

JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE



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

1. Name: The Honorable Alice Anne Richter

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?
(Includes Municipal, Magistrate, Etc.) Yes. I serve on the South Carolina Family
Court, Ninth Judicial Circuit, Seat Two, Charleston.

Home Address: [REDACTED]

Business Address: Charleston County Judicial Center, 100 Broad Street, Suite 248,
Charleston, South Carolina 29401

E-Mail Address: [REDACTED]

Telephone Number: (home): None
(office): (843) 958-4417
(cell): [REDACTED]

2. Date of Birth: [REDACTED] 1977
Place of Birth: Charleston, 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.

- (a) Married Joseph Paul Cerato on February 10, 2015
- (b) Divorced from Tamir Lehrman on September 11, 2009, Charleston County South Carolina Family Court, Mrs. Lehrman (applicant's prior married name) was the moving party. One Year's Continuous Separation.
- (c) [REDACTED]

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, August 1995 to December 1996, no degree obtained, transferred for internship scholarship opportunity.
- (b) Catholic University of America, January 1997 to July 1997, no degree obtained, transferred for degree program.
- (c) University of North Carolina, Chapel Hill, August 1997 to May 1999, B.A. in International Studies.
- (d) University of South Carolina School of Law, August 1999 through May 2002, Juris Doctor.

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) Phi Delta Phi, legal ethics fraternity, inducted 1999.
- (b) Student Assistant to Professor Robert Felix, assisted in editing Conflict of Laws text and South Carolina Tort Law Supplement for 2002.
- (c) CALI Award 2002 for Private International Law.

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.

- (a) Admitted to South Carolina Bar in 2003.
- (b) South Carolina Bar exam taken in July 2002 and February 2003.

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) Following graduation from law school, I clerked for the Honorable Diane S. Goodstein in the South Carolina Circuit Court for the First Judicial Circuit. No administrative or financial management at this position.

- (b) From 2003 to 2004 I worked with partners and associates as a contract attorney at Moore and Van Allen in Charlotte, North Carolina. I worked on various litigation teams to assist in the defense of large corporate clients involved in complex, multi-million dollar corporate litigation. No administrative or financial management at this position.
- (c) Subsequent to the birth of my son in 2004, while still in Charlotte, North Carolina, I began remotely working as a contract attorney for Richter and Haller, LLC of Mount Pleasant, South Carolina, mostly on civil cases involving complex legal issues. No administrative or financial management at this position.
- (d) In 2005 I moved back to Charleston, South Carolina and became an associate of the Richter Firm, LLC, until my election to the judiciary in February 2015. I continued to work on complex civil litigation matters in Federal and State courts in South Carolina, as well as multi district litigation, administrative court, bankruptcy court, criminal court, probate court and family court. Prior to taking the bench, my practice was primarily in probate court and family court. I assisted in hiring personnel and was a co-signer on the office account.
- (e) In February 2015 I was elected to the South Carolina Family Court for the Ninth Judicial Circuit, Seat two, Charleston. I have performed all functions and duties of a family court judge, including serving as Chief Administrative Judge for Charleston County from July 2017 through June 2018.

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: N/A.

- (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.
- (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.

- (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.
- (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.

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? N/A

- (a) federal:
- (b) state:

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? N/A

- (a) civil:
- (b) criminal:
- (c) domestic:
- (d) other:

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? N/A

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

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

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. N/A

- (a)
- (b)
- (c)

- (d)
- (e)

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. N/A

- (a)
- (b)
- (c)
- (d)
- (e)

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. N/A

- (a)
- (b)
- (c)
- (d)
- (e)

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.

- (a) Yes.
- (b) Elected by the legislature of South Carolina on February 4, 2015 as Judge of the Family Court for the Ninth Judicial Circuit, Seat Two, Charleston.
- (c) This court is a court of limited jurisdiction as set forth in the South Carolina Code.

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.

(a) Scheidweiler v. Phoenix, 2015-DR-10-965, 2018-UP-036.
In this private Termination of Parental Rights (TPR) action brought by the father, I found the mother's parental rights should not be terminated as father had failed to meet his burden of proof and termination would not be in the minor child's best interest. The father brought his TPR action shortly after a final order was issued in the parties' prior initial custody litigation and required a careful analysis of the Termination of Parental Rights statute and caselaw on the issue as applied to the unique facts of this case. My order was appealed, and my decision was affirmed by the South Carolina Court of Appeals in an unpublished opinion.

(b) Rebecca Mendez v. Carlos Francisco Franco, 2018-DR-10-871
This order issued from a joint hearing with the court in the state of California on Plaintiff's Motion for Home State Finding under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). This case had a complicated factual history and extensive

analysis of the UCCJEA, South Carolina law, specific jurisdictional and substantive issues, and consultation with the court in California was required and ultimately resulted in the joint hearing being held in South Carolina and California to make a determination. California was determined to be the home state of the minor children pursuant to the UCCJEA and South Carolina law.

(c) State of South Carolina v. C.A.T, 2018-DR-10-241

The Ninth Circuit Solicitor's office brought this case against a juvenile who was alleged to have been in possession of a moped stolen from one of his neighbors. Most juvenile cases are resolved by agreement between the solicitor and defense counsel. This case was tried, and after multiple witnesses were presented, the juvenile was found guilty based on a finding that the solicitor had proven the allegations beyond a reasonable doubt. He was adjudicated delinquent and was sentenced accordingly which required the ruling balance the interests and safety of the community, the victim, and the needs and interests of the juvenile.

(d) South Carolina Department of Social Services v. J.F., 2015-DR-10-2332

This action for Termination of Parental Rights (TPR) of the mother was brought by the Department of Social Services (DSS) following the entry of a finding in an underlying child protective services case in which the child was removed from the care of mother. DSS was found to have proven by clear and convincing evidence the mother's parental rights should be terminated and that such relief was in the minor child's best interest. TPR actions are some of the most serious types of cases we hear in family court and the results have significant implications on all involved. This action differs from the private TPR action referenced previously in that the mother in this case had been provided with a treatment plan in the underlying child protective services action and had failed to sufficiently remedy the conditions that led to the child's removal from her care, which provided part of the factual basis for the termination action.

(e) Robinson v. Robinson, 2013-DR-18-557

This action for divorce, custody, alimony, equitable apportionment, and attorney fees dealt with difficult issues regarding the dissolution of the parties' marriage in a multi-day trial. The order was very detailed on each issue presented.

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.

(a) Admitted to practice before the State Courts of South Carolina 2003

(b) United States District Court for the District of South Carolina 2011

(c) United States Bankruptcy Court for the District of South Carolina 2011

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) Adjunct professor at Charleston School of Law 2009-2010, legal research and writing.

- (b) Assisted in organizing and spoke frequently at the Charleston Guardian ad Litem Association monthly lunch CLE programs 2013-2015 for lay and attorney guardian ad litem related issues.
 - (c) I have been a guest speaker for Judge Brian Gibbons' family law class at the Charleston School of Law for the past three years on custody, termination of parental rights, assisted reproduction and jurisdictional issues.
 - (d) I spoke at the Orientation School for New Family Court Judges in June of 2016.
 - (e) Family Court Bench Bar CLE, December 1, 2017, speaker on judge's panel regarding issues related to child support, visitation and other family court topics.
 - (f) In the Best Interest of the Child: 2018 Guardian ad Litem Training and Update 2018, January 26, 2018. Speaker on judge's panel.
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. None.
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.)
- Inapplicable.
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.
- I have never sought to become rated.
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
 - (b) Charleston County Bar
 - (c) South Carolina Women Lawyers Association

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.
None.
29. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.
No.
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.
No.
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.
No.
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 complete, current financial net worth statement was provided to the Commission.

(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.

34. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? If so, give details.
(a) No.
(b) No.
(c) No.

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.

No contributions by applicant. My husband, Joseph P. Cerato, has contributed to the following members of the General Assembly within the past four years:

- (a) Peter M. McCoy, Jr., \$ 1,000.00 for 11/08/2016 election (on 1/5/2015)
(b) Peter M. McCoy, Jr., \$ 1,000.00 for 11/06/2018 election (on 3/6/2018)
(c) Leon Stavrinakis, \$ 1,000.00 for 11/06/2018 election (on 07/19/2018).

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.

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

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

Attach a copy of any contract or agreement.

None.

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.

None.

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.

No.

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

No.

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.

(a) No.

(b) Bank of America, N.A. v Keith L. Dutton et al. 2013-CP-10-1798. I was named as a defendant in a foreclosure action by a bank for real estate owned by my deceased former client which became part of her estate. I had, some years prior, been appointed by the Charleston County Probate Court to serve as counsel and guardian ad litem for an individual who was found to be an incapacitated person and she was then appointed a separate permanent guardian and conservator. Upon her death I filed a creditor's claim in her estate matter for unpaid court ordered fees and was thus named as a subordinate creditor in the Bank of America action. This action was dismissed by Order of Dismissal filed December 2, 2014.

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.

Inapplicable.

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) 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.

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 as to all portions of the question.
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.
(a) No.
(b) None.
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) Carl L. Solomon, Solomon Law Group, P.O. Box 1866, Columbia, South Carolina 29202; (803) 391-3120.
- (b) Hon. Thomas F. Hartnett, 1156 Bowman Road, Mount Pleasant, South Carolina 29464 (843)729-7222.
- (c) Anne Frances Bleecker, Bleecker Law Firm, LLC; 561 Savannah Highway, P.O. Box 30245, Charleston South Carolina 29417-0245; (843)571-2725.
- (d) Father H. Gregory West, JCL, Saint Mary of the Annunciation Catholic Church, 89 Hasell Street, Charleston, South Carolina 29401; (843)722-7696.

(e) W. Ellison Thomas, 109-A Simmons Street, Mount Pleasant, South Carolina 29464, (843)881-9666.

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?
(a) I am not a member of any social media sites. I was formerly a member of Facebook but deactivated my account upon election to the Family Court in 2015. I am aware of being in photographs posted by family and friends from weddings, class reunions, and other social events from time to time and attempt to monitor this to the extent I am able without being present on social media myself. I try to have minimal to no presence on social media directly or indirectly.
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.

I believe I have answered as fully as possible but am glad to provide any additional information the Commission may find necessary or helpful.

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: _____