

**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

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

1. Name: Mr. John S. Nichols

Name that you are known by if different from above

(Example: A Nickname):

Not applicable.

Are you currently serving in some capacity as a judge?

(Includes Municipal, Magistrate, Etc.)

No.

Home Address:

[REDACTED]

Business Address:

1614 Taylor Street  
Columbia, South Carolina 29201

E-Mail Address:

[REDACTED]

Telephone Number:

(home):

[REDACTED]

(office): (803) 454-3530 direct

(mobile):

[REDACTED]

2. Date of Birth: [REDACTED] 1958

Place of Birth: Florence, South Carolina

Social Security Number: [REDACTED]

3. Are you a citizen of South Carolina?

Yes.

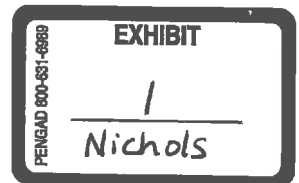
Have you been a resident of this state for at least the immediate past five years?

Yes.

4. SCDL# or SCHED#: [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



the date, name of the moving party, court, and grounds; and (d) state the names of your children and their ages. If your children are old enough to work, include the occupation of each child.

- (a) Family Status: Married on January 1, 1994 to Tina Michelle Cooke.  
No children.
- (c) Divorced on October 5, 1990, Fifth Circuit Family Court, Richland County, South Carolina. My ex-wife, Viola Kraft Hendley, was the moving party, One Year's Continuous Separation.  
One child, [REDACTED]

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.

I have not served in the military.

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) Francis Marion College  
Florence, South Carolina  
September 1974 through May 1978  
BS Mathematics
- (b) University of South Carolina School of Law  
Columbia, South Carolina  
August 1982 through May 1985  
Juris Doctor

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.

- (a) I was admitted to practice law in South Carolina in November 1985. This is the only bar exam I have taken.
- (b) During my legal career I have been admitted pro hac vice in several other states, noted below in the response to Question 13. I do not recall the year of each pro hac vice admission but these occurred from 1996 to 2000.

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) Francis Marion College – Philosophy Club (1976-1978)
  - (b) USC School of Law –J Woodrow Lewis Moot Court Competition (Spring 1985), National Trial Competition (Fall 1984), Phi Alpha Delta Legal Fraternity (1982-1985), SCTLA Student Chapter (1983-1985, president)

10. Describe your continuing legal or judicial education during the past five years.
- I receive six hours of MCLE credit each year for serving on the South Carolina Board of Law Examiners and two to four hours of MCLE credit each year for assisting with the South Carolina Supreme Court’s lawyer mentoring program. In addition, I attended the following continuing legal education seminars during the past five years:

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) SCDSS Annual Training (instructor)	02/11/11
(b) Bridge the Gap (instructor)	03/07/11
(c) Injured Workers’ Advocates Mid-Year Conference (attendee and instructor)	04/29/11
(d) Bridge the Gap (instructor)	08/01/11
(e) 2011 SCAJ Annual Convention (attendee and instructor)	08/04/11-08/06/11
(f) Law School Moot Court Team - John Belton O’Neill Inn of Court	09/14/11
(g) SC Bar Annual Solo and Small Firm Conference (attendee and instructor)	09/23/11
(h) Masters-in-Equity (instructor)	10/14/11
(i) Johnson Toal & Battiste Annual Seminar (in house training) (instructor)	12/22/11
(j) Supreme Court Lawyer Mentoring Orientation	01/26/12
(k) SC Bar - 2011 Tort Law Update: South Carolina Products Liability Law in the Wake of <u>Branham v. Ford Motor Co.</u> (instructor)	2/14/12
(l) SC Bar - Layin’ Down the Law: What Roller Derby can Teach Lawyers about Civil Procedure - (Instructor with Prof. Joel Samuels)	02/24/12
(m) Bridge the Gap (instructor)	03/05/12
(n) Supreme Court Lawyer Mentoring Pilot Program	03/19/12
(o) O’Neill Inn of Court	03/27/12
(p) Briefcase Lawyer: Essentials (attendee and instructor)	03/30/12
(q) SC Bar - Recent Ethics Issues for Employment Attorneys (instructor)	05/11/12
(r) Bridge the Gap (instructor)	07/30/12
(s) 2012 SCAJ Annual Convention (attendee and instructor)	08/02/12-08/24/12
(t) SC Bar Annual Solo and Small Firm Conference (attendee and instructor)	09/14/12
(u) Rise of Independent Judiciary - John Belton O’Neill Inn of Court	09/19/12
(v) USC Center for Child and Family Studies Annual CLE (instructor)	10/05/12
(w) Injured Workers’ Advocates Annual Convention (instructor)	11/01/12
(x) SCAJ Auto Torts XXXV (attendee and instructor)	11/30/12-12/01/12
(y) USC Center for Child and Family Studies Lunch and Learn (instructor)	12/07/12
(z) SC Bar - SC Tort Law Update (moderator)	02/15/13
(aa) Summary Court Judges Association Meeting (instructor)	02/21/13
(bb) Unconstitutionality of the Senate Filibuster – John Belton O’Neill Inn of Court	03/19/13
(cc) SC Commission on Indigent Defense Annual Public Defender	

	Best Practices Seminar (attendee and instructor)	03/25/13
(dd)	SC Bar - Recent Developments in Employment Law (instructor)	05/17/13
(ee)	Gray's Inn of Court v SC School of Law - John Belton O'Neall Inn of Court	09/11/13
(ff)	SC Bar - Current Issues in Workers' Compensation Law (attendee and instructor)	09/13/13
(gg)	SC Commission on Indigent Defense - <u>Gideon</u> at 50	09/20/13
(hh)	SC Bar - 2013 Hot Tips from Coolest Domestic Law Practitioners (instructor)	09/27/13
(ii)	SC Bar - 2013 Appellate Practice Project: Presenting Criminal Cases to the Court of Appeals (instructor)	10/24/13
(jj)	Injured Workers' Advocates Annual Convention (instructor)	11/07/13-11/08/13
(kk)	Richland County Bar Annual Free Ethics CLE	11/01/13
(ll)	SCAJ - 2013 Auto Torts XXVI (attendee and instructor)	12/06/13
(mm)	Sowell Gray Stepp & Laffitte day-long seminar on procedure (attendee and instructor)	01/15/14
(nn)	SC Commission on Indigent Defense Annual Public Defender Best Practices Seminar (attendee and instructor)	03/24/14
(oo)	Supreme Court Lawyer Mentoring Workshop (instructor)	06/19/14
(pp)	SC Bar - SC Tort Law Update (moderator and instructor)	02/14/14
(qq)	SCAJ 2014 Annual Convention (attendee and instructor)	08/07/14-08/09/14
(rr)	SC Bar - 2014 Hot Tips from the Coolest Domestic Law Practitioners (instructor)	09/26/14
(ss)	Social Media in the Courtroom - John Belton O'Neall Inn of Court	10/14/14
(tt)	Stand Your Ground, or Don't - John Belton O'Neall Inn of Court	11/11/14
(uu)	SCAJ - 2014 Auto Torts Advanced Trial Lawyer College XXXVI – (attendee and instructor)	12/05/14-12/06/14
(vv)	SC Bar - SC Tort Law Update (moderator and instructor)	02/13/15
(ww)	Supreme Court Lawyer Mentoring Program (instructor)	03/12/15
(xx)	Workers' Compensation: Meeting the Challenges of a Dynamic Practice – (attendee and instructor)	05/08/15
(yy)	SC Women Lawyers' Association (instructor)	07/16/15
(zz)	SCAJ - 2015 Annual Conference (attendee and instructor)	08/06/15-08/07/15
(aaa)	SCDSS Paralegal Seminar (instructor)	08/21/15
(bbb)	SC Bar - Hot Tips from the Coolest Domestic Law Practitioners (instructor)	09/25/15
(ccc)	SC Bar - Trust Account School LEAPP	09/29/15
(ddd)	SC Bar – Advertising School LEAPP (instructor)	09/29/15
(eee)	Hitler's Courts: The Betrayal of the Rule of Law – John Belton O'Neall Inn of Court	10/13/15
(fff)	SC House of Representatives - Keeping it Real in the House: An Update	10/20/15
(ggg)	SC Judicial Department Discipline Conference (attendee and instructor)	10/28/15
(hhh)	Supreme Court Lawyer Mentoring Workshop (instructor)	11/05/15
(iii)	Richland County Bar Annual Ethics CLE (attendee and instructor)	11/06/15
(jjj)	Richland County Bar Ethics CLE (attendee and instructor)	11/06/15
(kkk)	Advocacy Tips from the Bench - Charleston Livability Court – John Belton O'Neall Inn of Court	11/10/15
(lll)	SCAJ - 2015 Auto Torts Advanced Trial Lawyer College XXXVIII (attendee and instructor)	12/04/15-12/05/15
(mmm)	SC Tort Law Update (moderator and instructor)	02/12/16

(nnn)	SC Bar - SC Appellate Practice - (attendee and instructor)	02/16/16
(ooo)	SCDSS - Effective Appellate Advocacy: Written and Oral Communications to the Appellate Court (attendee and instructor)	04/15/16
(ppp)	Richland/Lexington Airport District Commission Planning Retreat/Training (instructor)	06/20/16
(qqq)	Resolution of Fee Dispute Board CLE/Training	06/23/16
(rrr)	SC Women Lawyers' Association (instructor)	07/14/16

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.

The following are presentations or lectures I have given to various groups and organizations. Most of these presentations related to general case law updates or discussions on trial or appellate practice and procedure, professional responsibility/ethics, tort law, or law office management. I have listed the presentations in reverse chronological order grouped by entity sponsoring the conference of CLE. I can provide materials for most of these presentations.

- (a) Reflections on Oral Arguments, South Carolina Supreme Court Institute (Co-sponsored by the Supreme Court of SC and the S.C. Bar Law Related Education Division) (June 2016, June 2015, June 2014). The South Carolina Supreme Court Institute is for social studies teachers, U.S. government/history teachers and school resource officers, and is limited to 16 participants. Each year I reviewed briefs and observed Supreme Court oral arguments with Institute participants, and then assisted Supreme Court staff with interactive discussions of the arguments we observed. I also assisted in preparing participants who engaged in a moot arguments before Court staff. (b) Scope of Review, Judicial Discretion, Law of the Case (Seminar for Appellate Judges – South Carolina Court Administration, May 1996). I gave three separate presentations on basic appellate procedure topics as part of an Appellate Judicial CLE.
- (c) Service of Process in South Carolina State Court (Summary Court Judges Association Meeting, Feb 2013). I trained magistrate and municipal court judges on statutes, rules and case law governing service of process.
- (d) The New Tort Laws: Effect on Magistrate's Court (Summary Court Judges Association Meeting, Sept 2005). I presented an overview of the Tort Law legislation of 2005 to magistrate and municipal court judges.
- (e) Case Law Update (Summary Court Judges Association Meeting, Oct 1993). I gave a presentation of case summaries for appellate court opinions covering the prior 12 months.
- (f) SC Appellate Practice Seminar – Issue Preservation: What to do “Below” to Win “Above” (SC Bar, Feb 2016). I gave a presentation on error preservation for appellate review in conjunction with the publication of the book Appellate Practice in South Carolina (Third Edition) by CJ Jean H. Toal.
- (g) SC Tort Law Update - moderator (SC Bar, Feb 2016). I moderated presentation of tort law topics as part of the update to the book South Carolina Law of Torts (Fourth Edition) by Professors Patrick Hubbard and Robert Felix.

- (h) SC Domestic Bench Bar Hot Tips: Ethics and Family Court (SC Bar, Sept 2015). I gave a presentation on ethical issues in Family Court as part of the SC Bar Domestic Relations - Section's Annual Bench/Bar CLE.
- (i) SC Tort Law Update - moderator (SC Bar, Feb 2015). I moderated presentation of tort law topics as part of the update to the South Carolina Law of Torts (Fourth Edition) by Hubbard & Felix.
- (j) Domestic Relations Hot Tips: Use it or Lose it! Protecting a Family Court Record for Appellate Review! (SC Bar, Sept 2014). I gave a presentation on presenting issues at trial to preserve them for appeal as part of the SC Bar Domestic Relations Section's Annual Bench/Bar CLE.
- (k) Presenting Criminal Cases to the Court of Appeals - Appellate Strategies (SC Bar, Oct 2013). I presented a discussion of effective appellate advocacy in criminal appeals.
- (l) Domestic Relations Hot Tips: Adoption Update: The ICWA (SC Bar, Sept 2013). I gave an overview of the Indian Child Welfare Act in the wake of Adoptive Couple v. Baby Girl.
- (m) Current Issues in Workers' Compensation: Case Law Update (SC Bar, Sept 2013). I gave an overview of recent appellate decisions impacting workers' compensation law.
- (n) Recent Developments in Employment Law: Ethics (SC Bar, May 2013). I gave a presentation of ethical issues impacting employment law practice.
- (o) SC Tort Law Update (SC Bar, Feb 2013). I moderated presentation of tort law topics as part of the update to the South Carolina Law of Torts (Fourth Edition) by Profs. Hubbard & Felix.
- (p) Attorney Fee Issues Affecting Solo and Small Firm Practitioners (SC Bar, Sept 2012). I gave a presentation at the SC Bar Solo and Small Firm Conference on issues affecting attorney fees, including ethical considerations.
- (q) Recent Ethics Issues for Employment Attorneys (SC Bar, May 2012). I gave a presentation covering disciplinary decisions involving employment law practitioners.
- (r) Brief Case Lawyer: Essentials for Every Practitioner: Top 10 Traps and How to Avoid Them (SC Bar, March 2012). I gave a presentation of ten potential traps for the appellate court practitioner.
- (s) Layin' Down the Law: What Roller Derby can Teach Lawyers about Civil Procedure (SC Bar, Feb 2012). I gave a joint presentation with Professor Joel Samuels covering amendments to the Federal Rules of Civil Procedure and updated state court practice rules.
- (t) 2011 Tort Law Update: South Carolina Products Liability Law in the Wake of Branham v. Ford Motor Co. (SC Bar, Jan 2012). I presented a discussion of products liability jurisprudence following the decision in Branham v. Ford Motor Co., in which the Supreme Court adopted Section 2 of The Restatement (Third) of Torts: Products Liability (1999) for design defect product liability cases.
- (u) 2011 Master-In-Equity Bench Bar: Attorney as Witness (SC Bar, Oct 2011). I presented a discussion of practical and ethical considerations of an attorney acting as a witness and an advocate in matters before the Masters in Equity.

- (v) 2011 Solo & Small Firm CLE: Best Practices for a Successful Law Firm (SC Bar, Sept 2011). I gave a presentation of best practices for managing various aspects of the small law firm.
- (w) 2010 Tort Law Update: Verdicts, Settlements, Liens and Other Claims: Practical and Ethical Concerns (SC Bar, Nov 2010). I gave a presentation on ethical considerations revolving around verdicts and settlements, including dealing with claims by third parties.
- (x) 2009 Masters in Equity Bench Bar (SC Bar, JCLE Oct 2009). I presented an overview of practice before the Masters in Equity Court in conjunction with the publication of Masters in Equity and Special Referees (Second Edition).
- (y) South Carolina Damages (SC Bar, Sept 2009). I gave a presentation on the measure of recovery for medical bills and other damages in light of the collateral source rule in conjunction with the publication of South Carolina law of Damages.
- (z) 2006 Master-in-Equity Bench/Bar: "Foreclosure: What is it?"- Common Problems: Service of Process (SC Bar, Oct 2006). I gave a presentation on problems in mortgage foreclosure matters, including difficulties with service of process.
- (aa) Tort Legislation Update (SC Bar, Dec 2005). I gave an overview of the Tort legislation of 2005.
- (bb) Workers' Compensation Legislative and Case Law Update (SC Bar, Aug 2005). I gave a review of cases and legislation impacting workers' compensation law over the previous year.
- (cc) Ethical Considerations for Federal Practitioners (SC Bar, Sept 2004). I participated in a panel discussion with a federal judge and a defense practitioner regarding ethical issues in federal court.
- (dd) New Attorney Oath (SC Bar - Aug 2004, Sept 2004, Oct 2004, Feb 2005, March 2005, April 2005, May 2005). I assisted Jill Rothstein, the SC Bar's Risk Management Director, and Barbara Seymour, the Supreme Court's Assistant Disciplinary Counsel, with training regarding the amended attorney oath; a judge administered the oath to the participants at the end of each seminar.
- (ee) Damages in Medical Malpractice Cases (SC Bar, May 2004). I gave an overview of damages recoverable in various types of medical negligence cases.
- (ff) Damages in Land Sale Contract Cases (SC Bar, May 2004). I gave a discussion of damages recoverable by statute or through case law in land sale contract cases.
- (gg) The Basics of Handling an Appeal: Preserving the Record Below and Getting Your Case Before the Appellate Court (SC Bar Trial and Appellate Advocacy Section, 2004 South Carolina Bar Convention, Jan 2004). I gave a primer on error preservation and presenting a case to the appellate courts in South Carolina.
- (hh) Federal Practice in the District of South Carolina (SC Bar, Sept 2003). I coordinated speakers and moderated a full day seminar on federal practice in South Carolina.
- (ii) South Carolina Tort Claims Act Seminar: Exceptions to the Waiver of Sovereign Immunity- Part II (SC Bar, Aug 2003). I gave an overview of the exceptions to the waiver of sovereign immunity found in S.C. Code Ann. § 15-78-60 in

- conjunction with publication of the book The South Carolina Tort Claims Act (Second Edition) (SC Bar 2003).
- (jj) Affects or Effects: Pending Appellate Issues in Workers' Compensation (SC Bar, May 2003). I gave a summary of cases pending before the appellate courts that impacted the law of workers' compensation in South Carolina.
  - (kk) Appellate Motions and Writs (SC Bar, Oct 2002). I gave a description of motions and writs available before the appellate courts in South Carolina and a practical guide on perfecting petitions and motions.
  - (ll) Ethics for Federal Practitioners (SC Bar, Sept 2002). I participated in a panel discussion on ethics in federal court with a federal judge, a defense lawyer, and a law professor for the Federal Bar Association annual seminar.
  - (mm) Distance Learning Program - Seminars Direct Videotape CLE - The Attorney as Supervisor: Ethics and Your Employees (SC Bar, Sept 2001). I wrote materials for and appeared in a distance learning videotape outlining ethical rules governing attorneys who supervise non-lawyer staff.
  - (nn) Bridge the Gap: Creating and Maintaining Client Relationships (SC Bar, March and May 2001-2005). I presented a primer on creating and maintaining client relationships for recent law school graduates and newly admitted lawyers.
  - (oo) Bridge the Gap: Practicing Before the Court of Common Pleas (SC Bar, Mar 2009-2012, July 2010-2012 (Panelist)). I participated in a panel discussion with a Circuit Court judge, a prosecutor, a criminal defense lawyer and a civil defense lawyer for recent law school graduates and newly admitted lawyers.
  - (pp) Breakfast Ethics: Ethical Issues Involving Non-Lawyer Employees (SC Bar, June 2000). I gave a presentation at the 2000 SC Bar Convention on ethical rules governing supervision of non-lawyer employees.
  - (qq) Appellate Practice in South Carolina - Scope of Review (SC Bar, April 1999). I gave a presentation regarding the scope of appellate review in various types of cases.
  - (rr) Ten Things You Need to Know (SC Bar, Dec 1998). I coordinated a seminar and gave a presentation of ten practical tips for general practitioners regarding tort law.
  - (ss) Masters in Equity & Special Referees (SC Bar JCLE, Oct 1998). I gave an overview of practice before Masters in Equity and Special Referees in conjunction with the publication of the book Masters in Equity and Special Referees in South Carolina.
  - (tt) Rules of Stacking Auto Insurance (SC Bar, March 1998). I gave an overview of the law governing stacking of underinsured and uninsured motor vehicle coverage in South Carolina.
  - (uu) Legal Ethics & Professional Responsibility Issues in Auto Tort Cases (SC Bar, Jan 1998). I moderated and participated in a panel discussion with an appellate court judge, a law professor and a defense lawyer regarding ethical issues in automobile tort cases.
  - (vv) Ten Things You Need to Know (SC Bar, Dec 1997). I coordinated speakers to present ten practical tips for general practitioners regarding various areas of the law and moderated the seminar.



- (ww) Discovery (SC Bar, July 1997). I gave a primer on discovery practice in South Carolina state court.
- (xx) Appellate Standard of Review (SC Bar, April 1995). I presented a discussion of statutes and cases governing various standards of appellate review in South Carolina.
- (yy) SC Bar Legislative Roundup for 1994 (SC Bar, Dec 1994). I presented a summary of legislation impacting the practice of law from the 1993-1994 session of the General Assembly.
- (zz) What's Appealable and When? (SC Bar, Sept 1994). I presented an outline and discussion of statutes and cases affecting the appealability of interlocutory rulings.
- (aaa) Trial Motions and Preserving Error (SC Bar, Dec 1991). I presented an overview of methods of preserving issues for appellate review.
- (bbb) Professionalism (SC Judicial Department/Court Administration, Discipline Conference - Commissions on Judicial and Lawyer Conduct, Oct. 2015). I gave a general presentation on professionalism for members of the Office of Disciplinary Counsel, the Commission on Judicial Conduct, the Commission on Lawyer Conduct and members of the judiciary.
- (ccc) Ethics for Law Clerks and Staff Attorneys: Professionalism (SC Judicial Department/ Court Administration, Law Clerks/Staff Attorneys Conference, Aug 2004). I gave a presentation on professionalism to lawyers employed as staff attorneys or law clerks with the appellate and trial courts.
- (ddd) Standard of Review (SC Judicial Department/Court Administration, 1997). I presented a presentation on the standards of appellate review to lawyers employed as staff attorneys or law clerks with the appellate courts.
- (eee) Scope of Review (SC Judicial Department/Court Administration, Aug 1995, 1996). I gave a presentation on the scope of appellate review to lawyers employed as staff attorneys or law clerks with the appellate courts.
- (fff) Overview of a Civil Case (SC Judicial Department/Court Administration, Aug 1990). I presented a primer on civil practice for lawyers employed as staff attorneys or law clerks with the appellate or trial courts.
- (ggg) Insurance Law Update (SC Judicial Department/Court Administration, Aug 1988). I presented a primer on insurance law for lawyers employed as staff attorneys or law clerks with the appellate or trial courts.
- (hhh) Service of Process in South Carolina State Courts (SC Summary Court Judges Association Annual Staff Seminar, 2013, 2014). I prepared an overview of statutes, rules and cases governing service of process for staff of magistrates and municipal court judges and presented a primer on service of process to the 2013 conference.
- (iii) Service of Process in South Carolina (SC Association of Probate Judges, May 2010). I presented an overview of statutes, rules and cases governing service of process for Probate Court judges and staff.
- (jjj) Court Rules That Can Get You In Trouble (Ethics) (SC Commission on Indigent Defense, 8th Annual Public Defender Best Practices Seminar March 2014). I presented a discussion of ethical issues impacting public defenders.

- (kkk) Civility, Professionalism and Ethics for Criminal Practitioners (SC Commission on Indigent Defense, 7th Annual Public Defender Best Practices Seminar March 2013). I presented a discussion of rules of civility, professionalism and ethics for public defenders.
- (lll) Ethics 20-20: New Horizons? (SC Trial Lawyers Association/SC Association for Justice, Dec 2015). I presented a discussion of the ABA's "Ethics 20-20" initiative and its impact in South Carolina
- (mmm) Live and Let Die – What's Left in Family Court? (SC Trial Lawyers Association/SC Association for Justice, Aug 2015). I presented a general discussion of abatement and survival of claims in Family Court following the death of a litigant.
- (nnn) The Devil Is In The Details: Settlement Agreements, Indemnity, Liens (SC Trial Lawyers Association/ SC Association for Justice, Dec 2014). I presented a discussion of ethical issues and duties to third parties interested in settlements of civil matters.
- (ooo) Ethics in the World of Criminal Defense (SC Trial Lawyers Association/SC Association for Justice, Aug 2014). I presented a discussion of ethical issues impacting criminal defense practice.
- (ppp) Litigation at Sunrise: Fresh Torts (SC Trial Lawyers Association/SC Association for Justice, Aug 2014). I presented a brief overview of cases and statutes impacting tort law in 2014.
- (qqq) Songs in the Key of E: An Ethics Discussion in Three Part Harmony! (SC Trial Lawyers Association/SC Association for Justice, Aug 2012). I presented a general discussion of ethics, including succession planning and duties to report, together with Jill Rothstein, Rick Management Director with the SC Bar.
- (rrr) To Fee or Not to Fee: Ethics (SC Trial Lawyers Association/SC Association for Justice, Aug 2011). I presented a discussion of the ethical rules governing fee agreements in South Carolina.
- (sss) Litigation at Sunrise: Flat Fee Agreements (SC Trial Lawyers Association/SC Association for Justice, Aug 2011). I presented a brief discussion of the law governing "flat fees" or fees earned when paid.
- (ttt) Lien and Mean: Ethical Pitfalls of Third Party Interests (SC Trial Lawyers Association/SC Association for Justice, Dec 2009). I presented a general discussion of ethical rules governing liens and subrogation interests.
- (uuu) It's Around Here Someplace: Spoliation of Evidence – Trends and Remedies (SC Trial Lawyers Association/SC Association for Justice, Dec 2007). I presented an outline of rules governing spoliation of evidence in South Carolina.
- (vvv) Recent Statutory Changes and Case Law Regarding Punitive Damages (SC Trial Lawyers Association/SC Association for Justice, Oct 2005). I presented a general discussion of the 2005 legislation and recent cases affecting recovery of punitive damages in South Carolina.
- (www) Appeals to Circuit Court (SC Trial Lawyers Association/SC Association for Justice, Aug 2005). I presented a primer on how to prepare and present an appeal from Municipal and Magistrate Courts to the Circuit Court.
- (xxx) Ten Ways to Win an Appeal (SC Trial Lawyers Association/SC Association for Justice, Aug 2002). I presented a discussion of ten suggestions to assist in

- effective appellate advocacy.
- (yyy) The Electronic Brief (SC Trial Lawyers Association/SC Association for Justice, Aug 2002). I gave a presentation on ways to prepare an “electronic brief” with hyperlinks to cases, statutes, or record cites for appellate or trial practice in South Carolina.
  - (zzz) Ethics in Workers’ Compensation Cases (SC Trial Lawyers Association/SC Association for Justice, Aug 2002). I presented a discussion of ethical issues impacting practice before the SC Workers’ Compensation Commission.
  - (aaaa) Ethical Issues Involving Non-Lawyer Employees (SC Trial Lawyers Association/SC Association for Justice, Aug 2001). I presented a discussion of the rules and cases outlining ethical duties regarding non-lawyer employees.
  - (bbbb) Ethics Top “Ten” - A Review of 2010 (Injured Workers Advocates/Association of SC Claimant Attorneys for Workers’ Compensation, April 2011). I presented an update of disciplinary decisions and changes in rules governing ethics in 2010.
  - (cccc) Case Law and Legislative Update (Injured Workers Advocates/Association of SC Claimant Attorneys for Workers’ Compensation, Nov 2005). I presented a discussion of case summaries and legislation involving workers’ compensation in South Carolina.
  - (dddd) Appealing to the Court of Appeals: Being a More Effective Advocate (Injured Workers Advocates/Association of SC Claimant Attorneys for Workers’ Compensation, Nov 2004). I presented a general discussion of effective appellate advocacy in workers’ compensation appeals.
  - (eeee) Ethics and the Paralegal (Injured Workers Advocates/Association of SC Claimant Attorneys for Workers’ Compensation, Jan 2002). I presented a discussion of the rules and cases governing ethical considerations for law firm employees.
  - (ffff) Update to Recent Cases, Statutes and Legislation (Injured Workers Advocates/Association of SC Claimant Attorneys for Workers’ Compensation, May 2002, Sept 2002, May 2003, Oct 2003, May 2004, Oct 2004, May 2005, Oct 2005, May 2006, Oct 2006, May 2007, Oct 2009, Oct 2010, Oct 2013). I presented a “case law update” given in the Spring and Fall of each year to present the most recent appellate cases impacting workers’ compensation in South Carolina.
  - (gggg) Appellate Case Law Update (SC Workers’ Compensation Education Association, Oct 2003, Oct 2004, Oct 2005). I presented a “case law update” given annually to present the most recent appellate cases impacting workers’ compensation in South Carolina.
  - (hhhh) Technology, Lawyers and the Commission (Injured Workers Advocates/Association of SC Claimant Attorneys for Workers’ Compensation, Oct 2002). I presented an updated discussion of technology trends including electronic filing, service and exchange of information in workers’ compensation practice.
  - (iiii) Technology and the Future of Workers’ Compensation (Injured Workers Advocates/Association of SC Claimant Attorneys for Workers’ Compensation, panel and electronic presentation - Oct 2001). I presented a discussion of technology trends including electronic filing, service and exchange of information in workers’ compensation practice.

- (jjj) United States Supreme Court Review (SC Women Lawyers Association, July 2016). I presented a summary of selected decisions of the 2015-2016 term of the Supreme Court of the United States.
- (kkkk) United States Supreme Court Review (SC Women Lawyers Association, July 2015). I presented a summary of selected decisions of the 2014-2015 term of the Supreme Court of the United States.
- (llll) The Trial is Over: It's On to the Appellate Courts (SC Applesed Legal Justice Center, May 2010). I presented a discussion of the preparation and presentation of an appeal in South Carolina.
- (mmmm) Ethics and Trust Accounts (Richland County Bar Association, Nov 2015). I presented a discussion of the ethical rules and cases governing creating and maintaining client trust accounts in South Carolina.
- (nnnn) Issues With Service of Process (SC Association of Legal Investigators, Oct 2006). I gave a presentation updating the statutes, rules and cases governing service of process in South Carolina and various issues that may arise to nonlawyer legal investigators and process servers.
- (oooo) Overview of Process Service in South Carolina (SC Association of Legal Investigators, May 2007). I presented a primer on the law governing service of process in South Carolina to nonlawyer legal investigators and process servers.
- (pppp) Effective Appellate Advocacy: Written and Oral Communications to the Appellate Court (SC Department of Social Services, April 2016). I presented a discussion of methods for effective written and oral appellate advocacy in South Carolina.
- (qqqq) Professional Ethics for Paralegals (SC Department of Social Services, Aug 2015). I presented an overview of the rules governing certification and ethical considerations for paralegals in South Carolina.
- (rrrr) Ethics Top Ten (SC Department of Social Services, Feb 2011). I presented a discussion of ten significant ethical issues and a suggestion on how to avoid them.
- (ssss) The Paralegal's Practical Guide to Pre-Trial Case Management in Federal Court (Palmetto Paralegal Education Association, Institute for Paralegal Education - Dec 2002). I presented a primer on trial practice in the Federal District Court for South Carolina.
- (tttt) Federal Rules of Evidence (Palmetto Paralegal Education Association, Luncheon Speaker Feb 2003). I presented an overview of evidentiary rules in the Federal District for South Carolina.
- (uuuu) Perspective Talking Points on the Recent SC ICWA Case: Adoptive Couple v. Baby Girl, Birth Father, and the Cherokee Nation (USC Center for Child and Family Studies, Dec 2012). I presented an overview of the history of the federal Indian Child Welfare Act and its application in Adoptive Couple v. Baby Girl.
- (vvvv) Effectuating Service of Process on Parents of Immigrant Children Outside the United States in Child Abuse and Neglect Proceedings (USC Center for Child and Family Studies, Oct 2012). I gave a presentation with Professor Joel Samuels on the Hague Convention on Civil Service of 1965 and its use in international cases involving child abuse or neglect proceedings.

- (www) Ethics: Top Ten for 2010 - Review of Disciplinary Cases (USC Center for Child and Family Studies, Feb 2010). I gave a presentation on ten ethical issues emerging from disciplinary cases for the prior year.
- (xxxx) Ethics for Members of Boards and Commissions (Richland-Lexington Airport District Commission Planning Retreat, June 2016). I gave a presentation on statutes, rules and cases governing members of public boards and commissions in South Carolina.
- (yyyy) 2003 Regional Judges Forum (Panelist) (Roscoe Pound Institute, Aug 2003). I participated in a panel discussion of the judicial decision making process.
- (zzzz) Appellate Considerations for Trial Practitioners (Joye Law Firm "Lunch and Learn," Nov 2015). I presented a primer on presenting and preserving issues for appellate review.
- (aaaa) Top 10 Ethical Considerations for Young Lawyers (Richland County Young Lawyers June 2015). I presented a review of ten ethical issues, the rules governing those issues, and ways young lawyers can avoid violating those rules.
- (bbbbb) Presenting Workers' Compensation Cases to the Appellate Courts (Mickle & Bass, May 2015). I presented a primer on effective appellate written and oral advocacy in workers' compensation cases.
- (cccc) Written Discovery (Sowell Gray Stepp & Laffitte, Jan 2014). I participated in a panel discussion with Honorable Diane S. Goodstein and Robert Stepp on written discovery tools available in South Carolina.
- (dddd) Ethics Top Ten for 2010/2011 (Johnson Toal & Battiste, Dec 2011). I gave a presentation on ten major ethical issues for practitioners and their staffs and how to avoid those issues.
- (eeee) Effective Appellate Advocacy (Charleston Art of Trial Advocacy Workshop, April 2008). I gave a presentation on effective written and oral appellate advocacy in South Carolina.

12. List all published books and articles you have written and give citations and the dates of publication for each.

- (a) Trial Handbook for South Carolina Lawyers (Second Ed. through Fifth Ed.), by the Hon. Alexander M. Sanders and John Nichols (Thomson Reuters/West Group 1995-2016) and by the Hon. Alexander M. Sanders, Deborah Neese, and John Nichols (First Ed. Lawyers Co-Op. Pub. Co.1994), Contributing Author.
- (b) Service of Process in South Carolina (SC Bar CLE 2005; Second Ed. 2009; Third Ed. 2012; Fourth Ed. 2014), Author.
- (c) Masters in Equity and Special Referees in South Carolina (SC Bar CLE 1996, revised 1998; Second Edition 2002; Third Edition 2006, Revised 2009; Fourth Ed. 2012), Author.
- (d) South Carolina Law of Torts (Fourth Ed.)(SC Bar CLE 2011) Annual Update by E. Scott Moise and John S. Nichols (2012-2015), Contributing Author.
- (e) Law School for Nonlawyers: Tort Law in South Carolina (SC Bar Pro Bono Program 2006-2016), Author.
- (f) Annual Case Law and Legislative Update (SC Bar CLE 1996-2012), Author.
- (g) Ethical Issues Involving Non-Lawyer Employees (SC Bar CLE Distance Learning (2000)), Author.

- (h) South Carolina Jurisprudence (SC Bar CLE 1994), Pocket Part Supplements, Twenty-Five Volumes, Author.
- (i) South Carolina Jurisprudence (SC Bar CLE 1993), Pocket Part Supplements, Twenty Volumes, Author.
- (j) Ervin's Jury Charges (SC Bar CLE 1994-1996) Annual Pocket Part Supplements, Two Volumes, Author.
- (k) Fast Forward Decisions/Annual Case Law Update (SC Bar CLE 1991-1994), Author.
- (l) What's New? (column author/editor) (South Carolina Lawyer, SC Bar Magazine 2000-2004), Editor and Author.
- (m) A Trail of Tiers: Limitations on Punitive Damages under South Carolina's 2011 Tort Legislation. (The Bulletin - SC Association for Justice Magazine, (Fall 2011)), Author.
- (n) Safeguarding the Truth in Court - The Doctrine of Judicial Estoppel. (South Carolina Lawyer, SC Bar Magazine January-February 2002 issue), Author.
- (o) When the Defendant Fails to Forward the Papers - Has Shores v. Weaver Been Statutorily Overruled? (The Bulletin - SC Association for Justice Magazine, (Summer 2001)).
- (p) Appellate Watch: Preserving Error from the Respondent's Perspective. (The Bulletin - SC Association for Justice Magazine, (Winter 2000)).
- (q) Where Have You Gone, Atticus Finch? (The Bulletin - SC Association for Justice Magazine, (Summer 2000)).
- (r) Criminal Trial Notebook (SC Court Administration 1990). Contributing Author.
- (s) South Carolina Damages (Second and Third Editions) (SC Bar CLE 2009, 2016). Contributing Author.
- (t) Appellate Practice in South Carolina, by Hon. Jean H. Toal (SC Bar CLE 1999, 2002, 2016), Editorial Board.
- (u) South Carolina Damages by Jay Ward and Edward Westbrook (SC Bar CLE 2005, 2009), Editorial Board.
- (v) Environmental Law in South Carolina (Fourth Edition) by Samuel L Finklea (SC Bar CLE 2016), Editorial Board.
- (u) Manual for Appellate Central Staff Attorneys (South Carolina Court of Appeals (1995-1996). Contributing 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) South Carolina, 1985;
- (b) US District Court for the District of SC, 1986;
- (c) US Court of Appeals for the Fourth Circuit, 1997;
- (d) Supreme Court of the United States, 2001;
- (e) US Court of Appeals for Veterans Claims, 2008;
- (f) US Court of Appeals for the Eleventh Circuit, 2009;
- (g) US Court of Appeals for the Federal Circuit, 2009;

- (h) Pro hac vice before state or federal courts in numerous jurisdictions while practicing with Suggs & Kelly, PA., including California, New Jersey, Minnesota, Florida, Texas, and Ohio, 1996-2000;
  - (i) US Multi-District Litigation Panel, 1998 (Ft. Meyers, Florida) and 1999 (Palm Springs, California).
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) May 1985 - November 1985. Furr & Delgado - Law Clerk. I assisted general family law and criminal defense litigation practitioners with preparation for trial and during the trial of civil, criminal and family law cases.
  - (b) November 1985 - December 1985. Furr & Delgado - Associate Lawyer. Once I was admitted to the SC Bar in November 1985, I acted as an associate lawyer assisting with criminal, domestic relations and tort law litigation while interviewing for permanent employment.
  - (b) December 1985 - July 1986. Rogers & Koon - Associate Lawyer. I represented lenders in mortgage foreclosure actions and engaged in general civil and criminal defense litigation.
  - (c) December 1985 - July 1996. South Carolina Court of Appeals. I had the following legal experiences while with the South Carolina Court of Appeals:
    - i. July 1986 - July 1988. Central Staff Attorney. I reviewed records and briefs and prepared bench memoranda for cases assigned to the judges on the panel.
    - ii. July 1988 - December 1993. Deputy Chief Staff Attorney. I reviewed records and briefs and prepared bench memoranda for the cases assigned to the judges on the panel. I also assisted Chief Judge Alex M. Sanders as needed.
    - iii. December 1993-April 1996. Chief Staff Attorney. I reviewed records and briefs and prepared bench memoranda or prehearing reports for the judges on the panel. I also supervised 4 other staff attorneys, interviewed and recommended law clerks and staff attorneys for the court, assisted the judicial department with training for new appellate court judges and staff, and attended ABA conferences on behalf of the Court. I also assisted Chief Judge William T. Howell as needed.
    - iv. Fall 1987. Law Clerk for Chief Judge Alexander M. Sanders, Jr. I attended the panel bench conferences and the oral arguments for cases assigned to Judge Sanders. I assisted Judge Sanders with legal research and drafting of opinions, orders, memoranda, speeches and seminar materials.
    - v. Spring and Summer 1988. Law Clerk for Associate Judge Randall T. Bell. I attended bench conferences and oral arguments for cases assigned to Judge Bell. I also assisted Judge Bell with legal research and drafting of opinions, orders, memoranda, and seminar materials.

- vi. October 1992- August 1993. Law Clerk for Acting Associate Judge (retired Chief Justice) C. Bruce Littlejohn. I attended bench conferences and oral arguments for cases assigned to Judge Littlejohn, who sat with the Court of Appeals by assignment due to a vacancy on the Court. I also assisted Judge Littlejohn with legal research and drafting of opinions, orders and memoranda.
- (d) April 1996 - June 2000. Suggs & Kelly, Lawyers, P.A. I investigated, prepared and litigated pharmaceutical products liability cases nationwide and assisted with the preparation and argument of motions and appeals in state and federal courts in South Carolina and numerous other states (appeared *pro hac vice*).
- (e) June 2000 - December 2007. Bluestein & Nichols, LLC. I co-founded a general litigation and appellate practice. My primary focus was preparing and arguing cases before the South Carolina state and federal trial or appellate courts.
- (f) January 2008 to present. Bluestein Nichols Thompson & Delgado, LLC. I engaged in a general litigation and appellate practice, represented lawyers before the South Carolina Supreme Court's Office of Disciplinary Counsel, and provided expert witness testimony in legal malpractice or attorney fee matters.
- (g) 2003 to present - South Carolina Board of Law Examiners. I prepared questions for and graded one topic on the SC Bar Exam given in February and July each year. I also did peer-review of the other five topics. I initially graded one topic from 2003 to 2008 and switched to a different topic 2009 to present. I served the Board in the following roles:
  - i. 2003 to 2007. Associate Board Member. I assisted Board member Keith Babcock in preparing and grading one section of the South Carolina Bar Exam.
  - ii. 2007 to present. Board Member. I supervised Associate Board members David Rothstein and Shannon Bobertz as a team in preparing and grading one section of the South Carolina Bar Exam, and assisted the remaining Board Members in the overall administration of the exam.
  - iii. January 2016 to present. I was appointed by Chief Justice Costa M. Pleicones to serve as a member of the Supreme Court's task force to assist in development and implementation of the Uniform Bar Exam in South Carolina beginning in January 2017.
- (h) June 2014 - present. I served as special counsel to the South Carolina House of Representatives Ethics Committee and the South Carolina Speaker of the House. I assisted the Ethics Committee and the Speaker with issues that arose under the SC Ethics in Government and Accountability Act or other statutes, rules or case law relevant to ethical issues involving the members or staff of the South Carolina House of Representatives.
- (i) July 2016 - present. I served as special counsel to the South Carolina Senate Ethics Committee. I advised and assisted the Senate Ethics Committee on issues arising under the SC Ethics in Government and Accountability Act or other statutes, rules or case law relevant to ethical issues involving the members or staff of the South Carolina Senate.
- (j) January 2016 - present. I serve as a member of the South Carolina Resolution of Fee Disputes Board. As a board member, I investigate fee disputes between South



Carolina lawyers and their clients or sit on panels deciding fee disputes investigated by other panel members.

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.
  - (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.  
No applicable.
16. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, etc.? If you are currently a member of the judiciary, list your last available rating, if any.
- (a) Martindale-Hubbell - AV rating
  - (b) Super Lawyers – Top Rated Appellate Lawyer
  - (c) Best Lawyers in America – Lawyer of the Year rating.
  - (d) Leaders in the Law - I am unaware of any rating by this organization.
  - (e) AVVO – this organization has published a rating for me of 7.1/10. On advice of ethics counsel I have not claimed this profile.
  - (f) Lawyers.com – this organization has published a rating for me of 5.0/5.0.

\* **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: Approximately 5 times a year, including appellate cases
  - (b) state: Approximately 35 times a year, including appellate cases.
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: 50%
  - (b) criminal: 10%
  - (c) domestic: 20%
  - (d) other: 20% (this includes appearances before the office of disciplinary counsel, work as an expert witness, and my role with the House and Senate Ethics Committees).
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: 15%
  - (b) non-jury: 85%
- Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters?
- I served most often as associate counsel in the jury matters, and chief counsel in the nonjury matters.
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) Lawing v. Univar, USA, Inc., 415 S.C. 209, 781 S.E.2d 548 (2015). This case answered the novel issues of whether an employee of an independent contractor was a “user or consumer” of a product warning on hazardous material, whether the “sophisticated user” defense to a products liability case is the law of South Carolina, and the parameters of the sophisticated user defense if adopted in the future.
  - (b) Brown v. Baby Girl Harper, 410 S.C. 446, 766 S.E.2d 375 (2014). Although I lost this case, it presented the first opportunity to construe aspects of the voluntary child adoption laws in South Carolina and the “substantial compliance” doctrine adopted in other states. The case was also a model for how the appellate courts should handle an expedited appeal in adoption matters; it took only six months to be fully briefed and argued before both the Court of Appeals and the Supreme Court.
  - (c) Dawkins v. Union Hosp. Dist., 408 S.C. 171, 758 S.E.2d 501 (2014). This case established that an injury in a hospital from ordinary negligence unrelated to medical treatment was not subject to the medical malpractice procedures adopted in 2007.
  - (d) Coleman v. Mariner Health Care, Inc., 407 S.C. 346, 755 S.E.2d 450 (2014). This case established the limits of the Adult Healthcare Consent Act and held a sister

could not bind an incompetent resident in a nursing home to an arbitration agreement.

- (e) Brooks v. Kay, 339 S.C. 479, 530 S.E.2d 120 (2000). The Supreme Court described the parameters of S.C. Code Ann. § 19-11-20 (1985), the "Dead Man's" statute.
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) C-Sculptures, LLC v. Brown, 403 S.C. 53, 742 S.E.2d 359 (2013) (Supreme Court of South Carolina, 5/8/2013).
- (a) Adoptive Couple v. Baby Girl, 398 S.C. 625, 731 S.E.2d 550 (2012) (Supreme Court of South Carolina, 7/26/2012) reversed Adoptive Couple v. Baby Girl, --- U.S. ---, 133 S. Ct. 2552 (2013).
- (c) James v. Kelly Trucking Co., 377 S.C. 628, 661 S.E.2d 329 (2008) (Supreme Court of South Carolina, 3/10/2008).
- (d) Hooper v. Ebenezer Sr. Services & Rehab., 386 S.C. 108, 687 S.E.2d 29 (2009) (South Carolina Court of Appeals and the Supreme Court of South Carolina, 12/14/2009).
- (e) Baggerly v. CSX Transp., Inc., 370 S.C. 362, 635 S.E.2d 97 (2006) (Supreme Court of South Carolina, 8/28/2006).
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.
- (a) State v. Tindall, 388 S.C. 518, 698 S.E.2d 203 (2010) (Supreme Court of South Carolina, 8/16/2010).
- (b) State v. Davis, 371 S.C. 412, 639 S.E.2d 457 (Ct. App. 2006) (South Carolina Court of Appeals 12/11/2006).
- (c) State v. Freiburger, 366 S.C. 125, 620 S.E.2d 737 (2005) (Supreme Court of South Carolina, 9/26/2005).
- (d) State v. Parker, 2015-UP-574 (S.C. Ct. App. filed Dec. 30, 2015) (South Carolina Court of Appeals, 12/30/2015).
- (e) State v. Capodanno, 2011-UP-393 (S.C. Ct. App. filed Aug. 18, 2011) (South Carolina Court of Appeals, 8/18/2011).
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 have never held judicial office.
- In 2016 Circuit Court Judge Alison Lee appointed me to serve as a special referee in a matter which I ultimately dismissed for failure of the plaintiff to prosecute. I also served as a hearing officer in 2009-2010 by consent of the parties in a contested administrative hearing in a dispute involving the South Carolina Commission for the Blind.
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.

Neither order I entered in the matters described in question 23 were reported. I know of no appellate review of those decisions.

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.
- (a) 2012-present - South Carolina Commission on Indigent Defense, 2012-present.  
Appointed.  
I have timely filed my Statement of Economic Interests reports for each year of my appointment.
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.
- Not applicable.
27. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.
- I have never sought elective, judicial or other public office.
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.
- Yes.
- (a) May 1976 - Aug 1978. Lion Chemical Labs - Darlington, SC. I was an assistant to Dr. Ernie Gootman, the chemist who owned and operated the business. The job primarily involved production of dry epoxy resin coating for capacitors and a silver dip process for creating capacitors. I was responsible for loading various components into the blenders pursuant to Dr. Gootman's chemical formulas, running tests on samples, and packaging the material in 300-pound barrels for shipping worldwide. This was employment while I was enrolled in undergraduate college.
- (b) October 1978 - August 1982. South Carolina Department of Social Services - Florence, SC. I was a Child Protective Services Case Manager (Social Worker II). I investigated reports of abuse or neglect of children, assisted the Twelfth Judicial Circuit Solicitor's office in preparing and presenting cases in Family Court or General Sessions Court, testified in Family Court or General Sessions Court, and assisted the Florence-Darlington Alcohol and Drug Abuse Center in creating and presenting parenting education for clients.
- (c) June 1977 - June 1983. RGIS Inventory Specialists Florence, SC. This was part-time work doing retail inventory of grocery stores and military commissaries in South Carolina, North Carolina and Georgia. I worked this job while in undergraduate college and continued to do so until after my first year in law school to supplement my income.

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) Bluestein Nichols Thompson & Delgado, LLC. I am a member of my law firm, which is a member-managed Limited Liability Company. I have three equity partners and we are each responsible for the day-to-day supervision of associate lawyers and direct staff. I also am responsible for my personal case load and assisting other lawyers in the firm with their cases. I also participate in hiring and firing decisions, and I perform in-house training on ethics and civility. There is no finite term of service.

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.

(Your response to this question may state "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.**

See attached.

A complete, current financial net worth statement was provided to the Commission.

31. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest.

- (a) I am employed with my law firm, Bluestein Nichols Thompson & Delgado, LLC. My behavior here would be governed by the Canons of Judicial Conduct found in Rule 501, SCACR as well as case law and Ethics Advisory Opinions from the South Carolina Bar. I would recuse myself from having any involvement in the decision of a case in which my firm was involved during the time of my association with the firm.
- (b) My wife and I have retirement accounts with Northwestern Mutual, John Hancock, Merrill Lynch, Fidelity and Ameriprise Financial. My behavior would be governed by the Canons of Judicial Conduct found in Rule 501, SCACR as well as case law and Ethics Advisory Opinions from the South Carolina Bar. I would recuse myself from deciding any case involving those entities that could impact the values of those retirement accounts.

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.

Yes.

(a) On March 8, 2002, I was in Atlanta, Georgia, to attend the Southeastern Conference basketball tournament at the Georgia Dome. My parents were scheduled to attend with my wife and me but at the last minute could not go. I took their ticket books with me to try to sell them at the tournament. A young lady approached me near the entrance to MARTA and asked me what I wanted for the tickets and I responded "face value." She was an undercover Atlanta police officer and she placed me under arrest for violation of a city ordinance that prohibited the resale of entertainment tickets "at any price" within 2,300 feet of the venue; I was about 1,000 feet from the Georgia Dome. I was unaware of this local ordinance. On April 28, 2011, the City of Atlanta dismissed the charge pursuant to a motion by the city prosecutor.

(b) In September 2007 I received a traffic citation from a SC Highway Patrol State Trooper for driving on I-126 at 11:30 p.m. without operating tail-lights. I had left my office to head home. My car (a 2007 Toyota Sequoia) has a feature which makes it appear to the driver that all of the lights are on when the tail-lights are actually not on. I paid a reduced fine of \$150 for the ticket.

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.

(a) No tax lien or other collection procedure has ever been instituted against me by federal, state or local authorities.

(b) I have never defaulted on a student loan.

(c) I have never filed bankruptcy.

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.

Yes.

(a) I was a defendant in an action for divorce filed by my first wife in Richland County in 1990 on the ground of one year separation. The divorce was finalized in October 1990.

(b) I was the defendant in a divorce action my current wife filed in 2013 in Richland County. We reconciled and the matter was dismissed in November 2013.

(c) In researching matters for this application I discovered I was a defendant in a civil rights action filed pro se in 2015 in federal district court. The case is captioned Boyd v. Bluestein, Nichols, Thompson, and Delgado, LLC, et. al., C/A No. 3:15-4791-JFA-PJG (D.S.C.). I was named as an individual defendant. The District Court Clerk's office

never issued a summons so the matter was never served upon me. The case was assigned to District Judge Joseph F. Anderson, who referred it to Federal Magistrate Judge Paige J. Gossett. Judge Gossett issued a report and recommendation that the matter be summarily dismissed. Boyd v. Bluestein, Nichols, Thompson, Delgado, 2016WL1274183 (D.S.C. 2016). Judge Anderson issued an order adopting Judge Gossett's report and recommendation and summarily dismissed the matter without prejudice and without issuance and service of process. Boyd v. Bluestein, Nichols, Thompson and Delgado, LLC, 2016WL1258326 (D.S.C. 2016). I was unaware of the existence of this action until finding it while doing research through Westlaw. The case remains dismissed.

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.  
(a) I am covered by malpractice insurance and have been continuously covered since entering private practice in July 1996. I was also covered during my brief period of practice from December 1985 to July 1986, when I became employed by the South Carolina Court of Appeals. We currently have coverage of \$1,000,000 with a deductible of \$10,000.  
(b) I have never been covered by a tail policy.
39. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.? If so, how would your use of social media or other similar types of Internet sites be affected if you were serving in a judicial capacity?  
(a) Yes, but not in any significant way on any social media. I have a Facebook page but do not post regularly. I have a LinkedIn page but also do not post original items, regularly respond to others, or claim "endorsements." I have a Twitter account but have rarely posted anything to that account.  
(b) My use of social media or other similar types of Internet sites would not be greatly affected if I were serving in a judicial capacity because my current usage is so

limited. If elected I will abide by the Canons of Judicial Conduct, the Rules of Professional Conduct, and common sense.

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.

(a) I have no knowledge of any formal charges or informal allegations against me or any other candidate for violation of the subject provisions.

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.

(a) I have no knowledge of any formal charges or informal allegations against me or any other candidate for violation of the subject provisions.

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?

(a) I spent \$1.40 in postage to mail the required Letter to the Commission on Lawyer Conduct with copies to the Supreme Court and the JMSC.

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.



- (a) I have made no contributions, nor have any been made on my behalf or on behalf of my law firm, to any member of the General Assembly since the announcement of my intent to seek election to a judgeship.
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.**
- (a) I have not, directly or indirectly, requested the pledge of any member of the General Assembly as to my election for the position for which I am being screened, nor have I been offered a conditional pledge of support by any legislator pending the outcome of my screening.
- (b) I have not 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 my election for the position for which I am being screened.
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.
- (a) I have not requested any third parties to contact members of the General Assembly on my behalf before the final and formal screening report has been released.
- (b) I am also not aware of any third parties contacting members of the General Assembly on my behalf.
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?
- (a) I am familiar with the 48-hour rule, which prohibits a candidate from seeking pledges until after the draft report becomes final.
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) South Carolina Bar

- i. Resolution of Fee Disputes Board Member (2016)
- ii. House of Delegates - Solo and Small Firm Representative (2013-2014)
- iv. Solo and Small Firm Section (Chair 2012-2013)
- v. South Carolina Lawyer Magazine (Editor 2004-2006; Editorial Board 1996-2007)
- vi. Continuing Legal Education - Full Committee, 1990-2006 (Chair 1998-2000)
- vii. Conventions Committee, 1998-2006
- viii. Professional Responsibility Committee - 1995, 2000-2006, 2009-present
  - A. South Carolina Ethics 2000 Subcommittee - 2001-2003
  - B. Chair, Subcommittee on Overdraft Reporting - 2003
  - C. Chair, Limited Scope Task Force -- 2016
- ix. Trial & Appellate Advocacy Section - 1999, 2001-present
- x. Continuing Legal Ed - Publications Subcommittee, 1990-2007 (Chair 1996-1998)
- xi. Continuing Legal Education Committee
  - A. Seminars Subcommittee, 1990-1993
  - B. Continuing Legal Ed - Media Services Subcommittee, 1989-1991

(b) Richland County Bar Association

(c) South Carolina Association for Justice/SCTLA

- i. Immediate Past President 2008-2009 (SCAJ)
- ii. President 2007-2008 (SCTLA/SCAJ)
- iii. President-Elect 2006-2007
- iv. Vice-President 2005-2006
- v. Treasurer 2004-2005
- vi. Secretary 2003-2004
- vii. Editor The Bulletin 2002-2003
- viii. Legislative Steering Committee, 1999-2011
- ix. Honors and Awards Committee, 2003, 2005
- x. Executive Committee 2004-2012
- xi. Legislative Liaison Negotiating Team Member 2004-2005
- xii. Ethics and Professionalism Committee, 2001-2002, 2008-present (Chair)
- xiii. Appellate Practice Committee, 2001-present (Co-Chair 2005-2006)
- xiv. President's Council Chair (2012-2013)
- xv. President's Council Board of Governors Representative (2013-2014)

(d) Federal Bar Association, South Carolina Chapter

- i. President 2002-2003
- ii. President-elect 2001-2002

(e) American Bar Association

- i. ABA Council of Appellate Staff Attorneys

- A. Education Committee, 1994-1995
      - B. Scholarship Committee, 1993-1994
    - ii. Judicial Administration Division (appellate practitioner member) (2016)
      - (g) John Belton O’Neill Inns of Court
      - (h) Roscoe Pound Institute Member Fellow
      - (i) Southern Trial Lawyers Association
      - (j) American Association for Justice/ATLA
        - i. Leaders Forum (2008-2013)
      - (k) Public Justice Foundation
      - (l) South Carolina Supreme Court Historical Society
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) University of South Carolina Coaches v Cancer Committee (Chair 1996-2012)
  - (b) Richland Library Foundation Board (Nominating Committee Chair 2014)
  - (c) Furman University Riley Institute Diversity Leadership Consortium (Founding Member)
  - (d) South Carolina Supreme Court Mentoring Program trainer (2012-2016)
  - (e) University of South Carolina Alumni Association (1996-present)
  - (f) Francis Marion University Alumni Association (1978-present)

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.

I was raised in a large family in Florence, South Carolina, by two very loving parents. Both of them instilled in me the importance of good work ethic, discipline, and respect for others.

I received an outstanding education at St. Anthony’s Parish parochial school and then at Francis Marion College, where I majored in mathematics and minored in philosophy and religion. The variety of experiences at Francis Marion helped shape my study habits and research skills.

As a lawyer, I am contacted regularly by other lawyers who ask for help on various legal issues, and I give freely of my time. I also volunteer to mentor law students through the University of South Carolina School of Law and through the John Belton O’Neill Inns of Court. I volunteer my time to mentor young lawyers and train other lawyers how to be mentors through the Supreme Court’s Commission on CLE and Specialization. I give this time because I am keenly aware of the help I have received from so many others during my time as a law student and as a lawyer, and I desire to “pay it forward.” I believe these experiences will help me with patience and understanding when engaging colleagues, court staff and lawyers at oral argument, and when approaching the decisions in each case.

I have also spent a great deal of time over the past twenty years reviewing proposed legislation, researching and collecting helpful information pertaining to proposed legislation, and testifying before various legislative subcommittees. These experiences have taught me the difficult process that underlies the ultimate passage of legislation, including the debate

and give and take on policy decisions. The experiences also have reinforced my understanding of the appropriate roles of the executive, legislative and judicial branches of government.

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) Chad Bowers  
Assistant Manager  
Palmetto Citizens Federal Credit Union  
PO Box 5846  
Columbia, South Carolina 29250  
(803) 732-5000  
(my banker)
- (b) F. Earl Ellis, Jr., Esquire  
Adams and Reese LLP  
1501 Main Street, 5th Floor  
Columbia, South Carolina 29201  
(803) 212-4950
- (c) Luther J. Battiste III, Esquire  
Johnson, Toal & Battiste, P.A.  
P.O. Box 1431  
Columbia, South Carolina 29202  
(803) 252-9700
- (c) Donald L. Gordon, PhD  
Executive Director  
The Riley Institute at Furman  
Furman University  
3300 Poinsett Highway  
Greenville, South Carolina 29613-1206  
(864) 294-3327
- (e) Tina S. Gills, CFRE  
Development Manager  
Richland Library  
1431 Assembly Street  
Columbia, South Carolina 29201  
(803) 799-9084

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;  
None.
- (b) in which there have been public improvements of \$200 or that adjoins property in which there have been public improvements of \$200; or  
None.
- (c) which was sold, leased, or rented to a state or local public agency in South Carolina.  
None.

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

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

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?

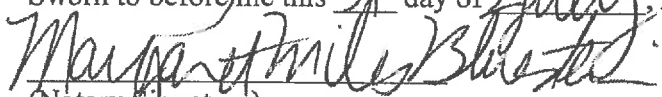
Not applicable.

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: 

Sworn to before me this 31 day of July, 2016.

  
(Notary Signature)

Margaret Miles Blustein  
(Notary Printed Name)

Notary Public for South Carolina  
My Commission Expires: 6/2/2020