

**Mindy Westbrook Zimmerman**  
**Amendment to**  
**PERSONAL DATA QUESTIONNAIRE**  
**Originally Executed July 3, 2016**  
Eighth Judicial Circuit, Family Court, Seat Two

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

**Supplemental Response:**

In addition to the information previously submitted, I have attended the following courses:

Conference/CLE Name	Date(s)
(a) 2016 SCAJ Annual Convention	August, 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.

**Supplemental Response:**

In addition to the information previously submitted, I have taught the following course:

- (a) I lectured at the 2016 Solicitor's Conference. I did a case law update specifically focusing on evidentiary issues raised in advance sheets released from 2015 and 2016.

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.

**Amended Response, Striking previous Response:**

This Answer replaces the answer previously submitted:

- (a) November, 2006 to February, 2009: Assistant Solicitor with the Eighth Judicial Circuit Solicitor's office prosecuting criminal cases in Laurens and Newberry Counties. For two years, I handled primarily narcotics offenses in both Laurens and Newberry. During my last year with the Solicitor's Office, I handled general crimes, magistrate court appeals, and docket management for Newberry County.
- (b) February, 2009 to September, 2016\*: In February of 2009, along with my law partner, Benjamin L. Shealy, I formed Zimmerman and Shealy, LLC. During the

course of building the firm, I have focused primarily on family court matters, including private domestic actions, DSS, and DJJ. In addition, I regularly serve as Guardian ad Litem or Mediator in domestic matters. In addition, our firm handles real estate closings, magistrate's trial work, criminal trial defense, civil trial work, and estate and probate matters. For the first year of our practice, we could not engage in criminal defense, because I agreed to work as a special prosecutor for the Eighth Judicial Circuit, which included handling the prosecution of juvenile cases in Newberry County during that time. In addition to maintaining my case load, I have been the managing partner, handling all bookkeeping and office management duties for the firm.

\*Note: I received my last paycheck from Zimmerman and Shealy, LLC in September, 2016. I am currently working with my accountant to formerly complete all necessary documentation to close the business with the hopes that the firm will close before year's end.

- (c) August, 2016 to present: Of Counsel with Lawrimore Law Firm. Lawrimore Law Firm operates in the same location and maintained all the same clients from Zimmerman and Shealy, LLC. This is a continuation of the same type practice, focusing primarily on family court matters, including private domestic actions, DSS, and DJJ. In addition, I regularly serve as Guardian ad Litem or Mediator in domestic matters.

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.

**Supplemental Response:**

In addition to the information previously submitted, I am in the process of closing the law firm of Zimmerman and Shealy, LLC. I expect to only hold my current position through the end of the year.

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.

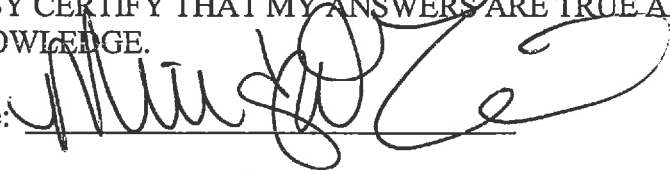
**Supplemental Response:**

In addition to the information previously submitted, I now have coverage under a tail policy through Protecture Lawyers for any claims that might arise from work performed by the law firm of Zimmerman and Shealy, LLC. The limits on liability for that policy are One Million Dollars (\$1,000,000.00) per claim with a Five Thousand Dollar (\$5,000.00) deductible.

I am currently covered for liability under Lawrimore Law Firm's policy with Protecture Lawyers. The limits on liability for that policy are One Million Dollars (\$1,000,000.00) per claim (See attached Declaration Page).

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 30<sup>th</sup> day of October, 2016.

  
(Notary Signature)

Donald Franklin Zimmerman  
(Notary Printed Name)  
Notary Public for South Carolina  
My Commission Expires: 3/25/2019

**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

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

Eighth Judicial Circuit, Family Court, Seat Two

1. Name: Ms. Mindy Westbrook Zimmerman

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

Are you currently serving in some capacity as a judge? No  
(Includes Municipal, Magistrate, Etc.)

Home Address:

[REDACTED]

Business Address:

1207 Friend Street  
Newberry, South Carolina 29108  
Mail to Post Office Box 1207, Newberry, 29108

E-Mail Address:

[REDACTED]

Telephone Number:

(home): [REDACTED]  
(office): 803-321-0000

2. Date of Birth: [REDACTED], 1980

Place of Birth: Spartanburg, 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 SCHD#: SCDL [REDACTED]

Voter Registration Number: [REDACTED]

5. Family Status: In the space below, (a) state whether you are single, married, widowed, divorced, or separated; (b) if married, state the date of your marriage and your spouse's full name; (c) if you have ever been divorced or are in the process of obtaining a divorce, state 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.

Family Status: Married on October 15, 2006 to Donald Franklin Zimmerman.  
Never divorced, no children

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 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.

- (a) Spartanburg Technical College      1997/1998 School Year  
I attended during my Senior Year of High School for High School credit.
- (b) Wofford College      Fall, 1998 through Spring, 2001  
I graduated with a Bachelor of Arts Degree, with a major in English.
- (c) Gardner-Webb University      Fall, 2002 through Summer, 2005  
I graduated with a Masters Degree in Business Administration.
- (d) Campbell University      Fall, 2003 through Spring, 2006  
I graduated from the Norman Adrian Wiggins School of Law at Campbell University with a Juris Doctor Degree.

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) South Carolina, 2006

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) While attending Wofford College:

- i. Dean's List
- ii. Pre-law Fraternity
- iii. Signma Tau Delta English Society
- iv. Spartanburg Area Chamber of Commerce (2000-2001)
- v. Spartanburg Board of Realtors (2000-2001)
- vi. South Carolina Licensed Real Estate Agent (1999-2001)
- vii. Notary Public (1998 to present)

- (b) While attending Gardner-Webb University

- i. Spartanburg Downtown Association from 2002-2005 (*Business Development Coordinator, Secretary, Chair of Newsletter Committee, Director of Events, and Executive Committee – won Jill Plemmons Downtown Pride Award*)

- (c) While attending Campbell University

- i. Completed both the Advocacy and Business Tracts
- ii. Member of the Student Body Association
- iii. Member of the American Bar Association
- iv. Case Summary Writer for Campbell Law Observer
- v. Octo-finalist in Intermural Moot Court Competition

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

Conference/CLE Name	Date(s)
(a) SC Solicitor's Conference	9/24/2006
(b) NDAA – Prosecutor's Bootcamp	2/12/2007
(c) SC Solicitor's Conference	9/23/2007
(d) NDAA – Prosecuting Drug Cases	9/30/2007
(e) Community Response to Child Abuse & Neglect	2/21/2008
(f) NDAA – Trial Advocacy I	6/9/2008
(g) SC Solicitor's Conference	9/28/2008
(h) SC Solicitor's Conference	9/28/2009
(i) Stewart Title – Review and Updates for Real Property	3/16/2010
(j) Recognizing and Reporting Child Abuse	3/24/2011
(k) Public Defender's Conference	9/26/2011
(l) Lawyer Mentoring Orientation Workshop	1/26/2012
(m) SC Bar Family Court Mediator certification Training	11/12/2012
(n) Lawyer Mentoring Orientation Workshop	1/30/2013
(o) SC Bar Guardian Ad Litem Course	1/31/2014
(p) Old Republic National Title Fall Seminar	10/9/2014
(q) 2015 SC Bar Convention	1/22-24/15
(r) Ethics and the Internet	3/13/2015
(s) 2015 SCAJ Annual Convention	8/6-8/15

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.

- (a) I lectured via an eCLE for the SC Bar entitled "Hooking Fees: An Analysis of Rules for Winning or Defending Against Fee Awards in Family Court from Griffith and Glasscock to Buist" in the Spring of 2015.
- (b) I lectured via an eCLE for the SC Bar entitled "Avoiding the Pitfalls: Lawyers and Substance Abuse" in the Summer of 2015
- (c) In addition, I have served as a Mentor under the SC Bar Lawyer Mentoring Pilot Program in 2011 for Ashley Agnew.

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

N/A

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, 2006

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) November, 2006 to February, 2009: Assistant Solicitor with the Eighth Judicial Circuit Solicitor's office prosecuting criminal cases in Laurens and Newberry Counties. For two years, I handled primarily narcotics offenses in both Laurens and Newberry. During my last year with the Solicitor's Office, I handled general crimes, magistrate court appeals, and docket management for Newberry County.
- (b) February, 2009 to present: In February of 2009, along with my law partner, Benjamin L. Shealy, I formed Zimmerman and Shealy, LLC. During the course of building the firm, I have focused primarily on family court matters, including private domestic actions, DSS, and DJJ. In addition, I regularly serve as Guardian ad Litem or Mediator in domestic matters. In addition, our firm handles real estate closings, magistrate's trial work, criminal trial defense, civil trial work, and estate and probate matters. For the first year of our practice, we could not engage in criminal defense, because I agreed to work as a special prosecutor for the Eighth Judicial Circuit, which included handling the prosecution of juvenile cases in Newberry County during that time. In addition to maintaining my case load, I have been the managing partner, handling all bookkeeping and office management duties for the firm.

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.

I believe that I am uniquely qualified for the position of Family Court Judge, as I have had the benefit of serving in every position a lawyer my hold in that venue. In divorce cases, I have represented Husbands and Wives, in fault-based and no-fault divorce, and I have worked on equitable divisions of property. In custody cases, I represented Mothers and Fathers, and I have also had a great deal of experience advocating for children, as a Guardian *ad Litem*. In adoption matters, I have represented adopting parents, served as Guardian *ad Litem*, and assisted parents in relinquishing their rights. I have appeared as the attorney for the South Carolina Department of Social Services in abuse and neglect cases, but I have also served as the attorney for the State's Guardian *ad Litem*, and I have had the pleasure of representing parents in these cases. I have also worked on numerous cross-over cases, which had both a private custody component, as well as a DSS component. I have served as both Prosecutor and Defense attorney in Juvenile matters. I have also represented numerous clients in DSS child support negotiations and Clerk's Rules. I believe my varied experience in the Courtroom will help me fully understand the points of view of each party, regardless of the type of matter.

To elaborate on what I have outlined, it is probably easiest to give a chronological account of my career. I was fortunate to have as my first job as a practicing attorney the position of Assistant Solicitor in the Eighth Judicial Circuit.

Young Assistant Solicitors generally learn a lot of lessons the hard way, as they are quickly given large caseloads with plenty of opportunity for in-court experience. I spent a lot of time in the Courtroom, which helped me to gain a greater understanding of the Rules of Evidence and Procedure. While I am thankful for the strong foundation I had from law school, nothing puts your knowledge to the test like the pressure of making a split-second decision in the Courtroom.

After nearly a year in handling exclusively drug cases, I was given the opportunity for advancement. I moved my office into the Newberry County Courthouse, where I prosecuted a wide assortment of crimes. In addition, I was charged with managing the docket for that county. During this time, I handled a wide range of cases, including juvenile matters.

From my time as an Assistant Solicitor, I learned the value of working with law enforcement, victims, and community groups (such as MADD, SADD, etc.) to ensure all voices get heard. Different crimes impact various individuals, in many different ways. Often those impacted crave an avenue, simply to express the emotional consequences. I quickly learned that being a good lawyer is not all about having a skilled tongue...sometimes the most important skill is to be a good listener. That lesson has served me well in private practice, because the emotional needs of clients moving through the Family Court system far outweigh those I saw in the criminal system.

In 2009, I decided to face the next chapter in my professional career. I, along with a fellow prosecutor, decided to open Zimmerman and Shealy, LLC. During my time as a prosecutor, I developed a reputation for being relaxed under pressure, at-home in the Courtroom, quick on my feet, and unafraid to face a challenge. That reputation helped me to build a very successful practice. The interesting thing for me in this new chapter of my career has been the added value of having a larger variety in life.

When we first started our practice, our firm was the contract attorney for the Department of Social Services in Newberry. In addition, I maintained a contract with the Eighth Circuit Solicitor prosecuting juvenile cases. I quickly build a solid family law practice, and after those two contract expired, people who had once been on the opposite side of the courtroom began to seek me out as counsel in DSS and DJJ matters. I quickly became very comfortable in the Family Court realm.

While sympathy was such a critical part of prosecuting, I believe empathy is a crucial element of family law. So often it is necessary to hear about the path that led a client to this point in their life. Often clients feel betrayed by the person they thought would be with them as they grew old. Sometimes they are more focused on vengeance than equity. Occasionally they are beaten, broken, or scared to face their opponent. Those feels and needs matter, because as their counselor, I cannot simply lead them from one end of the process to the other, but I must help them find the right resources to find closure and begin to heal. This is true of litigants, but it is even more crucial with children. Family Court Judges are uniquely charged with the responsibility of State's youth. They must hold, as their chief concern, the best interest of the children who are abused or neglected, the children who are the subject of heated custody matters, and even the children who have violated our law, because those Judges have the power to make a permanent difference in that little life.



(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.

N/A

(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.

N/A

(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.

N/A

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.

Martindale-Hubbell Client Rating is 5 out of 5.

Martindale-Hubbell Peer Review Rating is BV

Avvo Rating is 8.0

**\* 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: 0%

(b) state: 100%

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

(a) civil: 5%

- (b) criminal: 30% (Approximately 20% in General Sessions and 10% in Family Court juvenile matters)
- (c) domestic: 60%
- (d) other: 5% - real estate

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: 20%
- (b) non-jury: 80%

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

Sole Counsel

20. List five of the most significant litigated matters you have personally handled in either trial or appellate court or before a state or federal agency, prior to your election to the bench. Give citations if the cases were reported and describe why these matters were significant.

(a) State v. Tyrone Cannon  
 2009-GS-36-852 through 856  
 Newberry County General Sessions Court  
 I served as defense counsel for Tyrone Cannon. Mr. Cannon was charged with Assault and Battery with Intent to Kill; however, he had been previously diagnosed with Mild Mental Retardation. At the first attempt to litigate this matter, during a competency hearing, I was able to reveal significant flaws in the procedure by which the Court Ordered evaluation was conducted, resulting in a mistrial of the case. After subsequent evaluations, several hearings on the matter, and the election of a new Solicitor, I was able to negotiate the case to an Assault and Batter of a High and Aggravated Nature.

(b) State v. Roy Johnson  
 2008-GS-36-311 through 315  
 Newberry County General Sessions Court  
 I prosecuted Roy Johnson, along with his two co-defendants. Both of his co-defendants pled guilty after being noticed of the possibility of a sentence of life without parole; however, Roy Johnson did not have the requisite criminal history for the service of such upon him.

These three individuals committed a violent home invasion, in which a mentally handicapped girl was duct-tapped to her bed and brutally beaten. In addition, her father was beaten and nearly shot to death. The family was saved only due to the mother's quick thinking. She escaped, went to a neighboring house, and brought help before her husband and daughter were killed. Although never proven in Court, it was the belief of the State that this was a gang initiation. Roy Johnson was convicted of this offense; however, only after a second trial, because the jury hung on the first trial.

This case was significant because I was able to get to know this family. The cruel nature of this offense and the innocent nature of the victims is something that has always stayed with me.

This case was also significant to me, because since I started my private practice, I have done a great deal of legal work for the victims in this case, including one child custody case and one step-parent adoption matter.

- (c) State v. Sophie Egleston  
E443330, 31, and 32  
Lexington County Magistrate Court  
Appeal: 2011-CP-32-303

Lexington County Court of Common Pleas

I defended Ms. Elgeston on the charges of Driving Under the Influence, False Information, and Use of the License of Another in Magistrate's Court. Although the jury acquitted Ms. Elgeston on the charge of Driving Under the Influence, she was convicted of the other two offenses. I subsequently appealed the case to the Circuit Court, and was successful in getting the conviction overturned on the charge of Use of the License of Another, due to an error in the charge given by the trial court and a lack of evidence presented by the State. This case was significant, because it happened while Ms. Egleston was in college. Three years later, Ms. Egleston came back to me, because she was applying for a job at a bank, and wanted to have the False Information conviction expunged from her record. I was able to obtain that expungement, since she only had one conviction, which meant that my efforts on appeal, allowed this young woman to obtain a good job. I was also able to see Ms. Egleston had grown from the girl she was in college into a mature, responsible young woman.

- (d) Cathy Frick v. Hughey G. Capps  
2010-CP-36-356  
Newberry County Court of Common Pleas  
AND  
2010-DR-36-360

Newberry County Family Court

This case was significant due to the very unusual nature of the case. I represented Ms. Frick, who owned a home in Newberry County. Ms. Frick was an avid outdoorsman, who developed a close friendship with Mr. Capps who was a fishing guide. Subsequently, Mr. Capps suffered a heart attack, which started him on a downward financial spiral. When he lost his home, Ms. Frick allowed him to move into her home, where he lived for several years. However, this situation later caused problems with Ms. Frick's boyfriend. Eventually, Ms. Frick filed for an eviction, but at that hearing, Mr. Capps claimed the parties were husband and wife, because of a common law marriage. The Magistrate ruled that, since they lived in the same house, they probably were married, and dismissed the eviction. Ms. Frick then hired me. I filed an appeal to the Circuit Court from the dismissal of the eviction and an action in Family Court seeking to declare that the parties were *not* married. The Circuit Court granted the appeal on the basis that only Family Court and Probate Court have the jurisdiction to determine the question of common law marriage, and thus, the Magistrate should not have dismissed the eviction, but instead referred the case to the Family Court for a ruling on the question of the validity of the marriage. Subsequently, the Family Court ruled that there was absolutely no evidence of intent

to marry. Thus, after a very interesting passage through the Court system, Mr. Capps was evicted from Ms. Frick's residence.

- (e) Thomas Jeffrey Frady v. Leonard Scott Gregory and Thomas H. McAllister  
2012-CP-36-414

Newberry County Court of Common Pleas

I served as counsel for Thomas H. McAllister. This case was significant because of the very interesting facts that led to the action. McAllister was friends with Frady, who operated a business as an auto mechanic in a garage that he did not own. During a period of incarceration, Frady requested that McAllister continue to operate the garage, because the building was old and if the electricity was every disconnected, it would have to be brought to current code in order to reconnect. During the period in which McAllister was operating the business, Gregory worked as the mechanic. Gregory was working on a vehicle, which had apparently been left in drive, and the vehicle ran over Gregory and crashed into the garage. McAllister, through a different attorney, was able to receive a cash settlement for property damage, all of which was reinvested back into repairs on the building. Subsequently, Frady was released from incarceration, purchased the building, and sued both Gregory and McAllister, claiming that the funds should have been given to him, as the owner of the business, instead of being reinvested back into the building. We were successful in convincing the trial court that Frady was not damaged by the repairs to the building, but the facts of the case were very unique, particularly considering that actual title-owner of the building at the time of the loss was not a party to the action.

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) Wayne Turner

I served as Defense Counsel at trial for Wayne Turner

2007-CP-36-412

Newberry County Court of Common Pleas

I defended the appeal on behalf of Wayne Turner.

Unpublished Opinion 2011-UP-563

South Carolina Court of Appeals

Grant of Summary Judgment in Favor of Defendant was upheld.

- (b) Charlotte Barfield v. James Simmons

I defended the appeal on behalf of James Simmons

Case Tracking #201194246

South Carolina Court of Appeals

Following the submission of briefs, the appellate dismissed the appeal.

- (c) Dr. William Edward Bull, III v. Vicky Raycene Bull

I filed the appeal on behalf of Dr. Bull from the Eighth Circuit Family Court, Judge McGowan presiding.

2013-002204

South Carolina Court of Appeals

Unpublished Opinion in favor of Ms. Bull

- (d) Allen Koon and Larry Koon v. Thomas Jackson

I filed the appeal on behalf of Thomas Jackson from the Eighth Circuit Court of Common Pleas, Judge Hocker presiding.

Appeal from 2014-CP-36-00109

South Carolina Court of Appeals

Unpublished Opinion in favor of the Koons.

(e) Austin Byrd v. Courtney Hawkins

I filed the appeal on behalf of Austin Byrd from the Eighth Circuit Family Court, Judge Smithdeal presiding.

Appeal from 2012-DR-36-433

South Carolina Court of Appeals

Unpublished Opinion in favor of Ms. Hawkins.

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. Sophie Egleston

Appeal from Lexington County Magistrate Court to Circuit Court

Reversed in part and Affirmed in part

(b) State v. Jesse V. Osborne, III

Appeal from Newberry County Magistrate Court to Circuit Court

Tickets F327898 and F503955

Reversed in full – Directed Verdict of Not Guilty

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.

No

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.

N/A

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.

No

26. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor.

N/a

27. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.

I was previously a candidate for At-Large Circuit Court Seat Number 9, during the Fall, 2014 Screening Process. I was determined to be Qualified, but not Nominated.

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.

- (a) In 2014 and 2015, I have worked one night per week with Weight Watchers in Newberry. Although this is a part-time paid position, it is an insignificant portion of my income. I lost weight through the Weight Watchers program, and I helped to bring a meeting to the Newberry area. I have also helped to train staff to take over that meeting, and I have resigned that position.
- (b) Prior to attending law school, I worked as a legal assistant for Richard H. Whelchel, and before that for Michael N. Duncan.
- (c) During college, I worked as a licensed real estate agent at Southers Real Estate and subsequently at Prudential C. Dan Joyner and Young.
- (d) Throughout high school, college, and graduate school, I had various jobs in retail and restaurants.

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 am the President and Chief Financial Officer for Zimmerman and Shealy, LLC, which is a law firm in which I am one-half owner. I have served as such since the firm's inception in February, 2009.

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.)

See Attached

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

31. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest.  
None
32. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? If so, give details but do not include traffic violations for which a fine of \$125 or less was imposed.  
I was charged with operating uninsured; however, I was not guilty of the offense. In 2001 I was involved in an automobile accident where the other driver was at-fault. Following the accident, I took the FR-10 Form, as required, to my insurance agent, who inadvertently failed to file the form. As a result, I was charged with operating uninsured. My agent appeared in Court and admitted that she was responsible for failing to file the FR-10. I provided proof that I had insurance on my vehicle, and the Magistrate dismissed the charge. This charge has been expunged from my record.
33. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain.  
Not to my knowledge, except as outlined in Question 32 above.
34. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? If so, give details.  
No.
35. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law? If so, give details, including, but not limited to, dates and resolution.  
No.
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) While working at the Solicitor's Office, I did not have malpractice insurance.

(b) In 2009, upon opening Zimmerman and Shealy, LLC, our firm obtained a policy through Navigators Insurance Company. The limits on liability for that policy was One Million Dollars (\$1,000,000.00) per claim with a Five Thousand Dollar (\$5,000.00) deductible. That policy remained in effect until March 9 2014, when we changed insurance companies. There was not a lapse in coverage during the change. The reason for change was due to a reduced premium.

(c) Our current malpractice policy is with Protecture Lawyers. The limits on liability for that policy are One Million Dollars (\$1,000,000.00) per claim with a Five Thousand Dollar (\$5,000.00) deductible. That policy was originally written for the period of March 9, 2014 through March 9, 2015. We have since renewed the policy, and it is effective through March 9, 2016.

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 currently have a Facebook page, and our firm has a page for marketing purposes. Both pages were suggested in order to help optimize the firm's website. From time to time, I have posted, generally current events. If elected for this position, I would likely terminate any connection to Facebook, in order to avoid the appearance of impropriety.

40. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? If so, give the dates of your employment or activity in such capacity and specify by whom you were directed or employed.

No.

41. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist's principal involved.

No.

42. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. Include the disposition, if any, of such charges or allegations.

None.



43. S.C. Code § 8-13-765 provides, in part, that “[n]o person may use government personnel, equipment, materials, or an office building in an election campaign.” Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. Include the disposition, if any, of such charges or allegations.  
None.
44. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek. If you have spent over \$100, have you reported your expenditures to the House and Senate Ethics Committees?  
(a) I spent approximately \$15 for a nametag  
(b) I have order cards that outlined my qualifications for approximately \$70.  
(c) I have not reported these expenditures.
45. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship.  
None.
46. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened or have you been offered a conditional pledge of support by any legislator pending the outcome of your screening? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? If so, give details.  
**Note: The flash drive with your application materials contains (1) Section 2-19-70(c); (2) JMSC Rule 24, and (3) informal opinions and letters concerning pledging prohibitions, with which third parties acting on your behalf, as well as you, must comply.**  
No.
47. Have you requested any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? If so, give details. Are you aware of any third parties contacting members of the General Assembly on your behalf? If so, give details.  
No.
48. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges until after the draft report becomes final, which occurs on the day and time specified on the Commission’s published screening schedule?  
Yes, I am familiar with this rule.
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) Newberry County Bar Association
- (b) South Carolina Bar Association
- (c) South Carolina Association for Justice
- (d) ALTA
- (e) South Carolina Association for Justice
- (f) National Trial Lawyers Association

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) Newberry Business Alliance  
Board Member since 2014
- (b) Newberry County Chamber of Commerce
- (c) South Carolina Jaycees  
Outstanding First Timer Award (1<sup>st</sup> Qrt, 2012)  
Outstanding Young Business Leader (2012)
- (d) Newberry County 100<sup>th</sup> Anniversary Girl Scout Celebration Committee Fund  
Raising Coordinator / Bookkeeper (2012)

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 believe my life experiences have certainly prepared me for this position. My parents divorced with I was twelve years old, and during my freshman year in college, they went back to Family Court to litigate custody of my younger brother. I was a witness in that case. Having experience first-hand what it is like to be a child in this system, I understand the logic behind the phrase "best interest of the child." As lawyers, we use that as an argument, but I understand that the phrase has meaning, and that the Judge's actions impact these fragile, young people. I want the benefit of touching lives in a positive way. I want to foster trust and integrity in our judicial system.

I also believe in the importance of hard work. My parents both had only a high school education. I watched them both work entry level positions in manufacturing industries when I was a child. I worked multiple jobs from the time I was twelve years old in order to help support my family, while finishing high school with a high grade point

average, remaining on the Dean's List through college, obtaining my bachelor's degree in only three years, and completing the courses necessary for my master degree and law degree at two different universities, which were approximately three and half hours drive apart, nearly simultaneously. I intend to continue the same dedication and determination that has carried me this far in life. I believe that would serve me well on the bench.

I watched my parents work hard every day, which taught me the value of earning what you have. I am driven, dedicated, and determined, because in my life, anything less is simply unacceptable. I face every element of my life with self-motivation; however, I have never been afraid to watch and learn from those around me. These skills will certainly serve me well on the bench.

I believe that my background will help me relate to the litigants before me, since many of them will be from the same working-class environment. I understand the struggles that come with that, and those roots will always keep me grounded.

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) Roy H. McClurkin, Chief of Police  
City of Newberry  
1507 Nance Street, Newberry, SC 29108  
803-321-1010
  - (b) David M. Stumbo, Eighth Judicial Circuit Solicitor  
Suite 203, Park Plaza, 600 Monument Street  
P.O. Box 516, Greenwood, SC 29648-0516  
864-942-8800
  - (c) Lee Foster, Newberry County Sheriff  
520 Wilson Road  
P.O. Box 247, Newberry, SC 29108  
803-276-0103
  - (d) Kenneth McBride, Director, Newberry County DSS  
P.O. Box 309, Newberry, SC 29108  
803-321-2155
  - (e) Donna Rankin, Vice President  
First Community Bank  
1735 Wilson Road  
P.O. Box 417, Newberry, SC 29108  
803-321-3200
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.

I currently own our home, located at 1606 Evans Street, Newberry, South Carolina, but neither my husband, nor I own any other real estate.

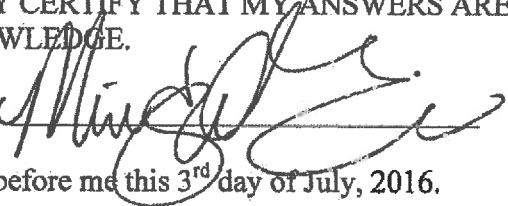
56. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its amount or value, and the name of the agency. Attach a copy of any contract or agreement.  
N/a

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?  
N/a

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:

A handwritten signature in black ink, appearing to be 'Ming' followed by a stylized flourish.

Sworn to before me this 3<sup>rd</sup> day of July, 2016.

  
(Notary Signature)

Donald Franklin Zimmerman  
(Notary Printed Name)  
Notary Public for South Carolina  
My Commission Expires: 3/25/2019