



JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

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

Judge of the Family Court, Seventh Judicial Circuit, Seat 2.

1. Name: Mr. Michael Todd Thigpen

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

Todd Thigpen

Are you currently serving in some capacity as a judge?
(Includes Municipal, Magistrate, Etc.)

No.

Home Address: [Redacted]

Business Address: 207 Magnolia Street, Suite 102
Spartanburg, SC 29306
Post Office Box 2606
Spartanburg, SC 29304

E-Mail Address: [Redacted]

Telephone Number: (home): [Redacted]
(office): (864) 542-0405
(cell): [Redacted]

2. Date of Birth: [Redacted] 1970
Place of Birth: Sumter, 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#: [Redacted]
Voter Registration Number: [Redacted]

5. 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. Please provide a copy of your DD214 concerning your discharge.

No.

6. 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.

Married on March 22, 2008 to Laurie Lynn Ver-Cauteren Thigpen.  
Never divorced, no children.

7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.

- (a) University of South Carolina at Spartanburg (n/k/a USC Upstate), August 1988–May 1992, Bachelor of Science in Business Administration; and  
(b) University of South Carolina School of Law and University of South Carolina, August 1992–May 1996, Joint Juris Doctor/Master of Business Administration.

8. List the significant activities in which you took part during your attendance at law school. Give the years you were involved in these activities and list any leadership positions you held.

- (a) Articles Editor, South Carolina Environmental Law Journal, 1993-1995;  
(b) Member, The International Legal Fraternity of Phi Delta Phi, 1993-1995; and  
(c) Internship, SCANA Corporation, Summer of 1994.

9. 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. Please indicate the number of times you took the exam in each state.

I was admitted to practice law in South Carolina in 1996; I only took the South Carolina Bar Exam one (1) time; and I have not applied to be admitted to practice law in any other state.

10. Describe chronologically, since graduation from law school, your legal experience. Please include a list of all positions held in which you worked in a legal capacity. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years. Please also describe the extent to which you were involved with the administrative and financial management of each of these entities, including management of trust accounts.

- (a) Since I was admitted to the South Carolina Bar on November 18, 1996, I have been a sole practitioner in Spartanburg, South Carolina; my practice has been devoted almost exclusively to Family Court cases; and I have handled thousands of Family Court cases since I began practicing law;
- (b) From 1997 until 2004, I represented indigent Family Court clients through Piedmont Legal Services' Private Bar Involvement Program;
- (c) Since about 1998, I have been appointed to serve as the guardian ad litem in over eight hundred (800) private Family Court cases involving the issues of child custody, visitation, adoption, termination of parental rights, and name changes;
- (d) From about 2002 until June 30, 2015, I was a contract attorney for the Spartanburg County Volunteer Guardian ad Litem Program, and I represented volunteer guardians ad litem in thousands of DSS child abuse and neglect hearings during that time;
- (e) Since 2002, I have been a certified Family Court Mediator, and I have served as the mediator in approximately four hundred (400) Family Court cases in the past five (5) years; and
- (f) Since about 2004, I have done legal work on occasion for the General Counsel's Office at Spartanburg Regional Health Services District, Inc. primarily filing petitions in Probate Court to have a guardian and/or conservator appointed for its patients who are incapacitated and do not have adult relatives who are able or willing to serve as their guardian or conservator.

**Justices/judges applying for re-election to their current position may omit Questions 11-17. If you are a judge seeking a judgeship different than your current position, Questions 11-17 should be answered based on your experience prior to serving on the bench.**

11. Please answer the following:

- (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 and procedural knowledge has prepared you to preside over such matters as a Family Court Judge. Please also indicate the frequency of your appearances before a Family Court Judge within the past five years.
  - (1) Divorce: In almost twenty-two (22) years of private practice, I have filed or defended over fourteen hundred (1,400) divorce and decree of separate support and maintenance cases. Although many of those cases were uncontested, many of the cases were contested and also included the issues of child custody, visitation, child support, alimony, equitable division of marital assets and debts, attorney's fees and costs, etc. In addition, I have represented clients in divorces on all statutory grounds, except desertion, including, one (1) year's continuous

separation, adultery, habitual drunkenness, and physical cruelty. Moreover, I have filed or defended many annulment and common law marriage cases. Finally, I have served as the guardian ad litem or mediator in hundreds of cases that also included the issue of divorce.

- (2) Equitable Division of Property: I have represented clients in hundreds of cases involving the issue of equitable division of marital assets and debts. Specifically, I have dealt with the identification, valuation, and division of many different types of marital assets, including, but not limited to, real estate, rental properties, time shares, retirement accounts, pension plans, state retirement, military retirement, investment accounts, bank accounts, automobiles, and personal property. In addition, many of the equitable division cases I have handled also included the identification and division of different types of marital debt, including mortgages, equity lines, secured debts, unsecured debts, tax debts, credit card debts, and personal loans. Moreover, several of the equitable division cases I have handled have included the issues of proving whether an asset is marital or non-marital, whether a non-marital asset has been transmuted into marital property, and whether a spouse has acquired a special equity interest in the other spouse's non-marital asset. Finally, I have mediated numerous cases involving the issue of equitable divisions of property and debts, a few of which have involved the division of millions of dollars of marital assets.
- (3) Child Custody: I have served as the attorney, guardian ad litem, or mediator in hundreds of child custody cases since I began practicing law. As the attorney, I have represented mothers, fathers, grandparents, and other third parties in all types of child custody cases, including initial child custody determinations, modification actions, relocation cases, third party custody disputes, and other child-related issues. In addition, as the guardian ad litem, I have represented the best interests of hundreds of children in contested child custody cases. Although the majority of the cases settled prior to trial, I have been involved in many child custody cases where the trial lasted anywhere from one (1) to five (5) days. Finally, as the mediator, I would conservatively estimate I have successfully mediated over one hundred (100) child custody cases in the past five (5) years.
- (4) Adoption: Although I mostly represent clients in relative adoptions, I have also represented several clients in non-relative adoptions. In addition to representing clients in adoption cases, I have served as the guardian ad litem in many contested and uncontested relative and non-relative adoptions. The most significant adoption case I have been involved in as the attorney was a case where I successfully defended the biological mother and adoptive father when the biological father attempted to overturn the adoption based on fraud, etc. The most significant adoption case I have been involved in as the guardian ad litem was a case where the biological mother unsuccessfully tried to withdraw her consent. In short, I would conservatively estimate I have served as the attorney or guardian ad litem in hundreds of adoption cases over the past twenty-one (21) years.
- (5) Abuse and Neglect: Because I was a contract attorney for the Spartanburg County Volunteer Guardian ad Litem Program for over thirteen (13) years, I have been involved in hundreds of DSS child abuse and neglect cases. During

that time, I would conservatively estimate I represented the volunteer guardians ad litem in thousands of DSS hearings, including probable cause hearings, status hearings, motion hearings, merits hearings, removal hearings, intervention hearings, judicial review hearings, permanency planning hearings, and termination of parental rights hearings. In addition, before I was a contract attorney for the Spartanburg County Volunteer Guardian ad Litem Program, I was court appointed to serve as the guardian ad litem or attorney for several adults in DSS adult protective services cases. Moreover, I have been court appointed or retained to represent parents and other third parties in numerous DSS child abuse and neglect cases.

- (6) Juvenile Justice: I have been court appointed to serve as the attorney or guardian ad litem for a juvenile on a few occasions. In addition, I have represented adults in criminal cases in the past, and I believe I have sufficient knowledge of criminal law and procedure. However, if I am elected to the Family Court Bench, I intend to spend as much time as possible viewing DJJ hearings before I take the bench; I will pay careful attention to this area of the law in Judge's School; and I will ask to sit with a Family Court Judge who is hearing DJJ cases during my training.

Within the past five (5) years, I have appeared before a Family Court Judge for over seven hundred (700) hearings (Note: I have made a good faith effort not to include the hundreds of DSS hearings I appeared in as a contract attorney for the Spartanburg County Volunteer Guardian ad Litem Program prior to June 30, 2015).

- (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 and procedural knowledge 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. Please also indicate the frequency of your appearances before a Circuit Court Judge within the past five years.

Not applicable.

- (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 or a Circuit Court Judge within the past five years.

Not Applicable.

- (d) If you are a candidate for Administrative Law Court, 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 or Circuit Court within the past five years.

Not Applicable.

12. What was the frequency of your court appearances during the past five years or in the five years prior to your election to the bench?

- (a) federal: 0  
(b) state: An average of 145 court appearances per year.

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

- (a) civil: 0 percent  
(b) criminal: 0 percent  
(c) domestic: 99 percent  
(d) other: 1 percent

14. What percentage of your practice in trial court during the past five years or in 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: 0 percent  
(b) non-jury: 100 percent

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

Sole counsel.

15. 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. Give citations if the cases were reported and describe why these matters were significant.

- (a) Staggs v. Staggs, 2011-DR-42-3102, was a contested decree of separate support and maintenance action, which lasted over two (2) years, and I represented the wife. The issues that were tried were the wife's request for alimony, both parties' requests for an equitable distribution of the marital assets and debts, and the wife's requests for attorney's fees and costs. After an all day trial, the wife, who was disabled, was awarded \$600.00 per month in permanent periodic alimony, equitable distribution of the marital assets and debts, and all of her attorney's fees and costs. Although the case did not involve complex issues, it was significant to me because the wife, who was not represented by counsel at the temporary hearing, was not awarded any

temporary alimony, and I was able to assist her in obtaining permanent periodic alimony and reimbursement for all of her attorney's fees and costs at the final hearing.

- (b) Wright v. Staggs, et al., 2003-DR-42-3288, was an action wherein I represented the maternal grandmother who sought to terminate the parental rights of the biological father in and to his two (2) minor children on the ground that he was convicted of the murder of the children's biological mother pursuant to S. C. Code Ann. § 63-7-2570(10). After hearing the testimony of the children's therapist and other witnesses, the court found it was in the children's best interests for the parental rights of the biological father in and to his minor children to be forever terminated. In addition, the court granted the maternal grandmother's request to change the children's surname from the biological father's surname to her surname. Although the biological father appealed the decision, the Court of Appeals affirmed the trial court's decision in an unpublished decision.
- (c) Simpson, et al. v. Pham, et al., 2001-DR-23-5811, was an action wherein the biological father sought to overturn his biological daughter's adoption by her stepfather almost two (2) years after the adoption was finalized, and I represented the mother and the adoptive father. The case was interesting because the biological father and his mother sought to have the mother's marriage to the adoptive father annulled; the biological father's mother sought to either directly or collaterally attack the adoption even though she was not a party to the adoption action; and the biological father and his mother also sought to have the biological father's consent/relinquishment set aside even though a final decree of adoption had already been entered. Although the majority of those alleged causes of action were dismissed based on a pretrial motion prior to trial, we were required to try the issue of whether or not the biological father could collaterally attack the adoption based on extrinsic fraud, and the court found the father failed to prove extrinsic fraud by clear and convincing evidence and dismissed the case.
- (d) Rollins v. Rollins, 2003-DR-42-1665, was a divorce action wherein the primary issue was child custody and I represented the father. The mother, who initially moved to Tennessee to live with family when the parties separated, was granted temporary custody of the parties' minor child at the temporary hearing, and we learned shortly before the final hearing that she had moved to Georgia. In preparation for trial, I was relying on the long-standing presumption against allowing a parent to relocate with a child out of state, as set forth in McAllister v. Patterson, 278 S.C. 481, 299 S.E.2d 322 (1982), but the Supreme Court overruled McAllister in Latimer v. Farmer, 360 S.C. 375, 602 S.E.2d 32 (2004), a few weeks before the final hearing. Fortunately, after a three (3) day trial, I was able to successfully argue that the case of Davis v. Davis, 356 S.C. 132, 588 S.E.2d 102 (2003), allowed the court to consider the mother's avowed desire to continue living out of state if she was awarded custody of the child as a factor in determining which parent should be awarded custody in an initial child custody determination, and the father was awarded custody of the parties' minor child.
- (e) Penland v. Penland, 2005-DR-42-2246, was an extremely contested child custody case, which lasted almost three (3) years, wherein I served as the guardian ad litem for the parties' minor children. Due to the mother's allegation that the father was

alienating the children from her, the father's allegation that the mother abused prescription drugs and alcohol, and both parents' allegations of domestic violence, I arranged for Dr. Selman Watson to conduct a full custody evaluation of the parties and their minor children, with a specific request that he determine whether or not there was any evidence of parental alienation. The mother, who was represented by three (3) different attorneys at the beginning of the case, was self-represented for the majority of the case, and she filed numerous pro se motions, which resulted in over twenty (20) hearings and Orders during the pendency of the case. After hearing almost five (5) days of testimony, the Honorable Wesley L. Brown issued a fifty-five (55) page Order awarding the father custody of the parties' minor children and denying the mother any visitation with the parties' minor children until she successfully completed substance abuse treatment.

16. 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.

Walters v. Pitts, Unpublished Opinion No. 2006-UP-174, was a child support modification action wherein I represented the mother. After the court increased the father's child support retroactive to January 1, 2002, required the father to pay his child support payments via wage withholding through the clerk of court's office, and awarded the mother attorney's fees and costs, the father appealed. In his appeal, the father argued the Family Court erred in: (1) increasing his child support obligation retroactive to January 1, 2002; (2) requiring him to pay his child support payments via wage withholding through the clerk of court's office; and (3) awarding the mother attorney's fees and costs. In an unpublished opinion, the Court of Appeals found the Family Court erred in increasing the father's child support obligation retroactive to January 1, 2002, but found the facts of the case warranted a retroactive increase to December 29, 2003. In addition, the Court of Appeals affirmed the Family Court's decision to require the father to pay his child support payments via wage withholding through the clerk of court's office and the award of attorney's fees and costs.

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

State v. R. W. T. (initials are used for the defendant because the charge was later dismissed and expunged) was an appeal of a criminal domestic violence conviction from the Magistrate Court to the Circuit Court wherein I represented the defendant. On appeal, I argued the Magistrate had improperly charged the jury on the law of self-defense where the defendant used non-deadly force in self-defense. Specifically, I argued the Magistrate's charge to the jury indicated the defendant had a duty to retreat before he could use non-deadly force in self-defense, and the charge also indicated to the jury that the defendant had to be in fear of death or great bodily harm before he could use non-deadly force in self-defense. The Circuit Court reversed the defendant's conviction and remanded the case to the Magistrate Court for a new trial, but the charge was later dismissed and expunged.



18. 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.

19. If the answer to question 18 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.

20. 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.

I was admitted to practice before all South Carolina state courts in 1996.

21. 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 co-presented and prepared the written materials for the Case Law Update: "Custody, Child Support, and Visitation" at the 2007 South Carolina Trial Lawyers Association Convention;

(b) In 2010, I lectured to a group of student therapists from Converse College about HIPAA, subpoenas, qualification as an expert witness, a therapist's role in child custody cases, and other areas of family law;

(c) I was a panel member for a panel discussion at the 2012 Program Attorney Training: Information to Represent Volunteer Guardians ad Litem; and

(d) I assisted in training volunteer guardians ad litem for the Spartanburg County Volunteer Guardian ad Litem Program on four (4) or five (5) occasions between 2002 and 2015.

22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.

See attached.

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

I have not published any books or articles. However, the Honorable Jerry D. Vinson, Jr. used a guardian ad litem report I prepared to create the suggested format for a guardian ad litem report in his presentation of "Guardian ad Litem Reports: What's in it for me?" at the 2007 Children's Issues in Family Court seminar.

24. Please furnish as a separate attachment, two examples of legal articles, briefs, orders, or other legal writings for which you can claim sole or primary authorship. If you cannot claim sole authorship, please explain the extent to which you are the primary author, to include a description of the other authors and their contributions. The writing samples are for the Commission's use only and will not be published. (If you are a judge and are not seeking a different type of judgeship, this question is inapplicable.)

See attached..

25. What is your rating or membership status, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, Million Dollar Advocates Forum, etc.? If you are currently a member of the judiciary, list your last available rating, if any.

BV, Martindale-Hubbell.

26. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.

- (a) South Carolina Bar, Member of Family Law Section;
- (b) American Bar Association (ABA), Member of Family Law Section; and
- (c) Spartanburg County Bar Association, 2018 Chair of Family Court Committee.

27. 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.

28. For sitting or former judges, 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.

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

In 2012, I was a candidate for the newly created seat for Judge of the Family Court, At-Large, Seat 6; the JMISC found me Qualified, Not Nominated; and the Honorable David E. Phillips was elected to that seat.

In 2016, I was a candidate for the newly created seat for Judge of the Family Court, At-Large, Seat 7; the JMSC found me Qualified, Not Nominated; and the Honorable Thomas T. Hodges was elected to that seat.

30. 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.

My mother and I are the co-owners of Thigpen Properties, LLC, which owns Thigpen Mobile Home Park, and we rent out one (1) mobile home lot. We also rent out one side of the duplex where my mother lives that was at one time titled under the name of PRT Properties, LLC. However, I have not been engaged in any other occupation, business, or profession other than the practice of law since I was admitted to practice law in 1996.

31. 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 a co-agent of Thigpen Properties, LLC, and I am also listed as a co-agent of PRT Properties, LLC, which does not have any assets at this time.

32. 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.

33. 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.

(A net worth statement form 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 will be provided to the Commission with this Personal Data Questionnaire.

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.

When I ran for Judge of the Family Court, At-Large, Seat 6, in 2012, my screening attorney informed me that my credit report reflected a tax lien, which was a shock to me because I had never received a notice. The next day I learned the South Carolina Department of Revenue had filed a tax lien against me because I filed my employer withholding return earlier that year and failed to enclose a check. Apparently, the South Carolina Department of Revenue had sent notices to a post office box and office address that I had not used in over ten (10) years even though my current mailing address and telephone number were on the return. Therefore, I amended my application to notify the Commission of the tax lien, paid the taxes and penalties immediately, and provided my screening attorney with a "Satisfaction of Tax Lien" prior to the public hearings.

35. 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.

36. 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.

37. List the recipient and amount of all contributions made by you, a member of your immediate family, or by a business with whom you are associated, to members of the General Assembly within the past four years.

<u>Recipient</u>	<u>Amount</u>	<u>Date</u>
(a) N. Douglas Brannon for House (not reelected)	\$500.00	05/27/2016
(b) John B. White, Jr. for Senate (not elected)	500.00	05/27/2016
(c) Scott F. Talley for Senate (elected)	500.00	07/08/2016
(d) Rosalyn Henderson-Myers for House (elected)	200.00	07/27/2017

38. 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.

39. 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 or currently hold. Explain how you would resolve any potential conflict of interest.

None.

40. Describe any interest you or a member of your immediate family has in real property:
- (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;
  - (b) in which there have been public improvements of \$200 or that adjoins property in which there have been public improvements of \$200; or
  - (c) which was sold, leased, or rented to a state or local public agency in South Carolina.

None.

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

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

Attach a copy of any contract or agreement.

Not Applicable.

41. 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.

42. For sitting judges, if you currently hold an interest in stock or other securities or have held such an interest, list each stock you currently own or owned during the prior calendar year. If you prefer, you may attach broker or account records containing the requested information instead of listing it here.

Not Applicable.

43. For sitting judges, have you ever accepted anything of value from an attorney or litigant in a matter currently or previously before you or your court? If so, please give the details, including the name of the attorney or litigant and the thing of value you received.

Not Applicable.

44. For sitting judges, have you used the services of your staff, for which you did not pay, while campaigning for this office?

Not Applicable.

45. 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 which are subject to a penalty of \$125 or less. You must include any and all arrests, including, but not limited to, offenses for driving under the influence or similar traffic offenses. Include all arrests that resulted in expungement, which will be redacted. If you have questions regarding whether to include an offense, please contact the Commission.

[All answers have been received and considered by the Commission, and as noted above, any expunged matters are redacted from the record.]

46. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain.

No.

47. Have you ever been sued by a client? Have you ever been a named party (personally or professionally) in or had a pecuniary interest in any civil or criminal proceedings? If so, give details, including, but not limited to, dates, and resolutions.

I have never been sued by a client. However, according to the Spartanburg County Public Index, I was named as a defendant in the case of Bank of America v. Manfred Volk, et al., 2003-LP-42-06179, 2003-CP-42-01347, & 2003-CP-02794, because I was the guardian ad litem for Manfred and Maria Volk's minor children in a Family Court case where both parents were ordered to pay me guardian ad litem fees, which the foreclosure attorney believed was a judgment against the real property being foreclosed upon. It appears those actions were subsequently dismissed. In addition, I may have been named as a party defendant in other cases where I was owed guardian ad litem fees or attorney's fees and costs from a Family Court case, but I cannot find a record of any other cases.

48. 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 maintained malpractice insurance since December of 1996. My current coverage limit is \$1,000,000.00 each claim/aggregate, and my deductible is \$2,500.00 for each and every claim. To my knowledge, I have never been covered by a tail policy.

49. 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. Include any and all confidential and public sanction, discipline, or finding of misconduct of any kind.

[Yes and no responses are redacted for all candidates unless there is a public discipline.]

50. 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.

**Note: The flash drive with your application materials contains (1) Section 2-19-70(c); (2) JMISC 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.**

51. 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.

No.

52. 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? Describe the campaigning you have done for this election and include a list of those individuals you have asked to campaign on your behalf and, to the best of your knowledge, those who have campaigned for you on their own initiative.

No.

53. 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.

54. 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.

55. List the names, addresses, and telephone numbers of five (5) persons from whom you are providing references. Also, provide the Commission with original letters of recommendation from each person listed herein, including their signature (preferably in blue ink). **The Commission will not accept a photocopy or electronic submission of a letter of recommendation and failure to include all five (5) original letters of recommendation in your packet when you submit it will render your packet incomplete.** Please **do not** have references mail your reference letters to the Commission directly. *You must return the five (5) original letters of recommendation to the Commission with your application packet.*

- (a) Mr. Robert M. Holland  
Holland & Usry, P.A.  
Post Office Box 5506  
Spartanburg, SC 29304  
(864) 582-0416
- (b) Mr. N. Douglas Brannon  
Kennedy/Brannon, L.L.C.  
Post Office Box 3254  
Spartanburg, SC 29304  
(864) 707-2020
- (c) Mr. J. Benjamin Stevens  
The Stevens Firm, P.A.  
Post Office Box 6158  
Spartanburg, SC 29304  
(864) 598-9172
- (d) Ms. Ruth L. Cate  
The Cate Law Firm, P.A.  
421 Marion Avenue  
Spartanburg, SC 29306  
(864) 585-4226
- (e) Mr. Joseph L. Mathis  
Saint-Amand, Thompson & Mathis, L.L.C.  
210 South Limestone Street, Suite 1  
Gaffney, SC 29340  
(864) 489-6052

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



I have a website for my law firm, but I do not use social media personally or professionally.

57. 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.

None.

58. 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.

As a sole practitioner, I have always taken pride in the quality of my work, which has often times caused me not to delegate as much work as I should to my legal assistant and others. Therefore, because I understand the duties of a Family Court Judge extend far beyond the courtroom, I believe it could reflect negatively on me if I do not delegate some responsibilities to my administrative assistant and others.

On the other hand, because I have had family members involved in Family Court litigation, I have firsthand knowledge of the emotional and financial impact Family Court litigation has on the parties, their families, and the children involved. In addition, for almost twenty-two (22) years, I have devoted my practice almost exclusively to Family Court cases, and I have been involved in thousands of Family Court cases as the attorney, guardian ad litem, or mediator. Moreover, I believe my years of experience have provided me with the insight necessary to understand how a Family Court Judge's decision can forever change the lives of families, and most importantly children. In short, I believe the fact that I have devoted my practice almost exclusively to Family Court cases for almost twenty-two (22) years should reflect positively on me as a candidate for Judge of the Family Court.

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 \_\_\_\_ day of \_\_\_\_\_, 2018.

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

\_\_\_\_\_  
(Notary Printed Name)  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_