379

In this case, the parties ended a 24 year marriage. Although the Defendant represented herself in the action, she was well prepared and served herself well. The parties resolved some issues involving personal property. Issues involving equitable apportionment of real property, retirement and alimony were unresolved. The Court ordered that the marital home be sold and the proceeds be equally divided between the parties. The Court also determined that lump sum alimony would be appropriate and ordered that it be paid in equal monthly payments. The Court assessed the factors for considering an award of attorney fees and ordered the Defendant to pay fees and expenses to the Plaintiff's counsel. The order detailed the Court's assessment of factors in each of the relevant areas.

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.
No
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.
None
27. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
No
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?
I did have an interest in a restaurant known as Porgy's Other Place that lasted about a year. The business dissolved in 2008.
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.
None
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 recall that my name appeared as a Defendant in a federal lawsuit brought by a Ms. Rosa Pringle years ago. I don't recall ever being served with the action and believe that it was dismissed as a frivolous lawsuit. I was made aware of it when I was screened for this position in 2010. I have no further details about this matter and believe that it happened more than 15 years ago;
 - (b) There were three lawsuits in which I was named as a co-Defendant because I held a judgment against Lawrence E. Smith. The lawsuits were brought by lenders who held a security interest in real property owned by Mr. Smith. I was named in foreclosure proceedings against Lawrence Smith to determine the priority of liens and judgments filed against him. My judgment was never satisfied. The actions are Georgetown Greenhouse, Inc., vs. Lawrence E. Smith, Case No. 2008-CP-10-7049; Palmetto Mortgage Corporation vs. Lawrence E. Smith, Case No. 2009-CP-10-6913; and Wells Fargo Bank vs. Lawrence E. Smith, Case No. 2010-CP-10-6334. No judgments were issued against me as a result of these actions;
 - (c) I was appointed by the Charleston County Probate Court to serve as Special Administrator for the Estates of Richard and Florence Simmons. The Simmons died leaving a heavily mortgaged home with heirs unwilling to pay. The property was listed for sale and the mortgagor initiated a foreclosure action. The action, although naming me a Defendant, was filed after another Special Administrator had already been substituted in my stead. That action was filed under case no. 2011-CP-10-4828. The lender obtained the property in satisfaction of its lien. A quiet title action was later brought to clear delinquent taxes on the lot held by Florence Simmons by Equitable, Inc., (Case No.: 2012-CP-10-7567). I was not served with that action. No judgments were issued against me as a result of these actions;
 - (d) Jerry Dotson vs. Ben Smith, et. al., Case No.: 2002-CP-10-1729. In 2001, I was named as a co-Defendant as a result of an error in drafting a deed used in a real estate transaction. The seller of a parcel of land initiated the action after our office incorrectly failed to use the correct legal description. As a result, the purchaser inadvertently acquired an undeveloped adjoining lot owned by the seller. After the mistake was discovered, the buyer refused to voluntarily return the lot. The seller filed an action against the buyer. Having been the person responsible for drafting the deed, I was also named as a co-Defendant. I consented to the entry of a judgment which was satisfied through my professional liability insurance company. I was represented by Attorney John Massalon;
 - (e) Since becoming a judge, I was named as a Defendant as a result of my service on the bench. The Cherokee Nation, in an effort to prevent me from holding a hearing in the matter of Adoptive Parents vs. Baby Girl a/k/a "Baby Veronica" case, attempted

to obtain a temporary restraining order against me. The action was filed in the US District Court under V.B., by her Next Friend, Angel Smith vs. Daniel E. Martin, Jr., Judge, Family Court for the Ninth Judicial Circuit, Civil Action No. 2:13-cv-02073-DCN-BM. J. Emory Smith, Jr., Deputy Solicitor from the Office of the SC Attorney General was appointed to represent me. The action was dismissed.

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.
Not applicable
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
No
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.
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?
No
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
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?
No
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) Charleston County Bar Association, Executive Board member (1994-1995);
 - (c) SC Black Lawyers Association, (former treasurer).
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) Alpha Phi Alpha Fraternity, Inc.;
 - (b) Prince Hall Masons, Nehemiah Lodge No. 51;
 - (c) AAONMS, (Shriners) Arabian Temple No. 139, Past Potentate;
 - (d) George Washington Carver Consistory No. 162;
 - (e) United Supreme Council of 33 Masons;
 - (f) Sigma Pi Phi Fraternity, Inc.;
 - (g) SC Children's Act Task Force.
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.
During my life as a member of the bar, I participated in many activities which made me a well-rounded individual. In addition to the activities already mentioned above, I served as a member of the board of trustees of Mother Emanuel AME Church in Charleston, served as a board member of the Canon Street YMCA, and a board member for the Avery Center for African American History and Culture. I served as a commissioner for Mayor Joseph

Riley's Commission for Children and served on the City of Charleston Community Development Advisory Committee. I served as the legal advisor for the Prince Hall Affiliated Grand Lodge of the State of SC.

As a husband and father, I have taken an active role in the rearing of my two children and participated in their school functions, church involvement and extra-curricular activities. I have been fortunate enough to travel with them out of the country and to have them exposed to other cultures. My son graduated from Howard University with honors and will attend the University of SC School of Law this fall. My daughter will begin her senior year in high school in August. My wife of 26 years has been supportive of my career and she has established herself as an advocate for the less fortunate as deputy director of Palmetto CAP, a community service organization headquartered in Charleston County.

Additionally, my training as a lawyer and a successful businessman is due in no small part to the guidance and inspiration I received from my father, Daniel E. Martin, Sr. My father's experience as a lawyer, prosecutor, member of the General Assembly and Circuit Court Judge exposed me to the highest standards of ethics, professionalism and judicial temperament. Most importantly, he dedicated his life to service to the community and demonstrated by example that sacrifice is required of all who have been afforded opportunities not available to others. It is if for that reason that our office consistently offered quality legal service at fees well below the average costs for lawyers in the Charleston community for more than 40 years.

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

- (a) Barry Baker, Esquire
One Carriage Lane, Bldg. H
Charleston, SC 29417-1265
- (b) Paul W. Garfinkel, Esquire
Young, Clement, Rivers, LLC
25 Calhoun Street, Suite 400
Charleston, SC 29401
- b) Willi Glee, Esquire
2311 C Tail Sail Drive
Charleston, SC 29414
- c) Howard Yates, Esquire
42 Broad Street
Charleston, SC 29401
- (e) Theresa Blanchard
Wells Fargo
16 Broad Street
Charleston, SC 29401
(843) 937-4191

54. Describe any interest you or a member of your immediate family has in real property:
None

- (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.

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/Daniel E. Martin, Jr.

Date: July 30, 2015