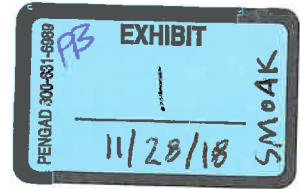


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**



Court, Position, and Seat # for which you are applying: I am applying for Family Court Judge, Seat #1, Fourteenth Judicial Circuit.

1. Name: Honorable Gerald C. Smoak, Jr.
Mrs.
Ms.

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

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

Home Address: [REDACTED]

Business Address: P O Box 620, 101 Hampton Street, Walterboro, SC 29488

E-Mail Address: [REDACTED]

Telephone Number: (home): [REDACTED]
(office): 843-549-5060 x4
(cell): [REDACTED]

2. Date of Birth: [REDACTED] 1959
Place of Birth: Walterboro, 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. N/A
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.

Family Status: Married on June 1, 1985 to Elizabeth Thompson Smoak.

Never divorced, two 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/1977-1980/B.A. in English
 - (b) University of South Carolina School of Law/1980-1983/J.D.

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) USC – School of Law – Moot Court 1982-1983

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) South Carolina – 1983

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) 1983 - Law Clerk for Honorable William T. Howell
 - (b) 1984 to 1995 - General practice with majority of work in Family Court
 - (c) 1984 to 1993 and 1995 - Prosecutor for child abuse and neglect cases for the Department of Social Services.
 - (d) 1984 to 1995 - Public Defender for City of Walterboro
 - (e) 1993 to 1995 - Conflict Attorney for Colleton County Public Defender, including Juveniles
 - (f) 1995 to present - Family Court Judge, Fourteenth Judicial Circuit, Seat #1

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.
 - (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?
- (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?
- (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?

- (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.

- (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.

- (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.

- (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) Family Court Judge, 1995 to present, Fourteenth Judicial Circuit, Seat #1. This Court was created by statute.

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) Couch v. Couch, U.P. No. 2015-UP-045
 - (b) Shannon v. Shannon, 578 S.E. 2d 753
 - (c) Tefft vs. Tefft, U.P No. 2011-UP-096
 - (d) Hawkins vs. Hawkins, U.P No. 2010-UP-510
 - (e) SCDSS vs. Tyesha R.H., Tyrone D, Johnnie Lee R, of whom Tyesha H. is the Appellant, in the interest of two minor children under the age of eighteen, U.P. No. 2011-UP-408
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) I was admitted to practice law in the following courts in 1983:
 South Carolina Magistrate Court
 South Carolina Family Court
 South Carolina Circuit Court
 South Carolina Court of Appeals
 South Carolina Supreme Court
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) Yes, I taught the following paralegal courses for Technical College of the Lowcountry:
 Estates
 Family Law
 Legal Bibliography
 Litigation
 Torts
 - (b) I was on the panel for discussion at South Carolina Family Court Bench/Bar Conference, December 3, 1999.
 - (c) I have lectured at the local high school.
 - (d) Appeared at career day at the local high school.
 - (e) I spoke at the Child Abuse Prevention Rally in Colleton County.
22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.
23. List all published books and articles you have written and give citations and the dates of publication for each. N/A
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.) N/A

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. N/A
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) SC Bar
 - (b) Colleton County Bar
 - (c) SC Family Court Judges 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. N/A
29. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.
 - (a) 1994 candidate for Fourteenth Judicial Circuit Family Court Seat #2.
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. 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. None
- 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; None
 - (b) in which there have been public improvements of \$200 or that adjoins property in which there have been public improvements of \$200; or None

- (c) which was sold, leased, or rented to a state or local public agency in South Carolina.
None

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

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

Attach a copy of any contract or agreement. N/A

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. N/A
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. N/A
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.

Yes. Civil Action No. 7 : 14-CV 1232; Derrick Sallis v. Judge Tommy Edwards and Judge Gerald C. Smoak, Jr. Case was never properly served and was dismissed.

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.
N/A

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

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. David B. Wheeler
Moore & VanAllen, PLLC
P O Box 22828
Charleston, SC 29413-2828
(843) 579-7015
- (b) Joseph K. Qualey
Qualey Law Firm
23 Broad Street
Charleston, SC 29401
(843) 577-3434
- (c) Donald H. Howe
P O Box 31324
Charleston, SC 29417
(843) 225-2523
- (d) Kirk Morgan
PO Box 949
Lexington, SC 29071
(803) 359-6194
- (e) Patricia C. Grant
Clerk of Court of Colleton County 14th Judicial Circuit
P O. Box 620
Walterboro, SC 29488
(843) 549-5791
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? No

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.
- (a) Former Member Jaycees
 - (b) Former Sertoma Member
 - (c) Assistant Baseball Coach, Colleton County Recreation Commission, 1992-2002
 - (d) Member of the Colleton Preparatory Academy School Board, 1998-2006
 - (e) Member of the Bethel United Methodist Church
 - (f) Former Member of the Governor's Youth Council
 - (g) Judge for the National High School Mock Trial Championship
 - (h) Lectured to the guardian ad litem program for the 14th Judicial Circuit
 - (i) Drug Court Judge for Fourteenth Judicial Circuit
 - (j) Lectured at high school
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 have lived in the small town of Walterboro all my life. I have been married for 33 years. My pride and joy are my 31 year old son who is a Mechanical Engineer and my 24 year old daughter who is in school. I practiced law in Walterboro with my father for twelve years before going on the bench. I learned early that you treat people the same way you would want to be treated. I am the product of divorced parents whom I love very much. I feel the small town I live in has given me small town values. I believe my background helps me when dealing with family law matters. I enjoy my job and my family. I believe I have been and continue to be a fair and patient Judge who understands that family law matters may be the most important matters of all.

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: _____