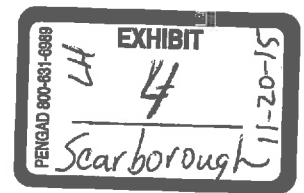


**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**



Court, Position, and Seat # for which you are applying: Charleston County Master-in-Equity

1. Name: The Honorable Mikell Ross Scarborough  
Name that you are known by if different from above:  
Are you currently serving in some capacity as a judge? Yes. Master-in-Equity  
(Includes Municipal, Magistrate, Etc.)  
Business Address: 100 Broad St. Suite 266  
Charleston, SC 29401  
Telephone Number: (office): (843) 958-5070
2. Date of Birth: 1958  
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 January 11, 1986 to Mary Elizabeth LeMacks Scarborough.  
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 University of the South, Sewanee, TN. 1976-1980, BA w/ honors in History;
  - (b) The University of SC School of Law, 1980-1983, 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, 1983
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) Junior Varsity Soccer Team, Sewanee, 1976 and 1977;
  - (b) Tennis Team, Sewanee, 1976 and 1977;
  - (c) Attended Institute for European Studies, Vienna, Austria, 1979;
  - (d) Attended University College, Oxford University, England, Summer 1979;
  - (e) Member, Order of Gownsmen (Dean's List), sophomore, junior and senior years;
  - (f) Member, USC Law School National Trial Competition Team, 1982- 1983;
  - (g) Student Practice Rule Attorney, SC Attorney General Criminal Division, PCR Section, 1983;
  - (h) Vice-President, International Law Society, USC Law School, 1982-1983.
10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Dates</u>
(a) SCCA 2009 Annual Judicial Conference	8/19/2009;
(b) SC Bar 2009 Master-in-Equity Bench/Bar	10/09/2009;

- (c) SC Bar 2010 Convention 1/21/2010-1/24/2010;
  - i. Alternative Dispute Resolution
  - ii. Hot Topics on Mortgage Foreclosure
  - iii. Civil Law Update
  - iv. Winning the War on Real Estate
  - v. Breakfast Ethics
- (d) NCSC Case Flow Management 4/26/2010-4/28/2010;
- (e) PESI Easements and Rights of Way 6/18/2010;
- (f) SCAJ 2010 Annual Convention 8/05/2010;
- (g) SCCA 2010 Judicial Conference 8/18/2010;
- (h) 2010 Master-in-Equity Bench/Bar 10/08/2010;
- (i) NJC Evidence in a Courtroom Setting 11/07/2010;
- (j) JPAIC Membership Meeting of the Petigru Inn of Ct 11/10/2010;
- (k) CCBA Basics of Land Surveying Seminar 12/15/2010;
- (l) SC Bar 2011 Convention 1/20/2011-1/23/2011;
  - i. Alternative Dispute Resolution
  - ii. Part 1: Torts & Insurance Practices/YLD
  - iii. Trial & Appellate Advocacy Section
  - iv. Real Estate Practices Section
  - v. Breakfast Ethics
- (m) NJC Civil Mediation 3/28/2011;
- (n) CCBA Luncheon Seminar at the Rice 5/06/2011;
- (o) SCAJ 2011 SCAJ Annual Convention 8/04/2011;
- (p) SCCA 2011 Annual Judicial Conference 8/11/2011;
- (q) NBI What Civil Court Judges Want You 9/16/2011;
- (r) NJC Best Practices in Handling SRL 9/18/2011;
- (s) SC Bar Master-in-Equity 2011 10/14/2011;
- (t) SC Bar 2012 Convention 1/19/2012-01/22/2012;
  - i. Dispute Resolution Section
  - ii. Corporate, Banking & Securities
  - iii. Trial & Appellate Advocacy Section
  - iv. Real Estate Practices Section
  - v. Breakfast Ethics
- (u) SCCJC Annual Circuit Court Judges Conference 5/2/2012;
- (v) NJC Enhancing Judicial Bench Skills 5/6/2012;
- (w) SCCA 2012 Annual Judicial Conference 8/22/2012;
- (x) NJC Advanced Civil Mediation 10/01/2012;
- (y) SC Bar Master-in-Equity 2012 Bench Bar 10/12/2012;
- (z) SC Bar Trial and Appellate Advocacy Section 1/25/2013;
- (aa) SC Bar Bridge the Gap 3/11/2013;
- (bb) NJC Judicial Philosophy and American Law 4/22/2013;
- (cc) SCCJC Spring Conference CLE 5/1/2013;
- (dd) CCBREP What's New in Mortgage Foreclosure 5/24/2013;
- (ee) SCAJ 2013 Annual Convention 8/1/2013;
- SC Bar Bridge the Gap 8/5/2013;
- (ff) SCCA 2013 Annual Judicial Conference 8/21/2013;

- (gg) SC Bar Bridge the Gap 1/2/2014;  
 (hh) SC Bar 2014 Bar Convention 1/23/2014-1/26/2014;  
 i. Dispute Resolution Section  
 ii. Trial and Appellate Advocacy Section Civil Law Update  
 iii. Corporate, Banking & Securities Law Section  
 iv. Real Estate Practice Section  
 v. Breakfast Ethics  
 (ii) SC Bar Bridge the Gap 3/10/2014;  
 (jj) SC Bar Bridge the Gap 8/4/2014;  
 (kk) SCCA 2014 Annual Judicial Conference 8/20/2014;  
 (ll) SC Bar Master-in-Equity Bench/Bar 10/10/2014;  
 (mm) SC Bar Bridge the Gap 1/9/2015.
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- (a) Taught CLE courses through National Business Institute (NBI) from 1995-1999 in areas of Personal Injury and Premises Liability;
- (b) Taught CLE seminar through SC Bar on Transfer of Juveniles from Family Court to General Sessions Court in 1987;
- (c) Taught Paralegal courses at Columbia Junior College, Midlands Technical College and Trident Technical College from 1988- 1993;
- (d) Lecturer at the Master in Equity Annual CLE in 2005, 2006, 2007 & 2008;
- (e) Co-taught w/Steve Spitz Equity course at Charleston School of Law in Fall 2013;
- (f) Lectured on the Equity Court at "Bridge the Gap" Seminars from 2013-2015;
- (g) Lecturer to Charleston Young Lawyers Club on "Civility & the Law," 2005;
- (h) Lecturer to Charleston Trident Realtors Assoc on Foreclosure Trends, 2010-2013;
- (i) Lecturer at SC Assoc of CPAs at Litigation Conference in 2007;
- (j) Lecturer at National Assoc of Legal Assistants, Charleston, SC 2014.
12. List all published books and articles you have written and give citations and the dates of publication for each.  
 All materials published have been in conjunction with the courses taught above.
- (a) S.C. Master in Equity Seminar, Easements and Equitable Remedies (SC Bar CLE 2005), Coordinator and Contributing Author;
- (b) S.C. Master in Equity Seminar, "How to Impress the Judge" (SC Bar CLE 2006), Presenter and Author;
- (c) S.C. Master in Equity Seminar, "The New Heirs' Property Statute" (SC Bar CLE 2008), Presenter and Author.
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) 1983-SC Bar and US District Court for SC;
- (b) 1984-US Fourth Circuit Court of Appeals;
- (c) 1988-US Supreme Court.
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) Judicial Law Clerk 1983-1984; Owens T. Cobb, Jr. Fifth Judicial Circuit;
  - (b) Judicial Law Clerk 1984; A. Lee Chandler, SC Supreme Court;
  - (c) Crag K. Davis, Esq., for several months in 1984-1985;
  - (d) Donald V. Myers, Solicitor of the Eleventh Judicial Circuit, Lexington, SC 1985-1987;
  - (e) Kennedy, Price & Dial, 1987-1991, associate in general civil trial practice defense;
  - (f) Wyckoff, Norfleet & Scarborough, 1991-1993, partner with general civil trial plaintiff;
  - (g) Garrett Law Offices, 1993-1999, associate, then partner, in general civil and criminal practice firm on both plaintiff and defense side;
  - (h) Mikell R. Scarborough, Attorney at Law, 1999-2003, general trial practice in all courts and real estate matters; certified circuit court mediator since 1999;
  - (i) Master-in-Equity for Charleston County serving continuously since 2003.
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.  
BV rating with Martindale-Hubbell
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.  
Appointed Charleston County Master-in-Equity in 2003 and serving continuously since.
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) Pendarvis v. Cook, 2004-CP-10-3999, lawsuit involving an easement implied by prior use between property owned by former Stepmother and stepsons. Affirmed by Court of Appeals. 329 SC 528 (Ct. App. 2011)
  - (b) Historic Charleston Holdings v. Mallon, 2002-CP-10-4149, lawsuit involving dissolution of a limited liability corporation (LLC). The Court of Appeals, 365 SC 524 (Ct. App. 2005) affirmed in part and reversed for an accounting but the Supreme Court reversed the Court of Appeals and ended the matter. 381 SC 417 (2009).
  - (c) Fox v. Moultrie, 2005-CP-10-2532, involved interpretation of federal law and regulations to county tax sales. Affirmed by Supreme Court. 379 SC 609 (2008).
  - (d) Mikell v. County of Charleston, 2004-CP-10-2864, a zoning case in which a planned unit development (PUD) was sought on Edisto Island. The Court of Appeals reversed my decision, 375 SC 552 (Ct. App. 2007) but the Supreme Court affirmed. 386 SC 153 (2009).
  - (e) Ross Marine v. Query, Sautter & Gliserman, LLC, 2004-CP-10-2857, lawsuit where Plaintiffs sought to remove Defendant's counsel due to an alleged conflict of interest where I found none. Affirmed by Supreme Court. 380 SC 494 (2009).
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.
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?  
I was a candidate for Richland County Council in 1990. I won the Republican primary but lost in the general election.
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?  
Yes. I am the controlling member of Maybank Highway, LLC and MRSMIE, LLC. I am also a director of Essex Research Corp. (see below)
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.
- (a) I am sole member of Maybank Highway, LLC which owns my former law office building at 2043 Maybank Highway, James Island, SC. This is a residential lease for which the company obtains rent and pays on the mortgage which I have personally guaranteed;
  - (b) I am controlling member of MRSMIE, LLC, a family limited liability company. MRSMIE also has an interest in several other family limited liability corporations (LLCs). MRSMIE is the managing member of BLH Eagle, MRH Family, WOH, and Duck Pond Hill but owns no direct interest in Duck Pond Hill;
  - (c) I am a member of EHC, LLC;
  - (d) The corporations named in b and c above own unimproved real estate in Charleston County. The land is planted in timber and some parcels are leased for hunting purposes;
  - (e) Essex Research Corp. is a family owned investment company located in Wilmington, DE. The sole shareholder is Charlotte H. Watts. Since 2013, I have served as President upon the death of my life-long friend Bill Watson, Charlotte's son. We meet once a year.
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.  
I know of no current conflicts of interest; however, in the event this issue should arise, I would first seek to avoid the conflict of interest and, if not successful, recuse myself or withdraw from any potential matter. Canon 3E, Rule 501, SCACR, Judicial Conduct.
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?
- (a) I was arrested, charged and pled guilty to simple possession of marijuana while a student at Sewanee in 1980. I paid a fine and the case was ended. To the best of my knowledge the case file was closed and the record expunged. I disclosed this offense on my Bar application to the Committee on Character and Fitness.
  - (b) I was arrested and charged with simple assault and battery following a melee in a bar in Columbia in 1988. These charges were later dismissed and the record expunged.
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?
- Yes.
- (a) I am a named defendant in an action captioned PCS v. Ross Development Corp. 2:09-CV-3171-MBS. The case involves CERCLA liability for clean-up of contaminated property in the neck area of Charleston County. Judgment was entered for the Plaintiffs and post-trial motions are pending before Judge Margaret Seymour in US District Court;
- (b) A corollary case pending in State Court PCS v. Buhrmaster, 2008-CP-10-5269, seeks to disgorge distributions made to the shareholders of Ross Development Corp;
- (c) I was a defendant in a foreclosure action where I held a third mortgage. Christiana Bank v. Leverne Lee, 2007-CP-10-948. The matter was referred to David Chard, Special Referee. The property was sold on Nov. 6, 2007 and the mortgage lien extinguished.
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.
- N/A
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 have a Facebook account but am not active in its use. I mainly use it to find and contact old friends. I do not "friend" lawyers as a matter of course and practice.
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?
- I have received an invitation from the SC Association for Justice (SCAJ) to attend their annual meeting in Hilton Head, SC from August 6-9, 2015. SCAJ provides lodging and covers the cost of the conference. I have generally attended every other year. I did not attend in 2014 but expect to attend this year. The value of the stay and conference fee is about \$700 as reported on previous Financial Disclosure Forms (Rule 501).

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 have not used my position for any economic benefit of myself or family and I am not aware of any pending charges or allegations as to such.

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? 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;

(b) Charleston County Bar;

(c) James L. Petigru Inn of Court, Judicial Officer for the Executive Board, 2015;

(d) American Bar Association.

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) Vestry member and Junior Warden, St. Michael's Church, 2014-present;
  - (b) James L Petigru Inn of Court, since 2011. Judicial Member of Executive Board, 2015.
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.
- I believe that my experience, knowledge and love of Charleston County has enhanced my service to the citizens of Charleston County as Master-in-Equity. I love this community and look forward to the daily opportunity to enhance it in any manner in which I am best able. I believe my legal experience as well as life experience makes me well-suited for this position—both in knowledge of the law and in temperament for this position of public trust. I have truly enjoyed this job and welcome the opportunity of continued public service in this position for years to come.
53. List the names, addresses, and telephone numbers of five persons, including your banker, from whom references could be obtained.
- (a) Doug Sass,  
Bank of South Carolina,  
151 Meeting St.  
Charleston, SC 29401  
843 724-1503
  - (b) Rev. Al Zadig,  
Rector, St. Michael's Church,  
71 Broad St.,  
Charleston, SC 29401  
843 723-0603
  - (c) Thomas J. Masi,  
CLU, Investment Services Corp.  
925 Wappoo Rd., Suite B,  
PO Box 31058,  
Charleston, SC 29417  
843 571-2372
  - (d) Jeannie Lyles,  
760 Creekside Dr.,  
Mt. Pleasant, SC 29464  
843 849-6294
  - (e) Meredith Buyck,  
306 Molasses Lane,  
Mt. Pleasant, SC 29464  
843 442-2305
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/Mikell Ross Scarborough

Date: August 6, 2015