

**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:

1. Name: Honorable Elizabeth Biggerstaff York

Name that you are known by if different from above  
(Example: A Nickname): Beth

Are you currently serving in some capacity as a judge?  
(Includes Municipal, Magistrate, Etc.) Yes. Municipal Judge for the Town of  
Hartsville

Home Address: [REDACTED]

Business Address: 130 East Camden Avenue  
Hartsville, SC 29550

E-Mail Address: [REDACTED]

Telephone Number: (home): [REDACTED]  
(office): 843-332-1163

2. Date of Birth: [REDACTED], 1969  
Place of Birth: Lancaster, SC  
Social Security Number: [REDACTED]

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

4. SCDL# or SCHD#: SCDL [REDACTED]  
Voter Registration Number: [REDACTED]

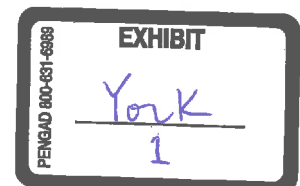
5. Family Status: In the space below, (a) state whether you are single, married, widowed, divorced, or separated; (b) if married, state the date of your marriage and your spouse's full name; (c) if you have ever been divorced or are in the process of obtaining a divorce, state children and their ages. If your children are old enough to work, include the occupation of each child.

Family Status: Divorced.

Divorced on February 6, 2013, Darlington Co., S.C. Family Court, Ms. York was moving party, One Year's Continuous Separation.

Two children:

[REDACTED]



Family Status: Divorced

Divorced on December 18, 1998, Chesterfield Co. S.C. Family Court. Ms. Harris was moving party, One Year's Continuous Separation.

No children of this marriage.

6. Have you served in the military? If so, give the dates, branch of service, highest rank attained, serial number (if applicable), present status, and the character of your discharge or release. No military service.
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) University of South Carolina, 1987-1991, BA
  - (b) University of South Carolina School of Law, 1991-1994, 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.

Admitted to the South Carolina Bar in 1994. This is the only bar exam that I have taken. I am not licensed to practice in any other states.
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 Senate 1988 until 199, Finance Committee Chairman, Chaplain
  - (b) Alpha Delta Pi Sorority, 1989-1991, Social Chairman
  - (c) Student Bar Association, class delegate, 1991-1994
  - (d) Mortar Board, Social Chairman
  - (e) Phi Beta Kappa
10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE</u>	<u>Dates</u>
(a) 2010 Children's Law Conference	11/05/2010
(b) Mini Summit on Justice for Children	12/02/2010
(c) What Matters Most: Children, Families and the Courts	01/22/2011
(d) Breakfast Ethics Seminar	01/23/2011
(e) Family Court Issues at Home and Abroad	01/21/2011
(f) Law Office Technology	01/20/2011
(g) J. Waites Waring and the Dissent	05/19/2011
(h) Children's Law Center-DSS Seminar	12/09/2011
(i) Law Office Technology	01/19/2012
(j) Breakfast Ethics	01/22/2012
(k) Prosecuting Child Sexual Abuse Cases in Family Court	05/31/2013
(l) Teaching Credit-Yikes, I've gotten a DSS Appointment	09/11/2013
(m) Appellate Practice	09/27/2013

- |   |            |
|---|------------|
| (n) Special Topics in Child Welfare Cases   | 12/06/2013 |
| (o) Abbreviated Working together to Achieve Positive Outcomes for Children  | 10/15/2015 |
| (p) Neurobiology of Addiction: Mental Health and Substance Abuse Recognizing and Addressing Secondary Traumatic Stress/ | 02/27/2015 |
| (q) Vicarious Trauma/ Compassion Fatigue in Attorneys   | 02/27/2015 |
| (r) Appellate Practice  | 4/15/2016  |
| (s) Working Together for the Best Interest of Children and Families   | 07/15/2016 |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.
- I created a PowerPoint and lectured for the SC Bar video CLE "Yikes, I've Gotten a DSS Appointment."
  - I have served on panel discussion for DSS in-house CLE Programs.
  - I created a PowerPoint and have given presentations to law enforcement on Title 63 of the SC Code.
  - I created a PowerPoint and have given a presentation to new DSS caseworkers on Title 63 of the SC Code.
12. List all published books and articles you have written and give citations and the dates of publication for each.
- None
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
- South Carolina, 1994;
  - US District Court for the District of SC, 1998.
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.
- From 1994 into 1995, I was a law clerk to the Honorable Don S. Rushing, a Circuit Court Judge. During six months of the year term, he was Chief Judge for Administrative Purposes (Criminal) in Charleston County.
  - From 1995 until 1996, I was an Assistant Solicitor for the Fourth Judicial Circuit prosecuting cases in the General Sessions Courts of Chesterfield, Darlington, Dillon, and Marlboro Counties.
  - From 1996 until 2004, I worked at the Law Firm of Jennings and Harris. I began as an associate and became a partner after several years. The firm had a general trial practice. My personal practice included a focus on the Family Court, although I practiced in all trial courts. I was also a contract attorney for the South Carolina Department of Social Services handling abuse and neglect cases for Chesterfield County. During that time, I was also an adjunct professor with Coker College, where I taught Business Law through

their adult program. Additionally, I became a certified mediator for the Family Court in 2002.

(d) From 2004 until 2006, I worked in the Law Office of Nancy Bailey, located in Florence, South Carolina. This practice focused almost exclusively on Family Court matters. As Florence was an initial mandatory-mediation county, I conducted mediations, including pro bono mediations for the Family Court during this time. I also continued to work as a contract attorney for the South Carolina Department of Social Services handling abuse and neglect cases for Chesterfield County.

(e) In 2006, I began working for the South Carolina Department of Social Services on a full-time basis handling their abuse and neglect cases for Darlington and Chesterfield counties and assisting other counties.

In July 2016, I was appointed as a municipal judge for the City of Hartsville, South Carolina.

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.

My professional experience has included a focus in the Family Court since 1996, and I have experience in each of the above-mentioned areas. I have represented the South Carolina Department of Social Services in abuse and neglect cases since 1996. From 1996 until 2006, I handled all types of family court cases including divorce, equitable division of marital property, child custody, adoption, and juvenile justice in addition to my work with abuse and neglect cases. In 2006, I began handling abuse and neglect cases on a full time basis. In this capacity with DSS, I have handled cases involving with the overlap of these cases with custody, adoption, and juvenile justice issues.

(b) If you are a candidate for Circuit Court, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years and include a brief description of the types of matters handled, issues involved, and procedural history. Please include information such as the primary areas in civil court in which you practice, whether you represent plaintiffs or defendants, or both. You may go back further than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background has prepared you to preside over such matters as a Circuit Court Judge, or how you would compensate for your lack of experience in this area.

(c) If you are a candidate for Master-In-Equity, please provide a brief written description of your experience in the Master's court, including any cases handled

over the past five years and include a brief description of the issues involved. Please include the frequency of your appearances before a Master-In-Equity.

- (d) If you are a candidate for Administrative Law Judge, please provide a brief written description of your experience before an Administrative Law Judge, including any issues discussed and the frequency of your appearances before the Administrative Law Judge Court.

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.

My last rating by Martindale-Hubbell was in 2009; Distinguished (BV).

- \* **Retired justices/judges and justices/judges applying for re-election to their current position may omit Questions 17–22. If a candidate is seeking a judgeship different than his or her current position, Questions 17-22 should be answered based on experience prior to serving on the bench.**

17. What was the frequency of your court appearances during the five years prior to your election to the bench?

- (a) federal: 0%  
(b) state: 100%

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

- (a) civil:  
(b) criminal:  
(c) domestic:  
(d) other: abuse and neglect in the Family Court 100%

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

- (a) jury:  
(b) non-jury:100%

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Sole 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, prior to your election to the bench. Give citations if the cases were reported and describe why these matters were significant.

- (a) SCDSS v. J. E., Case Number 96-DR-13-778

This was an abuse and neglect case in which the defendant was a foster mother who severely beat a foster child in her care, killing the child. The defendant mother had other foster children and an adopted child in her care. The deceased child was one of ten siblings in foster care. I not only handled the Family Court abuse and neglect side of the case, I also actively participated in the criminal trial of Ms. E (97-GS-13-77, 98-GS-13-10) and a civil trial against SCDSS and a school principal (97-CP-13-145, 98-CP-13-03). This case

occurred as the child abuse code was changing nationwide. It involved the new code as well as the issues of severe abuse, mandatory reporting of abuse and neglect, and foster care licensing.

(b) SCDSS, In the Interests of Baby Doe, Case Numbers 14-DR-13-645 and 15-DR-13-0628

Chesterfield County was thrust into the national news when a newborn was abandoned at the Health Department. The child was determined to be approximately three days old at the time she was left in a restroom at the health department. SCDSS had to obtain a birth certificate for the child whose parents were never located. Additionally, I had to weigh the interests of the privacy of the infant as DSS received nationwide requests to adopt the child. This balancing required considering the rights of the unknown parents, while expediting permanency for the child, who has since been adopted.

(c) SCDSS v. LJ, SJM, OG, Case Number 15-DR-16-667

This is the most recent case among many involving three children. The agency's involvement with this family began in 2006 and has continued off and on until today. Two of the children are twins and all of the children have delays and have exhibited behavioral issues. The children have spent the majority of their lives in foster care, but now seem secure in a possible stable, long term, hopefully adoptive placement(s). The reason that this case is listed is because it involved the importance of the correct use of expert witnesses. Numerous psychological evaluations have been used, as well as medical experts in child abuse. Further, I tried a termination of parental rights action in this matter for three days wherein the Court allowed the children to return to a relative placement alternative. This case is significant because it emphasizes, at least to me, the need for permanency for the children weighed against the efforts to place children with relatives and/or a return home.

(d) State v. Grandison, 01-GS-34-241, 242

A week long armed robbery trial. My client was convicted of armed robbery. The jury determined that my client was the driver of the get-away car. The case was involved video surveillance and its admission which was fairly new at the time as well the cases involving the "hand of one is the hand of all." Mr. Grandison was a college student who grew up in Delaware and was attending college in Virginia. He was in South Carolina with "friends" from college, one of who was from this State. The first two friends apprehended gave statements and the admissibility of those statements and the weight given was an issue. Additionally, I filed several Motions to try to have the State try my client separately from the gunman.

(e) SCDSS, In the Interests of JC, Case Number 09-DR-13-378

This case involved severe abuse and neglect of three siblings. The abuse included locking the children out of the family home during the day in severe heat. One sibling was placed into a dark storage building for days with no electricity or water and forced to wear a shock collar. A sibling of this child was asked to shock the other child and to empty the bucket that the child used for a restroom. All siblings had to empty the bucket that the children used as a restroom while working in the yard. The case involved media attention, a corollary criminal trial, and required expediting of the case to assist these children. Personally, I will never forget preparing these children for trial. The perpetrators no longer have parental rights to the child. Two of the siblings have been adopted. The sibling who was asked to perform the shocking of the other sibling has

been opposed to adoption and has requested to remain in a placement in an area where he had been placed initially. He is an honors student at a high school in South Carolina.

21. List up to five civil appeals you have personally handled, prior to your election to the bench. Give the case name, the court, the date of decision, and the citation if the case was reported.
- (a) SCDSS, Respondent, v. FV, JV, and TD, of whom FV and JV are Appellants. In the Interests of three minors. Case Number 2011-UP-467  
This appeal from the Family Court of Darlington County involved Appellants FV and JV's challenging the Court's finding of abuse and/or neglect, the Treatment Plan ordered, and the placement of their names onto the Central Registry of Child Abuse and Neglect. The Court of Appeals upheld the finding of abuse and/or neglect, found the issue presented on the Treatment Plan was moot as argued by SCDSS, and reversed placement of the names of FV and JV onto the Central Registry of Child Abuse and Neglect.
- (b) SCDSS, Respondent, v. GMP AKA ZP, MP, and John Doe, In the Interest of a minor child under eighteen years, Case Number 2012-UP-470.  
MP appealed the termination of his parental rights. The Court of Appeals reviewed his case pursuant to Ex Parte Cauthen, 291 S.C. 465, 354 S.E.2d 381 (1987), and upheld the termination of his parental rights.
- (c) SCDSS, Respondent, v. ZP, MP, of whom EP is the Appellant, In the Interests of one minor child under the age of 18, Case Number 2010-UP-240.  
ZP appealed the Family Court's Order from a Permanency Planning hearing alleging that the evidence did not support the finding that the reunification was no longer a viable plan for the child and contending that the child's guardian ad litem did not perform her duties as mandated. The Court of Appeals upheld the decision of the Family Court.
- (d) SCDSS, Respondent, v. SG, LG, GB, and John Doe, of whom SG is the Appellant. In the interests of five children under the age of eighteen, Case Number 2009-UP-164  
SG appealed the termination of his parental rights. The Court of Appeals reviewed this case pursuant to Ex Parte Cauthen, 291 S.C. 465, 354 S.E.2d 381 (1987), and upheld the termination of his parental rights.
- (e) SCDSS v. BL, TH, Case Number 2015-002525  
This is a pending appeal pursuant to Ex Parte Cauthen, 291 S.C. 465, 354 S.E.2d 381 (1987), of an Order from a judicial review hearing in the Family Court.
22. List up to five criminal appeals that you have personally handled, prior to your election to the bench. Give the case name, the court, the date of decision and the citation if the case was reported.  
None.
23. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.  
I was appointed as a Municipal Judge for the City of Hartsville on July 1, 2016, and I presently serve in that capacity.

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.  
The cases over which I preside in the Municipal Court do not involve or require written orders.
25. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. 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? If so, give details, including dates.  
I have never held public office other than my appointment as a Municipal Judge.
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.  
By agreement with the South Carolina Department of Social Services, and with the consent of both DSS and the City of Hartsville, I continue to represent DSS in abuse and neglect cases. My supervisor is Adrienne Woods. My last day as a full-time DSS employee will be August 19, 2016.
27. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.  
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? If so, give details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer.  
Other than part-time positions while in junior high school, high school, college or law school, I have held no other positions other than practicing law and serving as a part-time Municipal Judge.
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. Provide, **as a separate attachment**, a complete, current financial net worth statement that itemizes in detail:
- (a) the identity and value of all financial assets held, directly or indirectly, including, but not limited to, bank accounts, real estate, securities, trusts, investments, and other financial holdings; and
  - (b) the identity and amount of each liability owed, directly or indirectly, which is in excess of \$1,000, including, but not limited to, debts, mortgages, loans, and other financial obligations.
- See attached.



(A net worth statement is provided with this questionnaire and you must use this format for submission of your financial statement.)

**NOTE: The Commission may require written confirmation that financial obligations have been satisfied or that the parties have agreed upon a payment schedule.**

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 am not aware of any financial arrangements or business relationships that I have or have had that could result in a possible conflict of interest.
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? If so, give details but do not include traffic violations for which a fine of \$125 or less was imposed.  
No.
33. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain.  
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? If so, give details.  
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? If so, give details, including, but not limited to, dates and resolution.  
Bahaadur 'Aali Abdulahad v. SCDSS and Elizabeth Harris, Case Number 03-CP-13-137  
A defendant in an abuse and neglect case sued me personally after a child who received iron burns to his face was removed from his custody. His case against me was dismissed by the Court quickly on February 11, 2014.
36. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been sanctioned or disciplined for lawyer, judicial, or other professional misconduct or has any jurisdiction found that you committed any misconduct? If so, give the details and describe any final disposition.  
[Yes and no responses are redacted for all candidates unless there is a public discipline.]
37. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? If so, give the details.

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. When I took the appointment of Municipal Judge, I took out a policy for malpractice insurance. I have not been covered by a tail policy. My policy is for \$1,000,00 each claim, and \$1,000,000 aggregate. My deductible is \$5000 for each claim.
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 participate in social media. I typically use it to keep up with current events, sports, and friends. I would certainly not comment or post anything political as I do not now since I am a municipal judge. I will not comment or read about any cases that may appear before me.
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)? If so, give the dates of your employment or activity in such capacity and specify by whom you were directed or employed. 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? If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist's principal involved. 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. If you have spent over \$100, have you reported your expenditures to the House and Senate Ethics Committees?

None as of yet.

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 or have you been offered a conditional pledge of support by any legislator pending the outcome of your screening? 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? If so, give details.

**Note: The flash drive with your application materials contains (1) Section 2-19-70(c); (2) JMSC Rule 24, and (3) informal opinions and letters concerning pledging prohibitions, with which third parties acting on your behalf, as well as you, must comply.**

No.

47. Have you requested any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? If so, give details. Are you aware of any third parties contacting members of the General Assembly on your behalf? If so, give details.

No.

48. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges until after the draft report becomes final, which occurs on the day and time specified on the Commission's published screening schedule?

Yes.

49. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? If so, please specify the amount, solicitor, donor, and date of the solicitation.

No.

50. Since submitting your letter of intent to become a candidate, have you or has anyone acting on your behalf contacted any member of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? If so, give details.

No.

51. 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) Darlington County Bar Association  
Current President
  - (b) South Carolina Bar Association  
Current Member, Nominating Committee, multiple terms  
Board of Governors, 2010-2013  
House of Delegates, multiple terms
  - (f) Young Lawyers Division of the South Carolina Bar  
Circuit representative, multiple terms  
Co-Chair, Community Law week
  - (g) Law Related Education, South Carolina Bar  
Middle School Mock Trial Coach  
Middle School Mock Trial Judge
52. 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) Central United Methodist Church, Florence South Carolina  
Finance Committee Member  
Greeter, The Well  
Member
  - (b) United States Tennis Association  
Team Captain, Pee Dee Region
  - (c) Florence Tennis Association
  - (d) All Saints' Episcopal Day School, parent guild
53. 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. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.
54. List the names, addresses, and telephone numbers of five (5) persons, including your banker, from whom you are providing references. Also, provide the Commission with **original letters** of recommendation from each person listed herein, including their signature (preferably in blue ink). **The Commission will not accept a photocopy or electronic submission of a letter of recommendation and failure to include all five (5) original letters of recommendation in your packet when you submit it will render your packet incomplete.** Please **do not** have references mail your reference letters to the Commission directly. *You must return the five (5) original letters of recommendation to the Commission with your application packet.*
- (a) Mr. C. Fred Harris, Carolina Bank, P.O. Box 70, 320 Chesterfield Highway, Cheraw, SC 29520. (843) 537-0900

- (b) Mrs. Cheryl K. Foster, 3624 W. Forest Lake Drive, Florence, SC 29501. (843) 260-6971
- (c) Zoe Sanders, Esquire, 1513 Hampton Street, Columbia SC 29201 (803) 960-3109
- (d) D. Kay Tennyson, Esquire, U.S. Courts, 401 West Evans Street, Florence, SC 29501, (843) 292-5630.
- (e) Gena Phillips Ervin, Esquire, Orr, Elmore & Ervin, L.L.C. P.O. Box 2527, 504 South Coit Street, Florence, SC 29503. (843) 667-0340.

55. Describe any interest you or a member of your immediate family has in real property:
- (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;
  - (b) in which there have been public improvements of \$200 or that adjoins property in which there have been public improvements of \$200; or
  - (c) which was sold, leased, or rented to a state or local public agency in South Carolina.
- None of the above.

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.

Attach a copy of any contract or agreement.

Not applicable.

56. 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. Attach a copy of any contract or agreement.
- None.

57. For sitting judges, have you used judicial letterhead or the services of your staff, for which you did not pay, while campaigning for this office?
- No.

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: EB nm

Sworn to before me this 1 day of August, 2016.

Gena Phillips Erwin  
(Notary Signature)

Gena Phillips Erwin  
(Notary Printed Name)

Notary Public for South Carolina

My Commission Expires: 06/25/2022

**JUDICIAL MERIT SELECTION COMMISSION**  
**Sworn Statement to be included in Transcript of Public Hearings**

**Family Court**  
**(New Candidate)**

Full Name: Elizabeth Biggerstaff York

Business Address: 130 East Camden Avenue, Hartsville, SC 29550

Business Telephone: 843-332-1163

1. Why do you want to serve as a Family Court Judge?

As a person who has practiced primarily in the Family Court, I see how frightening the court system can be for litigants. For many people, the Family Court is their only contact with the judicial system. I believe that my personality and experience will lend itself to being a proper referee, but also allowing each litigant to believe that they were given a fair day in trial. Being a Family Court Judge would allow me to use my education and experiences to help people, children, and the State as a whole.

2. Do you plan to serve your full term if elected?

Yes.

3. Do you have any plans to return to private practice one day?

No.

4. Have you met the statutory requirements for this position regarding age, residence, and years of practice?

Yes.

5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

I would abide by the Judicial Canons and refrain from engaging in ex parte communications except as allowed such as for emergencies and scheduling.

6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

I will recuse myself in any situation in which it was requested and included any appearance of impropriety. I will disclose any prior relationships that may give any appearance of impropriety. I will recuse myself where there is a conflict of interest.

I will have no difficulty in being fair and impartial in my dealings with lawyer-legislators.

7. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?  
If after making a disclosure as indicated, I would recuse myself if any attorney or party had a continuing objection to avoid any appearance of impropriety.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?  
If my impartiality my reasonably be questioned and after disclosure an objection was raised or was continuing, I would recuse myself to avoid the appearance of impropriety.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?  
I would not accept any gift or offers of social hospitality that might be viewed as an attempt to influence my judicial decisions. Professional gifts and invitations, ordinary social hospitality, and gifts from family and friends are exceptions under the Canons. I would reject any gift or hospitality that would give the appearance of impropriety.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?  
I would discuss the matter with the attorney or judge and make a report to appropriate authority.
11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated?  
No.
12. Do you have any business activities that you would envision remaining involved with if elected to the bench?  
No.
13. Since family court judges do not have law clerks, how would you handle the drafting of orders?  
I would request that an attorney participating draft the order, circulate it with counsel, and then present it to me after the attorneys reached an agreement as to the order. At times, I may draft orders personally.
14. If elected, what method would you use to ensure that you and your staff meet deadlines?  
A judge has a duty to diligently discharge administrative duties and to make sure that her staff does the same. I would utilize clear communication with attorneys,



staff, litigants, and court personnel. I would include a tracking and calendaring system.

15. If elected, what specific actions or steps would you take to ensure that the guidelines of the Guardian Ad Litem statutes are followed during the pendency of a case?

When needed in a case, I will appoint guardians ad litem in a timely manner. The guardians will be qualified and properly trained. The guardians are to be provided all pleadings and other filings. An order will be issued to allow the guardian access to records regarding his ward.

16. What is your philosophy on “judicial activism,” and what effect should judges have in setting or promoting public policy?

If the statutory, constitutional, or case law is clear, then the judge is to apply the law as written. It is not the trial judge’s place to implement new procedures or rules not contemplated by the law as written.

17. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you plan to undertake to further this improvement of the legal system?

I would continue to speak at Continuing Legal Education seminars when asked. I would welcome appropriate activities to further the law, legal system, and administration of justice.

18. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this?

I do not believe there would be strain on my personal relationships. My family and friends, including my ex-husband, are supportive of this decision.

19. Would you give any special considerations to a *pro se* litigant in family court?

I would inform the litigant that he is to be held to the same standard as an attorney prior to going forward in any hearing. I would question him about whether he has sought the advice of an attorney and whether he wishes to have counsel. In abuse and neglect cases, I would ask the defendant about the application for the appointment of counsel. I would make sure that the litigant is making an informed decision about proceeding without counsel.

20. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

No.

21. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?  
If I or a family member had a small interest that should not raise an issue of impartiality. Nonetheless, I would inform all parties and counsel and consider recusing myself if requested.
22. Do you belong to any organizations that discriminate based on race, religion, or gender?  
No.
23. Have you met the mandatory minimum hours requirement for continuing legal education courses?  
Yes.
24. What percentage of your legal experience (including experience as a special appointed judge or referee) concerns the following areas? If you do not have experience in one of these areas, can you suggest how you would compensate for that particular area of practice?
- a. Divorce and equitable distribution: 15%
  - b. Child custody: 15%
  - c. Adoption: 2%
  - d. Abuse and neglect: 65%
  - e. Juvenile cases: 3%
25. What do you feel is the appropriate demeanor for a judge?  
A judge should be fair and firm while being patient, polite, and courteous.  
It is important for a judge to continue to promote integrity and impartiality.  
I have been in the Family Court as a litigant and as an attorney. It is important that the judge remember that the persons appearing are typically afraid, nervous, and are experiencing a stressful time.
26. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?  
It is important for a judge to maintain the appearance of propriety in the courtroom and outside of it.

27. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?  
It is not appropriate. If I found myself getting frustrated, I would call a recess to compose myself. Outbursts by the judge are not appropriate and do not promote confidence in the system.

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

\_\_\_\_\_  
(Candidate Signature)

Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
(Notary Signature)

\_\_\_\_\_  
(Print name)

Notary Public for South Carolina

My Commission Expires: \_\_\_\_\_