

**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

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

1. Name: Mr. Jon René Josey (Generally by my middle name as was my namesake)

Name that you are known by if different from above : None.

Are you currently serving in some capacity as a judge? No.

Home Address: [REDACTED]

Business Address: Turner, Padgett, Graham & Laney  
319 South Irby Street  
P.O. Box 5478 (P.O. Box Zip is 29502-5478)  
Florence, SC 29501

E-Mail Address: [REDACTED]

Telephone Number: (home): [REDACTED]  
(office): 843-656-4451

2. Date of Birth: [REDACTED] 1960  
Place of Birth: Jackson, Mississippi  
Social Security Number: [REDACTED]

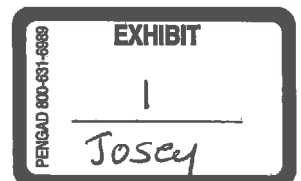
3. Are you a citizen of South Carolina? Yes.  
Have you been a resident of this state for at least the immediate past five years? Yes.

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

5. Family Status: Married on May 25, 1985 to Martha Willis Josey.  
Never divorced, two children.

[REDACTED]

6. Have you served in the military? If so, give the dates, branch of service, highest rank attained, serial number, present status, and the character of your discharge or release.



I have never 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.

Dates Attended	Name of School	Degrees Awarded
(a) 8/82 - 5/85	University of South Carolina	J. D. -- 1985
(b) 7/77 - 5/82	Clemson University	B. A. -- 1982

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.

I was admitted to practice in South Carolina in 1985. I only took the South Carolina bar exam once. I have never applied to any other state or taken any other bar exam. I have always been a member in good standing of the bar.

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) University of South Carolina School of Law Honors and Activities:

Order of Wig and Robe  
Legal Writing Instructor 1984-85  
South Carolina Law Review  
Student Works Editor 1984-85  
Survey Staff 1984  
Phi Delta Phi Legal Fraternity, Exchequer 1984-85  
Women's Law Association, Recording Secretary 1984  
Environmental Law Society, Secretary-Treasurer 1983

(b) Clemson University Honors and Activities:

University Debate Team, Outstanding Debator 1978, 1979, and 1982  
Clemson Forensic Union, President 1980  
Pi Kappa Alpha Fraternity, Treasurer 1980, Parliamentarian 1981  
University Chorus, Letter Member  
Delta Sigma Rho-Tau Kappa Alpha (Forensic Honor Fraternity)  
Phi Eta Sigma (Freshman Honor Fraternity)  
Clemson Trustee Award Finalist 1981

10. Describe your continuing legal or judicial education during the past five years.

(a)	S.C. Bar 11-04 It's All A Game	2/18/2011
(b)	TPGL 122834 Crooked Employees and Wallowing	3/8/2012
(c)	ABA 122916ADT Ethics Essentials for Successful	

	Online Legal Marketing	3/19/2012
(d)	SCFBA 122973 Appellate Advocacy CLE	3/22/2012
(e)	TPGL 125364IH Magna Legal Services Jury	
	Persuasion: How Jurors Form Decisions	6/5/2012
(f)	ABA 125690ADT Powerful Witness Preparation	8/20/2012
(g)	ABA 126844ADT A Conversation on the Supreme	9/10/2012
(h)	DRI 126673ADO MSP Case Law Update	9/26/2012
(i)	ABA 127727ADT Retribution, Rehabilitation or Justice?	11/19/2012
(j)	ABA 132974ADT The Best Defense is a Good Offense	3/26/2013
(k)	SCBHLC 132504 The Patient Protection & Affordable Care Act	5/3/2013
(l)	ABA 133213ADT Free LegalResearch Online	5/20/2013
(m)	SCBAR 136004 Nit, Grit and Wit: Tales and Talk on Ethics	9/26/2013
(n)	ABA 137544 Proposed Revision To the FRCP	12/17/2013
(o)	TPGL 14265IH Ethics, Professionalism & Substance Abuse	3/22/2014
(p)	Florence County Bar Christmas Ethics	December 2014
(q)	SCBAR Annual Convention	January 2015
(r)	TPGL 152553IH Diversity in the Legal Profession	3/27/2015
(s)	USDCOC Sentencing Guidelines Seminar	8/18/2015
(t)	ABA 158120ADT 50 Ways To Leave Business Partner	12/10/2015
(u)	ABA 156559ADO Supreme Court Preview of Term	12/28/2015
(v)	SCB 160304 Part 1 Criminal Law Section	1/22/2016
(w)	ABA 162956ADO Suicide Prevention	3/30/2016
(x)	ABA 164187ADO Mental Health Awareness	4/18/2016

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.
- For the past two summers (2014 and 2015) I have served as an Adjunct Professor for the University of South Carolina School of Law. I have taught one criminal law externship course each summer – helping to supervise students placed throughout the state in public defender’s offices and solicitor’s offices.
  - I have participated in mentoring talks for small groups at the University of South Carolina for new law students in the Fall of 2012, 2013, and 2014.
  - I spoke to bankers and other industry clients on September 14, 2012 (together with other attorneys from my firm and accountants from the firm of Webster Rogers) on how to investigate and defend against fraud.
  - On May 25, 2012, I spoke to the South Carolina Chapter of the Association of In-House Counsel. My talk was centered on the defending against whistleblower suits and investigations.
  - On 9/27/07, I spoke to a Sentencing Guidelines training course sponsored by the United States Probation Office for private attorneys defending the accused in the federal system. I have spoken at such events on many occasions.
  - In August 2007, I was the moderator for the S.C. Bar and Federal Bar Association’s annual seminar on federal practice.

- (g) Earlier in the summer of 2007, I spoke to law students at both the Florence federal courthouse and the Perry federal courthouse on federal practice and the mission of the Federal Bar Association.
- (h) As United States Attorney, I was regularly asked to speak at the Annual Criminal Law Update held during the South Carolina Bar's Charleston convention (1/26/01, 1/21/00). I also have taught at the South Carolina Trial Lawyer's Convention (August 2000) and the South Carolina Solicitor's Conference. I helped organize and teach an Ethics CLE at Clemson's Homecoming in 1999 (10/2/99) at the Strom Thurmond Center ("Touchdown Ethics from Tigers on Both Sides of the Field").
- (i) In addition, I was a regular speaker at Narcotics training classes for law enforcement, Safe Schools training for teachers and law enforcement, and other training sponsored by the Law Enforcement Coordinating Committee (LECC) of the United States Department of Justice. I was a speaker at DEA conferences, FBI retreats, and the South Carolina Criminal Justice Academy.
- (j) After joining the firm of Turner, Padgett, Graham & Laney in March of 2001, I was involved with the Attorney Development program for new associates – directing the program through 2006. This initiative is somewhat broader than mere continuing legal education but involves development of all the skills newer lawyers need to acquire to become successful and productive practitioners. This includes time and personnel management training, team-building, and mentoring.
- (k) I have also spoken on Ethics at the Florence County Bar Association's Annual Ethics CLE (10/26/01), and the Federal Bar Association's CLE in conjunction with the South Carolina Bar (9/6/02).

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

While I was in law school at the University of South Carolina, I published the following two articles in the South Carolina Law Review:

- (a) An Analysis of *Silkwood v. Kerr-McGee Corp.* -- Are Punitive Damages and Exclusive Federal Regulation Consistent? 36 S.C.L. Rev. 689 (1985).
- (b) Annual Survey of South Carolina Law (Labor and Employment Section), 36 S.C.L. Rev. 179 (1984).  
 Employment Discrimination and Title VII: Appropriate Conceptual Frameworks for Different Claims.  
 Fetal Vulnerability Plan: Disparate Treatment Absent Intent.  
 Title VII and The Sexually Offensive Work Environment: A Warranty of Workability.  
 Wildcat Strikes and Local Union Liability.
- (c) The United States Attorney's office published a quarterly newsletter primarily for law enforcement agencies and I contributed articles to that publication.

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) United States Supreme Court, admitted October 3, 1994
- (b) United States Court of Appeals for the Fourth Circuit, admitted August 26, 1987

- (c) United States Court of Appeals for the Federal Circuit admitted August 5, 1992
- (d) United States District Court, District of South Carolina admitted August 11, 1987
- (e) Supreme Court of South Carolina, November 21, 1985

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) From August of 1985 through August of 1987, I was a law clerk to the Honorable C. Weston Houck, United States District Court Judge for the District of South Carolina.
- (b) Following my clerkship, my wife and I chose to remain in our new home of Florence (we are both previously from Clemson where I fathers both taught at the University). I joined the firm of Rogers & McBratney as an associate. I worked as an associate with the firm from August of 1987 through March of 1991. I became a partner in the firm in April of 1991 and the firm name was changed to Rogers, McBratney, & Josey. I remained with this firm through December of 1993 when I left to start my own solo practice. Throughout my years of practice with these attorneys, I was engaged in the general practice of law with an emphasis on litigation – both civil and criminal. I also practiced in the family court.
- (c) I was in the solo practice of law at 401 W. Cheves Street, Florence, SC, from 1 January 1994 to 17 May 1996. The nature of my practice was very much as it had been before – general litigation matters of many varieties. In addition, I began handling appeals in association with other firms. I enjoyed appellate research and particularly writing.

Florence County was one of the initial pilot counties for a mandatory ADR program and I received the necessary training early in the program's development. I served on the initial Florence County list of mediators who could be appointed. I conducted many mediation sessions in the 1994-1996 period.

While my practice had always had a federal criminal defense component, it reached a peak when I was in solo practice. My office location was very close to the federal courthouse and I was a frequent choice of the United States Magistrate for appointments since it facilitated timely hearings – particularly before the Federal Public Defender opened a full-time office in Florence.

- (d) In February 1996, I was recommended by United States Senator Ernest F. Hollings to be the United States Attorney for South Carolina. Following the vetting process, I was formally nominated by the President. Pending confirmation by the United States Senate, I was appointed by the United States Attorney General and United States District Court as an interim United States Attorney on 17 May 1996 and I closed my private practice. On the motion of Senator Strom Thurmond, my nomination was forwarded out of the Judiciary committee in weeks and I was unanimously confirmed by the United States Senate just before their Memorial Day recess.

My work as United States Attorney was again focused on diverse litigation – both civil and criminal, and both as civil plaintiff and civil defendant. While much of my time and effort was spent leading and managing the office effort as a whole across the district, I intentionally sought opportunities to participate directly in grand jury and courtroom work -

- both to enhance my leadership with the office and to personally learn from many skilled Assistant United States Attorneys. As United States Attorney, I also personally participated with Assistant United States Attorneys in several important mediation sessions. During my service as United States Attorney, the Assistants in the office honored me with an inaugural "Trial Dog" Award for my active participation with them in the trenches of the courtroom.

During my federal service I also spent considerable time working on communication and coordination with local law enforcement and local prosecutors whom I grew to respect very much. With the growth of electronic communication, I enjoyed reflective writings to my staff on a regular basis.

- (e) At the conclusion of my term as United States Attorney, I resigned to aid the transition for the new administration (24 February 2001). I chose to join the law firm of Turner, Padgett, Graham & Laney working primarily from its Florence office. I began my work with the firm in March of 2001.

While I work on the business and commercial litigation team, my practice has again become quite diverse including both criminal and civil matters. The civil matters have included both tort actions and contract actions. I have worked for both plaintiffs and defendants. I have worked on both state criminal matters in several circuits and federal criminal matters. I have renewed my certification as a mediator and served in that capacity on several matters. I serve on both state and federal certified lists of available mediators. I often handle appeals for other members of the firm.

In the past ten years I have handled a wide range criminal matters including, but not limited to, tax evasion, child abuse and neglect, possession of child pornography, the Pollution Control Act, drug PWID, obtaining drugs under false pretenses, Medicare and Medicaid fraud, mortgage fraud, felon in possession of firearms, assault and battery high and aggravated and with intent to kill, lottery fraud, government procurement fraud. In the past five years, I have handled civil litigation including, but not limited to, commercial lease disputes, environmental claims, banking law matters, probate law matters, slander claims, products liability claims, trademark claims, and employment law matters.

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.

Not 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) My Martindale-Hubbell rating is AV.
  - (b) I have been listed in South Carolina Super Lawyers in 2008, and 2011-2015, in various categories including business litigation and criminal defense.
  - (c) I have been listed in Best Lawyers in America every year since 2007 in various categories including Appellate Law, White Collar Crimes, and General Criminal Law.

**\* 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: Probably an average of once a month, more for filings.
  - (b) state: Probably an average of twice a month, more for filings.
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: 65%
  - (b) criminal: 30%
  - (c) domestic: 5%
  - (d) other:
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: 75% My practice is divided between jury and non-jury matters as indicated -- although most jury matters end without trial.

(b) non-jury: 25%

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

I most often serve as chief or sole counsel but regularly serve as local counsel and associate counsel with others.

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.

(Actually, some of the appeals listed in response to questions 20 and 21 might be considered more significant matters, but I did not want to list the same cases twice.)

- (a) Evans v. Country Squire Mobile Homes (Appellate No. 89-719)

This involved a breach of warranty in the sale of a mobile home.

I represented the purchasers of the mobile home. The case was significant because the jury apparently awarded damages under the Uniform Commercial Code for the intangible elements of emotional distress and mental anguish. The matter was appealed to the South Carolina Court of Appeals and the verdict was affirmed. It also was significant because I believe it was my first solo trial in Circuit Court and I believe it was Judge Kinnon's final trial in Circuit Court before his retirement.

- (b) United States v. Theodore McFarlin (Case No. 4:97-736)

This case is significant because it represented the first successful prosecution of this former Sheriff of Williamsburg County; to me, his conviction symbolized a purification of a corrupt segment or link in the criminal justice chain and thereby helped restore public confidence in the system. I tried this case as United States Attorney with Assistant United States Attorney Scarlett A. Wilson (now Solicitor). McFarlin was convicted of all counts including drug conspiracy and perjury. McFarlin was ably defended by I.S. Levy Johnson, Esq.

- (c) Goodson Construction v. United States of America (Case No. 4:02-4184), 2006 U.S. Dist. LEXIS 91342, 64 ERC (BNA) 2112.

This was an environmental clean-up action brought by my private client against the federal government for property that had once been used as an Army bombing range in Horry County. The Army had certified the land was "dedudded" or clean after its use; it was not. The matter was settled after the first half of a bifurcated trial before The Honorable Bryan Harwell. The case was settled for \$6.2 million dollars payable toward clean-up costs.

- (d) United States v. James Coury Holmes and Marcus Mandel Ellis (6:00-107)

This was a multiple armed bank robbery trial in Greenville before United States District Judge Henry Herlong. I tried it with Assistant United States Attorney Jeanne Howard. This case is significant to me primarily because it represents the most fun I have ever had in trial.

The defendants had committed a string of unsolved car thefts followed by masked armed robberies with assault rifles. The victims were most appreciative and cooperative. Local law enforcement had done a good job of finally cracking the



case. The FBI had secured a great deal of circumstantial evidence as well as provided several excellent expert witnesses (dye stain chemist and photogrammetry analyst).

The trial went well (50 witnesses in 3 days) and resulted in convictions. Appeals were successfully handled by Ms. Howard.

(e) United States v. Bill Prince and Don Prince

I participated with two other prosecutors in this trial against the Prince brothers for their conspiracy to hire a hit man to assassinate the key trial witness in an earlier criminal matter against brother Bill Prince. The proof against Bill Prince was largely circumstantial and dependent upon the introduction of the entire historical context of Bill Prince's earlier conviction. It was my first trial as a prosecutor (June 1996). The defendants were ably defended by Jack Swerling, Esq. and the late Jack Lawson, Esq.

21. List up to five civil appeals you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported.

- (a) Trayco, Inc. vs. United States (Case No. 4:89-361), 967 F.2d 97 (4<sup>th</sup> Cir. 1992), 994 F.2d 832 (Fed. Cir. 1993)(after transfer from the Fourth Circuit).

This was an importer's action in United States District Court to recover a customs penalty assessed on an inaccurate factual basis. This case is significant because it apparently represents the first time an importer has successfully invoked the jurisdiction of a District Court to obtain judicial review of a customs penalty. I represented the importer, Trayco, Inc.

This matter was tried before the Honorable C. Weston Houck, United States District Judge, and subsequently heard by both the United States Court of Appeals for the Fourth Circuit (published opinion) and the United States Court of Appeals for the Federal Circuit (published opinion).

- (b) Shores v. Pennsylvania Mutual Insurance Company (Case No. 90-CP-21-1597), 315 S.C. 347, 433 S.E.2d 913 (1993).

This case involved the interpretation of South Carolina's mandatory automobile insurance law. It is significant because it represents the first time that an appellate court of this state held that the mandatory minimum liability insurance could not be defeated by the failure of an at-fault motorist to give notice to the insurance carrier. I represented Linda Shores as the personal representative of her brother's estate.

This matter was tried in the Florence County Court of Common Pleas before the Honorable C. Victor Rawl, Circuit Judge. The matter was subsequently heard by both the South Carolina Court of Appeals and the state Supreme Court.

- (c) Gay v. Ariail (Case No. 06-CP-23-5958), 381 S.C. 341, 673 S.E.2d 418 (2009).

The case obtained declaratory judgment action interpreting the Youthful Offender Act in an expungement setting; it successfully challenged an Attorney General's Opinion mis-interpreting these statutory provisions. The brief, like my briefs in

Shores and Trayco, addresses statutory interpretation and application. The legislature subsequently amended the statute to effectively reverse the case.

(e) Fountain v. First Reliance Bank, 398 S.C. 434, 730 S.E.2d 305 (2012).

(f) David v. McLeod Regional Medical Center, 367 S.C. 242; 626 S.E.2d 1( 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.

By definition, my best criminal work – for which I have been repeatedly recognized by my peers – involves the resolution of charges and/or investigations in such a manner that there are no appeals (sometimes no charges at all). Also notably, most clients who retain my services are satisfied with the resolution and do not appeal. Nevertheless, here are some criminal matters which did reach the appellate stage.

(a) United States v. Henry Monroe Rayford, a/k/a Junebug (District Case No. 4:92-216, Appellate No. 93-5423)

This was a federal criminal prosecution involving a conspiracy to possess drugs with an attempt to distribute as well as allegations of money laundering. The case is significant because the money laundering conviction was reversed (unpublished opinion of the United States Court of Appeals for the Fourth Circuit, February 7, 1995) based upon the trial court's erroneous omission of evidence. I represented the defendant Rayford (there were multiple defendants with differing appellate issues, but one composite brief was submitted).

(b) United States v. Benjamin Harden, et.al. (Appeal Record No. 97-4791)

This was an unsuccessful appeal from the trial court's dismissal of the indictment for violation of the Speedy Trial Act. As United States Attorney, I began personal work on this matter following the trial court's dismissal. I prepared the brief with assistance from Assistant United States Attorney Scarlett A. Wilson (now Solicitor) (she signed the final brief) and I argued the matter before the Fourth Circuit Court of Appeals.

(c) State v. Michael White (Case No. 20-GS-10-0604)

This was a felony DUI matter. It is the only criminal appeal that I recall handling in the State system. I was not trial counsel and the matter arises more in the form of a post-conviction jurisdictional challenge. Because of the unusual procedural position of the matter (post-conviction motion for sentence reconsideration), my appellate brief was never filed in this matter; nevertheless, it was prepared in draft form and has been presented to the Assistant Solicitor.

Interestingly, while the Brief is entirely my composition, some of the preliminary research was done by Mr. White in prison and I followed up on his insightful work. As a result of this briefing and negotiations, a new plea agreement was reached, involving the victim, and a reduced sentence imposed. Mr. White is now a success story following his incarceration (employed, continuing his education).

(d) United States of America v. Danny Myers (No. 4:90-430, Appellate No. 91-5562)

I represented the defendant, Danny Myers, pursuant to an appointment under the Criminal Justice Act. The defendant was charged with

conspiracy to possess with intent to distribute illegal drugs, possession with intent to distribute illegal drugs, and a firearm violation. After tendering a plea to the firearm count, the defendant stood for trial on the narcotics charges.

The case is significant because it represents the first trial of mine in which the defendant was prosecuted with "historical" evidence only. The matter was subsequently appealed to the United States Court of Appeals for the Fourth Circuit, where the conviction was affirmed (unpublished opinion). The defendant's petition for certiorari to the United States Supreme Court was denied.

(e) United States v. Rigney (Appeal No. 89-5617)

This was a drug conspiracy case and my first criminal trial. I was appointed to represent the defendant William O. Rigney who was a decorated Navy Veteran with no criminal record. There was limited direct physical evidence of his involvement but significant circumstantial evidence and direct testimony of co-conspirators. One of these witnesses made reference to the polygraph during her examination and this became the issue of the subsequent appeal. This was also my first criminal appeal.

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.
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. Not Applicable
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.

From May 1996 through February 2001 I served as the United States Attorney for the District of South Carolina. I was appointed by the President and unanimously confirmed by the United States Senate. Because this was a federal office, I filed federal ethics reports; as I recall, these were all filed in a timely manner and no penalties imposed.

I was previously appointed by Florence City Council to serve as a commissioner on the Florence Civic Center Commission – the public body with oversight responsibility for the regional auditorium/arena located in Florence. Our commissioners did not serve as the chief administrative officer of this facility; like many such public buildings, this function is filled by an independent contractor. See S.C. Code § 8-13-1110(B)(6)(requiring such chief administrative officer to file Economic Interest Report with State Ethics Commission).

I presently serve on the South Carolina Supreme Court's Commission on Continuing Legal Education and Specialization. Commissioners are nominated by the South Carolina Bar

and appointed by the Supreme Court. I am not aware of any related obligation to file Ethics reports.

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.

(a) I unsuccessfully ran for Florence County Council in 1994.

(b) In the Fall of 2002, I was a candidate for Circuit Court Judge, At-Large Seat #9, and was found *qualified, but not nominated* by the Judicial Merit Screening Committee.

(c) In the Fall of 2006, I was a candidate for the Court of Appeals, Seat #4, and was found *qualified, but not nominated* by the Judicial Merit Screening Committee.

(d) In the Spring of 2007, I was a candidate for the Court of Appeals, Seat #7, and was found *qualified and nominated* by the Judicial Merit Screening Committee. After initial rounds of voting revealed the commitments to other candidates, I withdrew from the race.

(e) In the Fall of 2007, I was a candidate for the Court of Appeals, Seat #6, and was found *qualified, but not nominated* by the Judicial Merit Screening Committee.

(f) In the Spring of 2008, I was a candidate for the Court of Appeals, Seat #9, and was found *qualified and nominated* by the Judicial Merit Screening Committee. When discussions revealed the commitments to other candidates, I withdrew from the race.

(g) In the Fall of 2012, I was a candidate for Circuit Court Judge, At-Large Seat #14, and was found *qualified and nominated* by the Judicial Merit Screening Committee. When discussions revealed the commitments to other candidates, I withdrew from the race.

(h) In the Fall of 2015, I was a candidate for Circuit Court Judge, At-Large Seat #10. I withdrew from the race before final consideration by the Judicial Merit Screening Committee.

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.

I was a part-time Political Science instructor at Francis Marion University (teaching one section each semester of American Government). This was in the 1992- 1993 academic year and was in addition to my full-time practice of law. The chairman of the department at the time was Dr. Neal Thigpen.

I have been involved in the rental of real estate. Specifically, my wife did own and rent a commercial building – originally to my law practice and later to another. She later sold that building. She also owns a home in the mountains of South Carolina which we originally attempted to rent out to vacationers; because of changing circumstances, we abandoned that effort. I was involved with her property rental business to the extent that I assisted my wife with certain landlord responsibilities – such as scheduling and supervising maintenance and

improvements. This activity is expressly permitted by Section 4D (2) of the Code of Judicial Conduct. At this point, we are no longer leasing out any property.

29. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.

I presently serve on the South Carolina Bar Foundation Board of Directors and as one of its officers. This is the charitable arm of the South Carolina Bar. My term began in July of 2014 and in July of 2015 I became an officer as well. If elected to a judicial position, this would be re-evaluated.

I also serve on the South Carolina Supreme Court's Commission on Continuing Legal Education and Specialization. While Section 4C(2) and (3) of the Code of Judicial Conduct allow such service, there are judicial representatives already serving on the Commission and it may be that my present slot requires a private bar member.

I also serve on the Homeowners Association Board for Little Bald Rock Club (the location of our mountain home in northern Greenville County). While Section 4C(2) and (3) of the Code of Judicial Conduct might allow me to continue such service, I would certainly re-evaluate the matter at the time.

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.**

A complete, current financial net worth statement was provided to the Commission. I included assets and liabilities for both myself and my wife.

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

None. If elected, I would take steps to exit my present law firm where I am a shareholder so that no residual business relationship would exist.

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.

None -- although I believe I may have paid more than \$125 for some speeding violations (under 10mph).

While I know the Committee's staff performs a thorough background check of judicial candidates, I have also undergone an extensive FBI background investigation as part of my screening for service as United States Attorney. As a result of that investigation, I was cleared for service and given a top secret security clearance with the United States.

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 to all.

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.

I have been named as a party defendant in three lawsuits, two filed in 1996 (Backus and Jackson) and one during my service as United States Attorney (Cabe). The plaintiff in each of these cases was an inmate at a correctional facility; each was acting as their own attorney. Each case was dismissed with prejudice at a preliminary stage.

The first two cases essentially involved allegations that I acted negligently in my duties as the attorney for the particular inmate involved. Each of these lawsuits was frivolous and was dismissed.

The first suit was brought in Florence County Common Pleas Court by John Henry Backus. Mr. Backus is an inmate at Evans Correctional Institute in Bennettsville, S.C. Mr. Backus is presently serving two concurrent 18-year sentences for his guilty plea to two counts of assault and battery with intent to kill.

Mr. Backus pled guilty to assault and battery with intent to kill on November 7, 1991. Mr. Backus was represented in these proceedings by Assistant Public Defender Scott Suggs of the Florence County Bar. In 1992, Mr. Backus filed a civil petition seeking post-conviction relief. Such civil actions for post-conviction relief are governed by statute in the State of South Carolina. As a matter of routine, attorneys of the County Bar are appointed to

represent each applicant. Pursuant to this routine procedure, I was appointed to represent John Henry Backus on May 18, 1992.

Although the record from the original plea, as well as the post-conviction proceeding reveals that Mr. Backus was somewhat rushed to decide whether to enter a plea and made this decision with little time to consult with his attorney, the trial court nevertheless found that the plea was constitutional; accordingly, the application for post-conviction relief was denied.

Following the denial of Backus's petition for post-conviction relief, I filed a notice of appeal in the post-conviction matter. The subsequent appeal was handled by Daniel T. Stacey of the South Carolina Office of Appellate Defense. Mr. Stacey filed an Anders brief on behalf of the prisoner, John Henry Backus. The appeal was denied. Over four years later, I was served with a summons and complaint filed by Mr. Backus in the Court of Common Pleas alleging negligence in my representation with regard to the post-conviction relief matter.

My malpractice carrier retained counsel on my behalf. I was defended in this matter by Charles J. Baker, III. The matter was dismissed with prejudice.

The second suit against me was brought by Ronald Jackson. Ronald Jackson is an inmate at Lee Correctional Institute in Bishopville, S.C. Mr. Jackson was a retained client of my former partner. Specifically, Mr. Jackson retained our firm to represent him with regard to a federal firearms charge. Mr. Jackson may have also retained the firm's services with regard to a state criminal action in Marlboro County (I am not sure).

The defendant's federal charges were disposed of by a guilty plea taken on October 22, 1990 before the Honorable C. Weston Houck. Specifically, the defendant pled guilty to Count One of the pending indictment which charged him with violation of Title 18 U.S.C. §922(g) (felon in possession).

My only involvement with Mr. Jackson's charges was to assist in the selection of a jury for Mr. Jackson in the federal court. Specifically, on October 1, 1990, I assisted in the selection of twelve jurors and two alternate jurors to serve in Mr. Jackson's criminal trial. Because Mr. Jackson subsequently pled guilty, these jurors were never used.

Although Mr. Jackson's complaint, which was filed in the Court of Common Pleas for Marlboro County, alleged numerous acts of negligence, my only involvement was the jury selection on October 1, 1990. Because this jury was never used in a trial of Mr. Jackson, the selection of these jurors was not the proximate cause of any injury allegedly suffered by him.

My liability carrier gave me permission to represent myself in the preliminary stages of the litigation in an effort to avoid unnecessary defense costs which would not be covered (because of my \$5,000 deductible). I was successful in filing dispositive motions bringing the matter to a quick conclusion.

Mr. Cabe's pro se lawsuit alleged that Mr. Cabe's civil rights had been violated by law enforcement searches. These searches were conducted pursuant to a valid warrant obtained from a United States Magistrate by Assistant United States Attorney Dean Eichelberger. Mr. Cabe's lawsuit was defended by the United States Department of Justice and the complaint was 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 and 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.

I have always maintained malpractice insurance in private practice. I believe I had a tail policy when I transitioned from private practice to government service. I may have also had a tail policy in the past when transitioning from one carrier to another. My present coverage is with Beacon One and is provided by my firm. Our coverage limits are \$10 million and our deductible is \$ 75,000.

39. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.? If so, how would your use of social media or other similar types of Internet sites be affected if you were serving in a judicial capacity?

I do have a profile on Facebook and LinkedIn. My LinkedIn presence is minimal. I use Facebook more to be informed about the activities of others rather than post my activities – although I occasionally post photos for family and friends to enjoy. I avoid sharing opinions and comments. I also avoid the extreme opinions and comments of others. If chosen for judicial service, my guarded approach to social media would become even more guarded, if not eliminated. I certainly would never comment about anything work or court related.

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 and 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 at this time.
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 and 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.  
I have not. I am unaware of any friends or colleagues making such contact.
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?
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.  
I have not. I am unaware of any others making such contact.
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) Federal Bar Association, South Carolina Chapter (this may not be current for 2015)  
President, September 2006 to 2007  
President Elect 9/05 to 9/06  
Treasurer 9/04 to 9/05  
Board of Directors Member 2001 to 2008  
(b) Florence Bar Association  
President 2007  
President-Elect 2006  
Secretary 2005  
Treasurer 2004  
Treasurer 1989-1990  
(c) South Carolina Bar Association  
(d) National Association of Former United States Attorneys (may not be current for 2015)  
(e) American Board of Trial Advocates (ABOTA), Associate 2014 to present
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) 2010 Winner, Compleat Lawyer Award, University of South Carolina School of Law  
(b) Commissioner, Florence Civic Center, 2001-2008  
appointed March 2001, elected Chairperson, July 2002

- (c) Director, Montessori School of Florence, 2001-May 2007  
elected Vice-Chair, 2002, assumed Chair 2005
- (d) Central United Methodist Church, Stewardship Committee 2002,  
Administrative Board 2003 to 2007, and 2012, Finance Committee 2010  
to 2012, Chair 2012, State Conference Delegate 2005-2007, Choir
- (f) Team Manager, Florence Fire Boys Soccer Team 2002 – 2003, Treasurer 2011-12

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.

It has been said, “much of what we are is the sum of our life experiences.” God has blessed me with a wealth of experiences that will make me an effective judge. I appreciate the opportunity to describe some of those experiences and try to give the Commission insight into my abilities to serve the State as an effective judge.

#### Childhood Experiences

I enjoyed a loving and supportive childhood. As the child of two educators who sacrificed to put me through college and graduate school, I was determined to work hard in school and make their sacrifices meaningful. My parents also provided me with value-shaping experiences. A mother treating African-American students with dignity in a dilapidated and segregated school taught me that all persons should be treated with respect. A father willing to work nights to return to graduate school taught me the value of hard work and the importance of following a vocational call.

#### Spiritual Experiences

Growing up, I had a special relationship with my grandparents – particularly my paternal grandmother with whom I shared a birthday. I grew up observing this grandmother’s abiding faith and dutiful study of scripture (some 40 years as the leader of the Women’s Missionary Union at a rural Baptist Church). These observations, among others, promoted my life-long relationship with the church and personal Christian faith. I joyfully participate in many activities of Central United Methodist Church.

My faith has led me to value every life and look for the good in each person -- even while seeking to hold them accountable for the consequences of their personal choices (particularly as a prosecutor). My faith has also led me to value our world and its limited resources of which we must serve as stewards.

#### Adult Family Experiences

Most fortunately, I have had the experience of a wife’s support for 22 years – a wife who shares my core values. My wife offers her strengths as a compliment to my weaknesses in our partnership.

I had the experience of being with my mother as she died a premature death from breast cancer. This experience brought home the fragileness of life and the need to seize opportunities to share ourselves with those we love.

As a parent, I have experienced the joy that only hope in a new generation can bring. I have also seen the obsessive tendencies that parents sometimes show (in youth sports or educational settings), and risk passing on to their children. I also have felt the thrill of my boys' successes, but I try never to let winning be more important than simply watching my sons give their best, show improvement, and enjoy themselves.

### Professional Experiences

As a manager of a statewide law office, I had the experience of trying to build teams and set goals. On a very few occasions, I had to counsel, discipline, or terminate an employee. Management experiences taught me the value of regular communication and straight talk. I saw the effectiveness in praising others and subordinating self. In this role, I had the opportunity to meet the late Stephen Covey and became more committed to developing principle-centered leadership.

Lastly, my professional work experiences have provided me with sustained opportunities to practice law and view litigation from almost every angle. Initially, my two-year clerkship in the federal trial court gave me the opportunity to observe and assess numerous litigators with a judicial mentor.

As a practitioner, I have prosecuted those accused of crimes – both violent and non-violent. I have defended persons accused of crimes – violent and non-violent, remorseful and not remorseful, from isolated mistakes to repeat offenders. On the civil side, I have represented the innocent and not so innocent spouse in family court. I have served as an investigative guardian for a young boy bitterly sought by two parents who loved him. I have steered new parents through the joyful process of adoption. I have represented those injured, those harassed, those terminated, and those addicted. I have also represented business interests -- sometimes protecting those inequitably targeted simply as deep pockets and sometimes mitigating for those genuinely at fault. As a mediator, I have helped bring adverse parties together to end the continued risk and cost of litigation.

### Conclusion

How will all these experiences make me an effective judge? Because I represented people at their best and possibly at their worst, I can appreciate their respective positions; but, more importantly, I can appreciate the need for our legal system to make sense of those respective positions in a way that advances the concept of justice and serves the citizenry as a whole.

My extensive litigation experiences have given me insight into how the Courts have accomplished this task in the past – both successfully and on occasion unsuccessfully. My personal experiences and family support give me the stable and balanced perspective needed to serve in a sometimes isolated role. My previous management experiences will help me be an effective team player on a Court that functions in panels with a need to seek consensus.

Above all, my life experiences have contributed to the development of my values and character – values and character that will make me an effective jurist.

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) Dr. Eddie Floyd, Chairman Emeritus, Univ. of South Carolina Board Trustees
  - (b) Dr. Fred L. Carter, President, Francis Marion University
  - (c) Dr. Gary Clark, Former Vice-President and Athletic Director, Furman University
  - (d) Scott N. Schools, Esq., Former Associate Deputy United States Attorney General
  - (e) Mr. John L. Hanna, Senior Vice President and Regional Executive, The Citizens Bank

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.

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.

None.

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: [Handwritten Signature]

Sworn to before me this 28<sup>th</sup> day of July, 2016.

[Handwritten Signature]  
 (Notary Signature)  
Dawn Hendrick Benton  
 (Notary Printed Name)

Notary Public for South Carolina  
 My Commission Expires: 8/21/23

[Handwritten Initials] 25