

NO. 3

JOURNAL
of the
HOUSE OF REPRESENTATIVES
of the
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

THURSDAY, JANUARY 16, 2020
(STATEWIDE SESSION)

Thursday, January 16, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Jeremiah 23:23: “Am I a God nearby, says the Lord, and not a God far off?”

Let us pray. God, You love us more than we can ever acknowledge. Hold us close today and show us how to live and treat those around us. Open our hearts and hands, Generous God, to share with others the bounty we have received from You. Guide and keep us in Your care. Guide us through this Session with Your most gracious favor. Bless our defenders of freedom and first responders as they protect and care for us. Bless our Nation, President, State, Governor, Speaker, staff, and all who serve in these Halls of Government. Heal the wounds, those seen and those hidden, of our brave warriors who suffer and sacrifice for our freedom. Lord, in Your mercy, hear our prayers. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

MOTION ADOPTED

Rep. TOOLE moved that when the House adjourns, it adjourn in memory of Toni Kirkland Day, which was agreed to.

SILENT PRAYER

The House stood in silent prayer for the family and friends of Toni Kirkland Day of West Columbia.

SILENT PRAYER

The House stood in silent prayer for the North Central High School family and community.

THURSDAY, JANUARY 16, 2020

Judicial Merit Selection Commission

**Report of Candidate Qualifications
2019**

Date Draft Report Issued: Thursday, January 16, 2020

Date and Time Final Report Issued: Noon, Tuesday, January 21, 2020

**Judicial candidates are not free to seek or accept commitments
until Tuesday, January 21, 2020, at Noon.**

Judicial Merit Selection Commission

Rep. G. Murrell Smith Jr., Chairman
Sen. Luke A. Rankin, Vice Chairman
Sen. Ronnie A. Sabb
Sen. Tom Young Jr.
Rep. J. Todd Rutherford
Rep. Chris Murphy
Hope Blackley-Logan
Lucy Grey McIver
Andrew N. Safran
J.P. "Pete" Strom Jr.

Erin B. Crawford, Chief Counsel
Emma Dean, Counsel



Post Office Box 142
Columbia, South Carolina 29202
(803) 212-6623

January 16, 2020

Dear Members of the General Assembly:

Enclosed is the Judicial Merit Selection Commission's Report of Candidate Qualifications. This Report is designed to assist you in determining how to cast your vote. The Commission is charged by law with ascertaining whether judicial candidates are qualified for service on the bench. In accordance with this mandate, the Commission has thoroughly investigated all judicial candidates for their suitability for judicial service.

The Commission's finding that a candidate is qualified means that the candidate satisfies both the constitutional criteria for judicial office and the Commission's evaluative criteria. The attached Report details each candidate's qualifications as they relate to the Commission's evaluative criteria.

[HJ]

THURSDAY, JANUARY 16, 2020

Judicial candidates are **prohibited** from asking for your commitment until **12:00 Noon on Tuesday, January 21, 2020.** Further, members of the General Assembly are not permitted to issue letters of

introduction, announcements of candidacy, statements detailing a candidate's qualifications, or commitments to vote for a candidate until 12:00 Noon on Tuesday, January 21, 2020. In summary, no member of the General Assembly should, orally or in writing, communicate about a candidate's candidacy until this designated time after the release of the Judicial Merit Selection Commission's Report of Candidate Qualifications. If you find a candidate violating the pledging prohibitions or if you have questions about this report, please contact Erin B. Crawford, Chief Counsel to the Commission, at (803) 212-6689.

Thank you for your attention to this matter.

Sincerely,

Representative G. Murrell Smith Jr.

Judicial Merit Selection Commission

Rep. G. Murrell Smith Jr., Chairman
Sen. Luke A. Rankin, Vice Chairman
Sen. Ronnie A. Sabb
Sen. Tom Young Jr.
Rep. J. Todd Rutherford
Rep. Chris Murphy
Hope Blackley-Logan
Lucy Grey McIver
Andrew N. Safran
J.P. "Pete" Strom Jr.

Erin B. Crawford, Chief Counsel
Emma Dean, Counsel



Post Office Box 142
Columbia, South Carolina 29202
(803) 212-6623

January 16, 2020

Dear Fellow Members of the General Assembly:

This letter is written to call your attention to issues raised during the December 2003 Judicial Merit Selection hearings concerning a judicial candidate's contact with members of the General Assembly, as well as third parties contacting members on a candidate's behalf. It is also to remind you of these issues for the current screening.

[HJ]

THURSDAY, JANUARY 16, 2020

Section 2-19-70(C) of the South Carolina Code contains strict prohibitions concerning candidates seeking or legislators giving their pledges of support or implied endorsement through an introduction prior to 48 hours after the release of the final report of the Judicial Merit Selection Commission (“Commission”). The purpose of this section was to ensure that members of the General Assembly had full access to the report prior to being asked by a candidate to pledge his or her support. The final sentence of Section 2-19-70(C) provides that “the prohibitions of this section do not extend to ***an announcement of candidacy by the candidate and statements by the candidate*** detailing the candidate’s qualifications” (emphasis added). Candidates may not, however, contact members of the Commission regarding their candidacy. Please note that six members of the Commission are also legislators.

In April 2000, the Commission determined that Section 2-19-70(C) means ***no member of the General Assembly should engage in any form of communication, written or verbal, concerning a judicial candidate before the 48-hour period expires following the release of the Commission’s report.*** The Commission would like to clarify and reiterate that until at least 48 hours have expired after the Commission has released its final report of candidate qualifications to the General Assembly, ***only candidates, and not members of the General Assembly,*** are permitted to issue letters of introduction, announcements of candidacy, or statements detailing the candidates’ qualifications.

The Commission would again like to remind members of the General Assembly that ***a violation of the screening law is likely a disqualifying offense and must be considered when determining a candidate’s fitness*** for judicial office. Further, the law requires the Commission to report any violations of the pledging rules by members of the General Assembly to the House or Senate Ethics Committee, as may be applicable.

Should you have any questions regarding this letter or any other matter pertaining to the judicial screening process, please do not hesitate to call Erin B. Crawford, Chief Counsel to the Commission, at (803) 212-6689.

Sincerely,

Representative G. Murrell Smith Jr.

Chairman

INTRODUCTION

The Judicial Merit Selection Commission is charged by law to consider the qualifications of candidates for the judiciary. This report details the reasons for the Commission’s findings, as well as each

THURSDAY, JANUARY 16, 2020

candidate's qualifications as they relate to the Commission's evaluative criteria. The Commission operates under the law that went into effect on July 1, 1997, as amended, and which dramatically changed the powers and duties of the Commission. One component of this law is that the Commission's finding of "qualified" or "not qualified" is binding on the General Assembly. The Commission is also cognizant of the need for members of the General Assembly to be able to differentiate between candidates and, therefore, has attempted to provide as detailed a report as possible.

The Judicial Merit Selection Commission is composed of ten members, four of whom are non-legislators. The Commission has continued the more in-depth screening format started in 1997. The Commission has asked candidates their views on issues peculiar to service on the court to which they seek election. These questions were posed in an effort to provide members of the General Assembly with more information about candidates and the candidates' thought processes on issues relevant to their candidacies. The Commission has also engaged in a more probing inquiry into the depth of a candidate's experience in areas of practice that are germane to the office he or she is seeking. The Commission feels that candidates should have familiarity with the subject matter of the courts for which they offer, and feels that candidates' responses should indicate their familiarity with most major areas of the law with which they will be confronted.

The Commission also used the Citizens Committees on Judicial Qualifications as an adjunct of the Commission. Since the decisions of our judiciary play such an important role in people's personal and professional lives, the Commission believes that all South Carolinians should have a voice in the selection of the state's judges. It was this desire for broad-based grassroots participation that led the Commission to create the Citizens Committees on Judicial Qualifications. These committees are composed of individuals who are both racially and gender diverse, and who also have a broad range of professional experiences (*i.e.*, lawyers, teachers, businessmen, bankers, and advocates for various organizations). The committees were asked to advise the Commission on the judicial candidates in their regions. Each regional committee interviewed the candidates from its assigned area and also interviewed other individuals in that region who were familiar with the candidate either personally or professionally. Based on those interviews and its own investigation, each committee provided the Commission with a report on their assigned candidates based on the Commission's evaluative criteria. The Commission then used these

THURSDAY, JANUARY 16, 2020

reports as a tool for further investigation of the candidate if the committee's report so warranted. Summaries of these reports have also been included in the Commission's report for your review.

The Commission conducts a thorough investigation of each candidate's professional, personal, and financial affairs, and holds public hearings during which each candidate is questioned on a wide variety of issues. The Commission's investigation focuses on the following evaluative criteria: constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, mental health, experience, and judicial temperament. The Commission's investigation includes the following:

- (1) survey of the bench and bar through BallotBox online;
- (2) SLED and FBI investigation;
- (3) credit investigation;
- (4) grievance investigation;
- (5) study of application materials;
- (6) verification of ethics compliance;
- (7) search of newspaper articles;
- (8) conflict of interest investigation;
- (9) court schedule study;
- (10) study of appellate record;
- (11) court observation; and
- (12) investigation of complaints.

While the law provides that the Commission must make findings as to qualifications, the Commission views its role as also including an obligation to consider candidates in the context of the judiciary on which they would serve and, to some degree, govern. To that end, the Commission inquires as to the quality of justice delivered in the courtrooms of South Carolina and seeks to impart, through its questioning, the view of the public as to matters of legal knowledge and ability, judicial temperament, and the absoluteness of the Judicial Canons of Conduct as to recusal for conflict of interest, prohibition of ex parte communication, and the disallowance of the acceptance of gifts. However, the Commission is not a forum for reviewing the individual decisions of the state's judicial system absent credible allegations of a candidate's violations of the Judicial Canons of Conduct, the Rules of Professional Conduct, or any of the Commission's nine evaluative criteria that would impact a candidate's fitness for judicial service.

The Commission expects each candidate to possess a basic level of legal knowledge and ability, to have experience that would be applicable

THURSDAY, JANUARY 16, 2020

to the office sought, and to exhibit a strong adherence to codes of ethical behavior. These expectations are all important, and excellence in one category does not make up for deficiencies in another.

Routine questions related to compliance with ethical Canons governing ethics and financial interests are now administered through a written questionnaire mailed to candidates and completed by them in advance of each candidate's staff interview. These issues are no longer automatically made a part of the public hearing process unless a concern or question was raised during the investigation of the candidate. The necessary public record of a candidate's pledge to uphold the Canons is his or her completed and sworn questionnaire.

This report is the culmination of lengthy, detailed investigatory work and public hearings. The Commission takes its responsibilities seriously, believing that the quality of justice delivered in South Carolina's courtrooms is directly affected by the thoroughness of its screening process. Please carefully consider the contents of this report, which we believe will help you make a more informed decision. **Please note that the candidates' responses included herein are restated verbatim from the documents that the candidates submitted as part of their application to the Judicial Merit Selection Commission. All candidates were informed that the Commission does not revise or alter the candidates' submissions, and thus, any errors or omissions in the information contained in this draft report existed in the original documents that the candidate submitted to the Commission.**

This report conveys the Commission's findings as to the qualifications of all candidates currently offering for election to the South Carolina Supreme Court, Court of Appeals, Circuit Court, Family Court, and Administrative Law Court.

**SUPREME COURT
QUALIFIED AND NOMINATED**

**The Honorable George C. James Jr.
Supreme Court, Seat 5**

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Justice James meets the qualifications prescribed by law for judicial service as a Supreme Court Justice.

[HJ]

THURSDAY, JANUARY 16, 2020

Justice James was born in 1960. He is 59 years old and a resident of Sumter, South Carolina. Justice James provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1985.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Justice James.

Justice James demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Justice James reported that he has not made any campaign expenditures.

Justice James testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Justice James testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Justice James to be intelligent and knowledgeable.

Justice James reported that he has taught the following law-related courses:

- a) I spoke at the Master-in-Equity Bench-Bar Seminar in October 2017: "Deep Keel and Related Authentication and Business Records Issue: Square Peg, Meet Round Hole."

THURSDAY, JANUARY 16, 2020

- b) I participated on a judicial panel at the South Carolina Injured Workers' Advocates annual meeting in November 17, 2017.
- c) I participated on a judicial panel at the Annual Solicitors' Conference on September 21, 2014.
- d) I participated on a judicial panel at the Annual Solicitors' Conference on September 23, 2013.
- e) I participated on a judicial panel sponsored by the National Business Institute entitled "What Civil Court Judges Want You to Know" on September 16, 2011.
- f) Circuit Judge R. Ferrell Cothran, Jr. and I have spoken to the Third Judicial Circuit solicitors, private attorneys, and public defenders on South Carolina and U.S. Supreme Court case law on traffic stops and Rule 609, SCRE impeachment.
- g) I was an instructor at the National Judicial College in Reno, Nevada from June 9-12, 2008 in conjunction with its Advanced Evidence course.
- h) I was a speaker at an S.C. Bar CLE on October 2, 2015 entitled "Third Circuit Tips from the Bench".
- i) I was part of a judicial panel at the 2014 S.C. Bar Convention sponsored by the Torts & Insurance Practice/Young Lawyers Division.
- j) I was a guest judge at the SCDTAA Trial Academy on June 5, 2009, April 19, 2013 and April 25, 2014.

Justice James reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Justice James did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Justice James did not indicate any evidence of a troubled financial status. Justice James has handled his financial affairs responsibly.

The Commission also noted that Justice James was punctual and attentive in his dealings with the Commission, and the

THURSDAY, JANUARY 16, 2020

Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Justice James reported that his last available rating by a legal rating organization, Martindale-Hubbell, was AV.

Justice James reported that he has not served in the military.

Justice James reported that he has never held public office other than judicial office.

(6) Physical Health:

Justice James appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Justice James appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Justice James was admitted to the South Carolina Bar in 1985.

He gave the following account of his legal experience since graduation from law school:

- (a) Richardson, James and Player, 1985-1997
- (b) Richardson and James, 1997-2000
- (c) Lee, Erter, Wilson, James, Holler and Smith, L.L.C., 2000-2006
- (d) Circuit Court judge, 2006-February 2017
- (e) Supreme Court, February 2017 to the present

During my years in private practice, I had a very busy trial practice. I handled the defense of personal injury cases in state court. I defended governmental entities and law enforcement officers in 42 U.S.C. §1983 cases and tort cases in state court and federal court. I represented insurance carriers in arson and other insurance fraud cases. I also represented plaintiffs in personal injury cases. I also advised and represented business entities and handled business transactions.

THURSDAY, JANUARY 16, 2020

In all three law firms with which I was associated, I supervised my immediate staff, and during my time with Richardson, James and Player and with Richardson and James, I had a more overall supervisory role with all staff than I did with Lee, Erter, Wilson, James, Holler and Smith. All three firms had IOLTA trust accounts and I was responsible, as was any partner, for accurate record-keeping of those accounts.

Justice James reported that he has held the following judicial office(s):

From July 1, 2006 until February 7, 2017, I served as a circuit judge (Resident Seat 2, Third Judicial Circuit). I was elected by the General Assembly in 2006 and was re-elected in 2012. The Circuit Court is a trial court of general jurisdiction (common pleas court and court of general sessions) and has appellate jurisdiction over appeals from the summary court. I currently hold Seat 5 on the Supreme Court of South Carolina. I was elected by the General Assembly to fill an unexpired term on February 1, 2017 and was sworn in on February 7, 2017. The Supreme Court is the court of last resort in South Carolina and has appellate jurisdiction and original jurisdiction.

Justice James provided the following list of his most significant orders or opinions:

- (a) South Carolina Department of Social Services v. Boulware, 422 S.C. 1, 809 S.E.2d 223 (2018). I authored this opinion in which the Supreme Court clarified the issue of standing for foster parents in adoption cases.
- (b) State v. Beaty, 423 S.C. 26, 813 S.E.2d 502 (2018). I authored this opinion in which the Supreme Court addressed the issue of the content and order of closing argument in criminal trials.
- (c) State v. Robinson, Op. No. 27883 (S.C.Sup.Ct. filed May 8, 2019) (Shearouse Adv.Sh. No. 19 at 8). This opinion will be published after Westlaw processes it in final form. I authored the opinion in which the Supreme Court detailed the appropriate method of impeaching the credibility of witnesses through the use of Rule 609 of the South Carolina Rules of Evidence.

THURSDAY, JANUARY 16, 2020

- (d) Wright v. PRG Real Estate Management, 426 S.C 202, 826 S.E.2d 205 (2019). I authored the opinion in which the Court clarified the applicability of the Restatement (Second) of Torts, § 323, to the undertaking of a duty by an apartment complex to provide security service to its tenants.
- (e) Palmetto Mortuary Transport, Inc. v. Knight Systems, Inc., 424 S.C. 444, 818 S.E.2d 724 (2018). I authored the opinion in which the Court addressed the reasonableness and enforceability of a noncompete covenant in a contract for the sale of a business.

Justice James further reported the following regarding unsuccessful candidacies:

I was an unsuccessful candidate for an at-large Circuit Court seat in 1999

- (9) Judicial Temperament:
The Commission believes that Justice James' temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualifications reported Justice James to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee stated, "All comments, both on a personal and professional basis, regarding Justice James were extremely positive."

Justice James is married to Dena Owen James. He has two children.

Justice James reported that he was a member of the following bar and professional associations:

- (a) South Carolina Bar Association
- (b) American Bar Association (I was just nominated but have not yet been elected, to serve on the Executive Committee of Appellate Judges Conference)

THURSDAY, JANUARY 16, 2020

(c) Pee Dee Inn of Court

Justice James provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Sunset Country Club
- (b) Sumter Cotillion
- (c) Sumter Assembly
- (d) Les Trente
- (e) Thalian Club
- (f) Matthew J. Perry Civility Award, 2009, awarded by the
Richland County Bar Association
- (g) The Citadel Alumni Association
- (h) The Citadel Brigadier Club
- (i) Wilson Hall School, Board of Trustees
- (j) Caroliniana Ball

Justice James further reported:

I believe I have served capably and honorably on the Supreme Court during the past two years and five months. I would be honored to be elected to a full term. I believe my work ethic has allowed me to develop into an able appellate judge. My life as a practicing lawyer with a very busy litigation practice required a wide range of legal knowledge, both practical and technical. My experience has taught me that intense preparation is a key to being an effective trial lawyer and an effective judge.

(11) Commission Members' Comments:

The Commission commented that Justice James has an outstanding reputation as a jurist. They remarked on his great intellect and temperament, which have ably served him in discharging his responsibilities on the Supreme Court.

(12) Conclusion:

The Commission found Justice James qualified, and nominated him for re-election to the Supreme Court, Seat 5.

THURSDAY, JANUARY 16, 2020

COURT OF APPEALS
QUALIFIED AND NOMINATED

The Honorable Stephanie Pendarvis McDonald
Court of Appeals, Seat 7

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge McDonald meets the qualifications prescribed by law for judicial service as a Court of Appeals judge.

Judge McDonald was born in 1969. She is 51 years old and a resident of Charleston, South Carolina. Judge McDonald provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1994.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge McDonald.

Judge McDonald demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge McDonald reported that she has made \$89.10 in campaign expenditures for postage.

Judge McDonald testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

THURSDAY, JANUARY 16, 2020

Judge McDonald testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

- (3) Professional and Academic Ability:
The Commission found Judge McDonald to be intelligent and knowledgeable.

Judge McDonald reported that she has taught the following law-related courses:

- (a) I presented on "Appellate Court" at the 2019 New Circuit Judges Orientation School;
- (b) I served as a panelist on "Leading from the Bench" at The Citadel's 12th Annual Principled Leadership Symposium (2019);
- (c) I served as a trial judge and presenter at the SC Defense Trial Attorneys' 2019 Trial Academy;
- (d) I served as a panelist at the SC Defense Trial Attorneys' Women in Law Committee 2019 forum titled "Can We Really Have It All? (A discussion about challenges unique to female professionals)";
- (e) I co presented a three hour program on "Tips from the Bench" at CSOL's 2nd Annual CLE Seminar on November 30, 2018;
- (f) I presented at the SC Bar's 2018 CLE "The Unauthorized Practice of Law and How it Impacts Licensed Attorneys";
- (g) I served as a trial judge and presenter at the SC Defense Trial Attorneys' 2018 Trial Academy;
- (h) I served as a trial judge and presenter at the SC Defense Trial Attorneys' 2017 Trial Academy;
- (i) I served on a panel addressing questions relating to appeals in workers' compensation cases at the Injured Workers' Advocates 2017 Annual Meeting;
- (j) I served as a panelist at the Charleston County Bar's 2017 "What Works" CLE;
- (k) I served as a panelist for the SC Bar's 2016 "Ethics with the Judges" Sporting Clays CLE;
- (l) I served as a trial judge and speaker at Professor Debra Gammons's 2016 CSOL Mock Trial competition;

THURSDAY, JANUARY 16, 2020

- (m) I co presented on “How to Best Present Your Case Before the Appellate Courts” for lawyers attending the 2015 Injured Workers’ Advocates Annual Meeting;
- (n) I presented on “Tips from the Appellate Bench” at the Fourteenth Circuit’s 2015 “Tips from the Bench: What Your Judges Want You to Know” CLE
- (o) I served as a panelist for the 2015 SC Women Lawyers Association’s 2015 breakfast program on women running for public office;
- (p) I served as a panelist for the 2015 “Ethics with the Judges” SC Bar Sporting Clays CLE;
- (q) I presented on the “Top Ten Ways to Avoid Reversal on Appeal” at the 2015 South Carolina Circuit Judges Conference;
- (r) I served as a panelist for the 2014 “Ethics with the Judges” SC Bar Sporting Clays CLE;
- (s) I spoke on the topic of “Civility, Competence, and Candor: Minding your Manners to Avoid Obvious Courtroom Pitfalls” at the 2014 USC School of Law’s Reunion CLE;
- (t) I served as a panelist for “A View from the Bench” for lawyers attending the SC Association for Justice’s 2014 Annual Meeting;
- (u) I served as a panelist for the 2013 “Ethics with the Judges” SC Bar Sporting Clays CLE;
- (v) I served as a panelist for “Tips from the Bench” for lawyers attending the 2013 SC Defense Trial Attorneys Summer Meeting;
- (w) I served as a panelist for the 2013 SC Bar Program “Fast Break on Fast Track Jury Trials: How it will Work”;
- (x) I spoke to law students attending the 2013 CSOL Professionalism Series on “Professionalism in the Courthouse”;
- (y) In 2013, I presented a lunch program on “Mental Health Issues and the Courts” to the Historic Rotary Club of Charleston;
- (z) I served as a trial judge and presenter at the SC Defense Trial Attorneys’ 2012 Trial Academy;
- (aa) I spoke on “Ethics in the Courtroom” at the Charleston Lawyers Club’s 2012 “Tips from the Bench and Bar” CLE;

THURSDAY, JANUARY 16, 2020

- (bb) I co presented on “The Fairness in Civil Justice Act of 2011” at the 2011 SC Defense Trial Attorneys Annual Meeting;
- (cc) I served as a panelist for the 2011 “Ethics with the Judges” SC Bar Sporting Clays CLE;
- (dd) In 2010, I served on the faculty for a day long CLE seminar on “The Mechanics of Civil Procedure”;
- (ee) In 2006, I spoke at the Insurance Reserve Fund’s Law Enforcement Defense Seminar (CLE) on recent developments in constitutional law and the changing composition of the Fourth Circuit and United States Supreme Court;
- (ff) At the 2004 South Carolina Conference of Countywide Elected Officials (SCACEE Conference), I spoke about the operation of South Carolina’s Freedom of Information Act and provided an update on recent South Carolina cases impacting countywide elected officials;
- (gg) In 2003, I taught a one hour session at the South Carolina Defense Trial Lawyers’ Trial Academy. I believe it was on cross examination;
- (hh) I presented the “Ethics” portion for the 2001 Charleston Lawyers Club Law Week CLE. The topic was “Ten Ways to Avoid the Office of Disciplinary Counsel and Tips for Handling that Dreaded Letter”;
- (ii) At the 2000 Conference for Attorneys to Assist Disciplinary Counsel, I provided an investigation checklist for Attorneys to Assist and spoke on how to conduct a thorough investigation;
- (jj) In 1998, I spoke at the American Bar Association’s Affiliate Outreach Seminar in Las Vegas about the South Carolina Bar Young Lawyer’s Division’s “Lawyers as Mentors” project and provided instruction for other YLDs interested in starting similar programs in their states; and
- (kk) In 1997, I spoke at the American Bar Association’s Affiliate Outreach Seminar in Tampa about the South Carolina Bar Young Lawyer’s Division’s “Citizenship in Schools” project and provided instruction for other YLDs interested in starting similar programs in their states.

THURSDAY, JANUARY 16, 2020

Judge McDonald reported that she has co-authored the following:

Recent Developments in Government Operations and Liability Law: Annual Update on Public Official Immunities, The Urban Lawyer, 1997

(4) Character:

The Commission's investigation of Judge McDonald did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge McDonald did not indicate any evidence of a troubled financial status. Judge McDonald has handled her financial affairs responsibly.

The Commission also noted that Judge McDonald was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Judge McDonald reported that her last available rating by a legal rating organization, Martindale-Hubbell, was AV.

Judge McDonald reported that she has not served in the military.

Judge McDonald reported that she has never held public office other than judicial office.

I have not held public office other than judicial office, but in the past, I have been appointed by the Supreme Court to positions affiliated with the Office of Disciplinary Counsel. From 1999-2002, I served as an Attorney to Assist Disciplinary Counsel. From 2003-2011, I was an attorney member of the Judicial Conduct Commission. No such Ethics Commission reports were required until my election to the bench, and I have filed my Rule 501, SCACR, disclosure statement each year.

(6) Physical Health:

Judge McDonald appears to be physically capable of performing the duties of the office she seeks.

THURSDAY, JANUARY 16, 2020

- (7) Mental Stability:
Judge McDonald appears to be mentally capable of performing the duties of the office she seeks.
- (8) Experience:
Judge McDonald was admitted to the South Carolina Bar in 1994.

She gave the following account of her legal experience since graduation from law school:

On May 28, 2014, I was elected by the General Assembly to Seat 7 of the South Carolina Court of Appeals to fill the vacancy existing upon the retirement of the Honorable Daniel F. Pieper.

On February 2, 2011, I was elected by the General Assembly to the position of Circuit Judge, At Large, Seat 9, to fill the unexpired term of the Honorable J. Michelle Childs. As I needed some time to wind down my law practice, I was sworn in on June 30, 2011, and began work on the Circuit Court on July 1, 2011.

Before my election to the Circuit Court, I was in private practice. After taking the Bar exam, I worked as an associate at Stuckey & Kobrovsky in Charleston. This firm later became Stuckey & Senn. I was primarily a civil litigator in cases involving constitutional and governmental issues, but I also worked on some probate matters and business litigation. My first three solo trials involved constitutional claims in United States District Court.

I became quite ill while pregnant with my only child and was forced to take a two-month leave of absence for home intravenous treatments. Upon my return to work in August of 1997, I did not return to the law firm, but maintained a solo practice from August of 1997 through approximately 2003. During this time period, I handled appeals for several attorneys and firms, including:

THURSDAY, JANUARY 16, 2020

Stuckey Law Firm
Sandra J. Senn, P.A.
Clawson & Staubes
Rhoad Law Firm (Bamberg)
Padgett Law Firm (Bennettsville)
Jennings and Harris (Bennettsville)
Jay Ervin (Darlington)

I also did other legal work for:

Joye Law Firm
David Whittington
Robert Gailliard
John Price Law Firm
E. Bart Daniel
J. Brady Hair
Larry Kobrovsky
Stanley Feldman

I continued to try cases with and handle appeals for attorney Sandy Senn during this time period, and in the early 2000s, we joined the late Teri Leinbach in the firm of Senn, McDonald, and Leinbach. In our law practice I handled a variety of appellate matters (for plaintiffs and defendants) as well as trial level civil defense for public officials, law enforcement agencies, state agencies, and local governments in state and federal courts.

I also served as a volunteer prosecutor for the South Carolina Attorney General's Criminal Domestic Violence Task Force. Most of that work took place in Orangeburg County.

I handled some trial level cases for plaintiffs, primarily in the field of employment discrimination and harassment, but I estimate that about 60% of my private practice work was in the area of civil defense.

At Stuckey and Senn, I did not handle financial or administrative matters, other than reviewing billing for my cases. From 1997 through approximately 2003, before joining Senn, McDonald, and Leinbach, I handled my own

THURSDAY, JANUARY 16, 2020

financial administrative matters. I did not maintain a trust account as all of my work during this time period was billed hourly to other attorneys and firms. At Senn, McDonald, and Leinbach, I was not involved with the trust account or the handling of the firm's general financial matters. I reviewed billing for my specified files and as needed for other attorneys or staff, and I handled some administrative personnel matters.

Judge McDonald reported that she has held the following judicial office(s):

On February 2, 2011, I was elected by the General Assembly to the position of Circuit Judge, At Large, Seat 9. I was sworn in on June 30, 2011, and served continuously until I began at the Court of Appeals on July 1, 2014.

The Circuit Court is South Carolina's Court of General Jurisdiction. It consists of the Court of General Sessions (criminal court) and the Court of Common Pleas (civil court). The Circuit Court also serves as a court of limited appellate jurisdiction, handling appeals from Probate Court, Magistrate's Court, and Municipal Court. Article 5 of Title 14 sets forth additional provisions relating to the operation of the Circuit Court.

I was Chief Administrative Judge for Common Pleas in the Ninth Circuit. (January 2014 – June 2014). For eighteen months prior to that, I was Chief Administrative Judge for General Sessions matters in the Ninth Circuit. (July 2012 – December 2013).

On May 28, 2014, I was elected by the General Assembly to Seat 7 of the South Carolina Court of Appeals. I began work at the Court of Appeals on July 1, 2014, and have served continuously since that time.

The Court of Appeals is a statutorily created court; § 14-8-200(a) sets forth its jurisdiction. Generally, the Court of Appeals has jurisdiction when an appeal is taken from an order or judgment of the Circuit Court, Family Court,

THURSDAY, JANUARY 16, 2020

Administrative Law Court, or Appellate Panel of the Worker's Compensation Commission. This section also authorizes the Supreme Court to provide by rule for the Court of Appeals to consider petitions for writs of certiorari in PCR matters.

Limitations upon the jurisdiction of the Court of Appeals are set forth in § 14-8-200(b). The Court does not consider appeals which include a death sentence; final rate-setting decisions of the Public Service Commission; the constitutionality of state laws or county or municipal ordinances, unless the Supreme Court determines the constitutional question is not a significant one and transfers the case; certain general obligation debt, revenue, and bonding matters; Circuit Court judgments addressing elections or election procedure; orders limiting an investigation by the State grand jury; or any order of the Family Court relating to an abortion sought by a minor.

Judge McDonald provided the following list of her most significant orders or opinions:

- (a) Stoney v. Stoney, 425 S.C. 47, 819 S.E.2d 201 (Ct. App. 2018), cert. denied June 28, 2019. This case arose from complex and extremely acrimonious marital litigation for which venue was changed from Charleston to Orangeburg County. In 2016, we reversed and remanded for a new trial, but on December 17, 2017, our Supreme Court accepted Husband and his Intervenor-Brother's petitions writs of certiorari and reversed because our initial opinion referenced both the "abuse of discretion" and "de novo" standards of review in procedural and substantive contexts. The Supreme Court then vacated its December 2017 opinion and refiled a substituted opinion on April 18, 2018.

Our opinion listed here followed the Supreme Court's April 2018 remand of the case to the Court of Appeals. Although this 2018 opinion omits any reference to the "abuse of discretion" standard (other than as related to the Family Court's handling of Brother's intervention), the result was the same—we remanded the case to the

THURSDAY, JANUARY 16, 2020

Family Court for a new trial on all remaining financial issues. This past June, the Supreme Court denied Husband and Intervenor-Brother's most recent petitions for writs of certiorari.

(b) Allwin v. Russ Cooper Associates, Inc., 426 S.C. 1, 825 S.E.2d 707 (2019). This opinion addresses the application of the three-year statute of limitations and discovery rule in the context of complex construction litigation. Allwin's petition for a writ of certiorari is pending.

(c) Britton v. Charleston County, Op. No. 2018-UP-368 (S.C. Ct. App. filed Sept. 19, 2018). This case addressed whether a fatal heart attack suffered by a sheriff's office employee responsible for coordinating radio communications for over one hundred first responders was compensable. Officers on-scene and at a nearby command post were facing an armed standoff in which two police officers had been shot.

We affirmed the Appellate Panel of the Workers' Compensation Commission's order affirming the single commissioner's finding decedent's heart attack was compensable because it was induced by "unexpected strain or overexertion in the performance of the duties of employment or by unusual and extraordinary conditions in the employment." The opinion addresses the application of the "heart attack" exception as well as a party's procedural right to seek rehearing before the Appellate Panel prior to any appeal to the Court of Appeals. The parties settled the case after the issuance of this authored unpublished opinion.

(d) State v. Daise, 421 S.C. 442, 807 S.E.2d 710 (Ct. App. 2017). In this criminal appeal, we affirmed defendant's convictions for the murders of his girlfriend and her four-year-old son, the shooting (AWIK) of the couple's two-year-old son, possession with intent to distribute marijuana, and trafficking cocaine. The opinion addresses a number of issues relating to issue

THURSDAY, JANUARY 16, 2020

preservation, the Confrontation Clause, witness pitting, the admission of photographs, records production, and cumulative error. No petition for a writ of certiorari was sought; the remittitur was sent on January 22, 2018.

- (e) Klein v. Barrett, Op. No. 5647, 828 S.E.2d 773 (S. C. Ct. App. filed May 8, 2019). This appeal from family court is significant because it addresses joint custody and the allocation of guardian ad litem fees, two issues which continue to be problematic in Family Court litigation. We affirmed the Family Court's award of joint custody here and noted that our Supreme Court's analytical framework for considering joint custody dates back to 1969. Further, Justice Waller's 2003 case adopting the 1969 language imposes an "exceptional circumstances" requirement not specified by the General Assembly in 1996, when it codified joint custody as an option for Family Courts to consider in child custody determinations. See S.C. Code § 20-70-420(42) (Supp. 1996). No petition for a writ of certiorari was sought; the remittitur was sent on May 24, 2019.

Judge Katherine Tiffany and I will be presenting on the topic of joint custody in September at the S.C. Bar's annual "Hot Tips from the Coolest Domestic Law Practitioners" CLE.

Judge McDonald has reported no other employment while serving as a judge.

Judge McDonald further reported the following regarding unsuccessful candidacies:

In 2009, I was found to be qualified, but was not nominated, for the position of Circuit Judge, At-Large, Seat 8.

(9) Judicial Temperament:

The Commission believes that Judge McDonald's temperament has been, and would continue to be, excellent.

THURSDAY, JANUARY 16, 2020

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications found Judge McDonald to be “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and “Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee further stated, “Eminently qualified.”

Judge McDonald is not married. She has one child.

Judge McDonald reported that she was a member of the following bar and professional associations:

- (a) South Carolina Bar Association
Positions held for the Young Lawyers Division:
 - Chair, Law School for Non-Lawyers project (1998)
 - Co-Chair, Lawyers as Mentors project (1997)
 - Chair, “Citizenship in Schools” project at Fraser Elementary School (1996)
 - Co-Chair, Lawyers for Literacy project (1995)
 - Delegate, ABA Annual Meeting (Young Lawyers Division), San Francisco, 1997
- (b) Charleston County Bar Association
- (c) Charleston Lawyers Club (1994-2004)
President, 1998-99
- (d) Federal Bar Association (former member)
- (e) South Carolina Women Lawyers Association
- (f) American Bar Association (Judicial Division)

Judge McDonald provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Mentor, South Carolina Lawyer Mentoring Program (2009-2010)
- (b) Board Member, South Carolina Bar Foundation (1998-2001)
- (c) Board Member, Association of Junior Leagues International, New York, NY (2006-2009)
- (d) President, Junior League of Charleston (2010-2011)

THURSDAY, JANUARY 16, 2020

- (e) Commissioner, City of Charleston Mayor's Office for Children, Youth & Families (2000-2003)
- (f) Chair and Parliamentarian, 120th Annual Meeting of the Episcopal Church Women of the Diocese of South Carolina (2004)
- (g) President, St. Philip's Episcopal Church Women (ECW) (2003-2004)
- (h) Member, City of Charleston Leadership Team, National League of Cities Municipal Leadership in Education Project (2001-2003)
- (i) Board Member, Youth Service Charleston (2001-2003)
- (j) Junior League of Charleston Community Impact Award (2002)
- (k) Leadership Charleston Class of 2001
- (l) Youth Mentor, Mitchell Elementary School (1998-2001)
- (m) Advisory Board, Charleston County School District Parenting Center, District #20 (2000-2001)

Judge McDonald further reported:

I has been my honor and privilege to serve on the Circuit Court and the Court of Appeals, and I hope the Commission and General Assembly will allow me to continue. While in private practice, I tried over forty (40) cases as either lead counsel or co-counsel, and I personally handled at least forty-five (45) appeals. I assisted other attorneys and firms with over twenty (20) others. I know what it means to be a practicing courtroom lawyer, and I believe this allows me to bring additional understanding to my judicial role with respect to my temperament, decision-making, and continuing study. Treating others with fairness, impartiality, integrity, and dignity—in life and in the courtroom—is critical to the practice of law and our judicial system. I hope I have demonstrated such characteristics during my time on the bench. Good temperament, patience, scholarship, and the willingness to make difficult decisions are important traits for any judge, and I am always working to try to improve in these areas.

THURSDAY, JANUARY 16, 2020

- (11) Commission Members' Comments:
The Commission commented that Judge McDonald has an excellent reputation as a jurist and further serves the legal community through her public speaking.
- (12) Conclusion:
The Commission found Judge McDonald qualified, and nominated her for re-election to Court of Appeals, Seat 7.

**CIRCUIT COURT
QUALIFIED AND NOMINATED**

**The Honorable Alison Renee Lee
Circuit Court, At-Large, Seat 11**

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Lee meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge Lee was born in 1958. She is 61 years old and a resident of Columbia, South Carolina. Judge Lee provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1984. She was also admitted to the Texas Bar in 1982 and the Louisiana Bar in 1983.

- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Lee.

Judge Lee demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Lee reported that she has not made any campaign expenditures.

THURSDAY, JANUARY 16, 2020

Judge Lee testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Lee testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Lee to be intelligent and knowledgeable.

Judge Lee reported that she has taught the following law-related courses:

- (a) I lectured at the August 1985 SC Bar program on settling the family court record on appeal;
- (b) I presented at the September 1985 SC Bar program on pretrial orders, sanctions and local rules in federal court;
- (c) I presented to the attorneys in SC Legislative Council in November 1993 on drafting criminal laws under the Sentencing Classification Act;
- (d) I lectured in May 1996, March 1997, May 1997, March 1998, and May 1998 at "Bridge the Gap" on practice before the Administrative Law Judge Division (now the Administrative Law Court);
- (e) I gave an update on practice before the Administrative Law Judge Division for a SC Bar program in January 1997;
- (f) I presented an update on practice and procedure rules before the Administrative Law Judge Division in March 1998;
- (g) I participated in a panel on "What Works and What Doesn't" in May 1998 for the SC Women Lawyers' CLE;
- (h) February 2000, I presented on circuit court motions and appeals;
- (i) December 2002, I presented on ethics;

THURSDAY, JANUARY 16, 2020

- (j) I presented on behalf of the SC Women Lawyers' CLE on the effective use of exhibits at trial in April 2003;
- (k) I participated in a panel on civility and ethics at the Black Lawyers Retreat in October 2004;
- (l) I participated in a panel discussion for the Criminal and Trial Advocacy Section in October 2005;
- (m) I participated in a panel discussion for the Black Lawyers CLE on tips from the bench in September 2006;
- (n) I spoke to lawyers in December 2006 at the Municipal Association meeting on ethics;
- (o) I participated in a panel discussion in March 2015 during the SC Circuit Judges conference on complex litigation;
- (p) I presided over a mock criminal hearing on Stand Your Ground for the Black Lawyers CLE in September 2014;
- (q) I spoke to the SC Summary Court Judges meeting in August 2016 about appeals to Circuit Court;
- (r) I participated in a panel discussion at the Association of Corporate Counsel meeting in August 2017 on "Things Corporate/In-House Counsel should know about appearing in court."

Judge Lee reported that she has not published any books and/or articles.

(4) Character:

The Commission's investigation of Judge Lee did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Lee did not indicate any evidence of a troubled financial status. Judge Lee has handled her financial affairs responsibly.

The Commission also noted that Judge Lee was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

THURSDAY, JANUARY 16, 2020

- (5) Reputation:
Judge Lee reported that she is not rated by any legal rating organization.

Judge Lee reported that she has not served in the military.

Judge Lee reported that she has never held public office other than judicial office.

- (6) Physical Health:
Judge Lee appears to be physically capable of performing the duties of the office she seeks.

- (7) Mental Stability:
Judge Lee appears to be mentally capable of performing the duties of the office she seeks.

- (8) Experience:
Judge Lee was admitted to the South Carolina Bar in 1984.

She gave the following account of her legal experience since graduation from law school:

- (a) 1982 – 1983 Judicial Law Clerk, Hon. Isreal M. Augustine, Jr. Louisiana, Court of Appeals, Fourth Circuit
- (b) 1983 – 1984 Judicial Law Clerk, Hon. C. Tolbert Goolsby, Jr., South Carolina Court of Appeals
- (c) 1984 – 1989 Associate, McNair Law Firm, PA. General Litigation Defense 1984 to 1986; Corporate Section 1987, Labor and Employment Defense 1987 to 1989.
- (d) 1989 – 1994 Staff Counsel, S.C. Legislative Council, drafted legislation and amendments for members of the General Assembly in the areas of transportation, crime, corrections and prisons, and education.
- (e) 1994 – 1999 Administrative Law Judge, Administrative Law Judge Division (now Administrative Law Court), presided over administrative hearings related to insurance, environmental permitting, alcoholic beverage permits, wages, taxes, video poker, bingo, appeals from occupational licensing boards, and hearings on regulations promulgated by certain state agencies.

THURSDAY, JANUARY 16, 2020

- (f) 1999 – present S.C. Circuit Court Judge At Large, statewide general jurisdiction court, presiding over trials and hearings in criminal and civil matters, appellate jurisdiction over municipal, magistrate, and probate cases. Previously presided over appeals involving ALC decisions, workers' compensation, state grievance matters, and unemployment compensation until jurisdiction was moved to the Court of Appeals by the legislature. I am also one of eight judges statewide assigned to handle specialized cases in Business Court. Currently Chief Administrative Judge for the Eleventh Circuit until end of December 2018.
- (g) March to May 2016 – Acting Judge, S.C. Court of Appeals. Member of three judge panel hearing appeals. Authored 6 opinions and responsible for several unpublished memoranda opinions.

Judge Lee reported that she has held the following judicial office(s):

- (a) 1994 – 1999, elected, Administrative Law Judge, Seat 3
- (b) 1999 – present, elected, Circuit Court Judge At Large, Seat 11
- (c) March – May 2016 – Acting Judge, Court of Appeals. Appointed by Chief Justice of Supreme Court to serve during the absence of one of the judges.

Judge Lee provided the following list of her most significant orders or opinions:

- (a) Graham v. Town of Latta, Docket No. 2008-CP-13-00376 and 00377 (S.C. Cir. Court, Dillon Co. 2012), aff'd, 417 S.C. 164, 789 S.E.2d 71 (Ct. App. 2016). The plaintiffs were homeowners whose property was flooded during a severe rain event. They sued the Town of Latta claiming it failed to properly maintain the sewage and rainwater drainage system. Additionally, the plaintiffs alleged that problems with the pipes led to the overflow in their yard which caused the repeated flooding of the property. They sued claiming negligence, trespass and inverse condemnation. The town raised issues of immunity under the state's Tort Claims Act, which limits liability for a governmental agency. There were numerous motions relating to the immunity and the claims. I granted many of the motions, reserving the claim of

negligence for the jury. The jury returned a verdict in favor of the plaintiffs. Both parties appealed. The Court of Appeals affirmed the rulings.

- (b) S.C. Insurance Reserve Fund v. East Richland County Public Service District, et al., Docket No. 2011-CP-40-02096 (S.C. Cir. Court, Richland Co. 2013), *aff'd*, 419 S.C. 149, 789 S.E.2d 63 (Ct. App. 2016), vacated on other grounds, 423 S.C. 55, 813 S.E.2d 873 (2018). This was a declaratory judgment action filed by the Insurance Reserve Fund to determine whether it was required to defend the East Richland County Public Service District in an action filed by Coley Brown claiming trespass, inverse condemnation, and negligence from the operation of a sewer force main and air relief valve which caused offensive odors to be released on his property multiple times as day. The lawsuit required the interpretation of the insurance policy and provisions of the Tort Claims Act. I ruled that the claims were excluded under the policy provisions. The Court of Appeals affirmed the ruling.
- (c) State v. Tony Watson, Docket No. 2010-GS-40-10224 (S.C. Cir. Court, Richland County 2013). Watson was charged with murder for killing his fiancée's abusive ex-husband (the victim) when he came to Watson's house. After beating Watson in his own yard, the victim tried to go inside Watson's house to get the ex-wife and Watson shot him. Watson filed a motion to determine his immunity from prosecution under the Protection of Persons and Property Act based upon the Castle Doctrine. After an evidentiary hearing, I ruled that he was entitled to immunity from prosecution.
- (d) Chastain v. AnMed Health Foundation, et al., Docket No. 2005-CP-04-02388 (S.C. Cir. Court, Anderson Co. 2008), *aff'd*, 388 S.C. 170, 694 S.E.2d 541 (S.C. 2010). The plaintiff brought a medical malpractice claim against the charitable hospital and its nurses. The plaintiff had to establish that the nurses were grossly negligent to obtain a verdict against them individually. After hearing the testimony during the course of the week, the jury returned a verdict against the hospital only. The jury specifically found that the nurses were not grossly negligent. The hospital was a charitable organization which, under the statutes, would

THURSDAY, JANUARY 16, 2020

only be liable up to \$300,000 per occurrence. Based upon post trial arguments, I reduced the verdict to the statutory cap. The plaintiff appealed claiming that there was more than one occurrence and therefore her damages should not have been limited. On appeal, the decision was affirmed.

- (e) Curtis v. South Carolina, Docket No. 99-CP-23-02463 (S.C. Cir. Court, Greenville Co. 2000). Mr. Curtis sought to enjoin the state from enforcing a statute prohibiting the sale of urine in interstate commerce and to declare the statute unconstitutional. I declined to enjoin enforcement of the statute.

Judge Lee has reported no other employment while serving as a judge.

Judge Lee further reported the following regarding unsuccessful candidacies:

- (a) 1997, Candidate for Circuit Court At Large, Seat 10, qualified and nominated
- (b) 2003, Candidate for Court of Appeals, Seat 6, qualified, not nominated
- (c) 2004, Candidate for Court of Appeals, Seat 1, qualified, not nominated
- (d) 2008, Candidate for Court of Appeals, Seat 3, qualified and nominated
- (e) 2009, Candidate for Court of Appeals, Seat 5, qualified, not nominated
- (f) 2016, Candidate for Court of Appeals, Seat 9, qualified and nominated
- (g) 2018, Candidate for Court of Appeals, Seat 1, qualified and nominated

(9) Judicial Temperament:

The Commission believes that Judge Lee's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Judge Lee to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of

THURSDAY, JANUARY 16, 2020

ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee also noted, "Very well qualified in all aspects."

Judge Lee is married to Kenzil Franklin Summey. She has two children.

Judge Lee reported that she was a member of the following Bar associations and professional associations:

- (a) South Carolina Bar
- (b) South Carolina Women Lawyers Association, Board of Directors, 2010-2015
- (c) South Carolina Black Lawyers Association
- (d) Richland County Bar Association
- (e) National Conference of State Trial Judges
- (f) American Bar Association
- (g) American College of Business Court Judges
- (h) John Belton O'Neill Inn of Court
- (i) S.C. Supreme Court Commission on Continuing Legal Education and Specialization, 2011-2016
- (j) Louisiana State Bar
- (k) Texas State Bar

Judge Lee provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Columbia (SC) Chapter, The Links, Incorporated, President 2013-2014, Vice President 2012-2013 (currently an Alumna member)
- (b) Columbia City Ballet, Board of Directors, 2009-2016 (no longer a member)
- (c) Historic Columbia, Board of Directors, 2015 to present
- (d) Alpha Kappa Alpha Sorority, Inc.
- (e) Columbia Chapter, Moles, Inc.
- (f) Basilica of St. Peter, Finance Committee
- (g) Received the Judge Matthew J. Perry, Jr. Award for Outstanding Legal Service from the SC Black Lawyers Association in 2014
- (h) Received the Matthew J. Perry Civility Award from the Richland County Bar Association in 2017
- (i) Received an award from the SC Chapter of the Bench & Bar Spouses of the National Bar Association in 1999

THURSDAY, JANUARY 16, 2020

- (11) Commission Members' Comments:
The Commission noted that it appreciates the thoroughness, thoughtfulness, courtesy, and care Judge Lee brings to performing her duties on the Circuit Court bench.
- (12) Conclusion:
The Commission found Judge Lee qualified, and nominated her for re-election to Circuit Court, At-Large, Seat 11.

**Amanda A. Bailey
Circuit Court, At-Large, Seat 13**

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Ms. Bailey meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Ms. Bailey was born in 1977. She is 42 years old and a resident of Myrtle Beach, South Carolina. Ms. Bailey provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2003. She was also admitted to the North Carolina Bar in 2004.

- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Bailey.

Ms. Bailey demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Bailey reported that she has made \$143.78 in campaign expenditures for cards and postage.

THURSDAY, JANUARY 16, 2020

Ms. Bailey testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Bailey testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Bailey to be intelligent and knowledgeable.

Ms. Bailey reported that she has taught the following law-related courses:

- (a) Class Instructor at Horry Georgetown Technical College teaching property law to paralegal students in 2005
- (b) Moderated the Civil Law Update for the 2017 Trial and Appellate Advocacy Section CLE, South Carolina Bar Convention
- (c) Panel member at the Diversity Committee & Young Lawyer Division CLE, 2018, South Carolina Bar Convention

Ms. Bailey reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Ms. Bailey did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Bailey did not indicate any evidence of a troubled financial status. Ms. Bailey has handled her financial affairs responsibly.

The Commission also noted that Ms. Bailey was punctual and attentive in her dealings with the Commission, and the

THURSDAY, JANUARY 16, 2020

Commission's investigation did not reveal any problems with her diligence and industry.

- (5) Reputation:
Ms. Bailey reported that her rating by a legal rating organization, Martindale-Hubbell, is AV Preeminent, and that her rating by a legal rating organization, Super Lawyers, is Rising Stars and Top Rated.

Ms. Bailey reported that she has not served in the military.

Ms. Bailey reported that she has never held public office.

- (6) Physical Health:
Ms. Bailey appears to be physically capable of performing the duties of the office she seeks.

- (7) Mental Stability:
Ms. Bailey appears to be mentally capable of performing the duties of the office she seeks.

- (8) Experience:
Ms. Bailey was admitted to the South Carolina Bar in 2003.

She gave the following account of her legal experience since graduation from law school:

- (a) Judicial Law Clerk to the Honorable Kaye G. Hearn, August 2003 to May 2005: In my capacity as judicial law clerk to the Honorable Kaye G. Hearn, then Chief Judge of the South Carolina Court of Appeals, I prepared draft legal opinions, preliminary reports, and cases assessments regarding criminal, civil, family, workers compensation and administrative appellate cases. I read appellate briefs and records, researched legal issues, wrote bench memoranda, orally presented and fielded questions regarding cases from appellate judges, and assisted in drafting opinions.
- (b) The McNair Law Firm, P.A., now Burr Forman McNair, May 2005 to the present:
- May 2005 to December 2010, Associate, general litigation practice. During this time period, I

THURSDAY, JANUARY 16, 2020

primarily practiced business litigation, representing both Plaintiffs and Defendants, but often handled non-business related general litigation including personal injury, probate court litigation, employment litigation, and general counsel representation. I primarily served as co-counsel or second-chair in litigation matters. I was not generally involved in the administrative or financial management of the firm.

- January 2011 to present, Partner, general litigation practice. During this time period, I continued my primary practice in business litigation, representing both Plaintiffs and Defendants. I continued to handle other non-business related general litigation, including personal injury, probate court litigation, employment litigation, and general counsel representation. I primarily served as lead counsel in litigation matters. As a partner, I was involved in some administrative and financial management of the firm, and served on the associate development committee, strategic planning committee, and as co-chair of the litigation practice group.
- January 2017 to December 2018, Unit Manager, general litigation practice. During this time period, I continued my primary practice set forth above and served as lead counsel in litigation matters. As Unit Manager of the Grand Strand Unit, I was involved in administrative and financial management of the firm, and served on the compensation committee and as co-chair of the litigation practice group. In my role as Unit Manager, with the supervision of the firm managing shareholder, I was responsible for the Grand Stand Unit personnel, equipment, and facility matters; file opening and conflict approvals; recruiting; office budgeting and financials; timekeeper budgeting, productivity, assignments, and work performance; and, overseeing of local trust accounts. In addition, as a member of the firm compensation committee, I assisted in evaluating, advising, and voting on firm shareholder and timekeeper compensation.

THURSDAY, JANUARY 16, 2020

- January 2019 to Present, Office Managing Shareholder, general litigation practice. During this time period, I continued my primary practice as set forth above and served as lead counsel in litigation matters. As the Office Managing Shareholder for the Myrtle Beach office, I am involved in the administrative and financial management of the firm, in particular the Myrtle Beach office. In addition, I have been involved in undertaking and supervising local firm combination efforts in the Myrtle Beach office as a result of the combination of the McNair Law Firm, P.A. with Burr & Forman, LLP effective January 1, 2019.

Ms. Bailey further reported regarding her experience with the Circuit Court practice area:

Criminal Experience:

My experience in criminal matters has primarily been while working as a law clerk for then Chief Judge Kaye Hearn at the Court of Appeals. As a law clerk, I was involved in numerous criminal appeals, including guilty pleas, trials, post-conviction relief, and Anders appeals. My involvement included reviewing appellate briefs, guilty pleas, or trial transcripts, research and writing bench memoranda and opinions, and presenting cases to judges. Following my clerkship, I served on the Editorial Board for the South Carolina Post-Conviction Relief Manual, Second Edition, published in 2008. In private practice, I have been involved as defense counsel in a few criminal matters at the Magistrate Court level over the past sixteen years. I have also represented several criminal victims in their corresponding civil matters. In the context of such representation, I have closely followed the criminal proceedings in two murder trials in Horry County General Sessions and a guilty plea for conspiracy in the United States District Court, Florence Division.

Civil Experience:

My experience in civil matters has included a broad general litigation practice based primarily out of Horry County, South Carolina, but appearing in Circuit Courts throughout South Carolina, federal courts in both South and North Carolina, and

THURSDAY, JANUARY 16, 2020

occasionally state courts in North Carolina. I especially enjoy complex business litigation matters, but I represent both Plaintiffs and Defendants in a variety of types of litigation, including personal injury, real property, contract, probate litigation, insurance coverage, construction, employment, shareholder/member, class actions, and municipal disputes. I have handled litigation as lead counsel, assuming the primary responsibility for preparing strategy, supervising associates and staff, preparing pleadings, preparing and arguing motions, serving and answering discovery, taking and defending depositions, and trial. In addition to serving as lead counsel, I also continue serve as sole counsel or co-counsel as the case or client may dictate.

Ms. Bailey reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: I regularly appear in federal court, typically with two to five cases pending in federal court per year. I have personally appeared and tried one federal case in South Carolina, and personally argued motions in federal court in North Carolina. The remaining appearances in federal court have been by way of electronic filing;
- (b) State: I regularly appear in state court, primarily in Horry and Georgetown Counties, but also throughout South Carolina and occasionally in North Carolina state court. I typically argue motions in state court at least once a month, and typically try cases in state court one to three times per year, jury and/or non-jury.

Ms. Bailey reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 80%;
- (b) Criminal: less than 2%;
- (c) Domestic: 0%;
- (d) Other: 18%.

Ms. Bailey reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 65%;

THURSDAY, JANUARY 16, 2020

- (b) Non-jury: 35%.

Ms. Bailey provided that during the past five years she most often served as sole counsel.

The following is Ms. Bailey's account of her five most significant litigated matters:

- (a) Hill, et. al v. Deertrack Golf and Country Club, Inc., et. al, 2012-UP-219. This was a class action regarding the rights and obligations of a developer of real property to adjoining land owners and impacted the use of several hundred properties in Horry County, South Carolina.
- (b) All Saints Parish Waccamaw v. Protestant Episcopal Church, 385 S.C. 428 (2009). This matter arose from an ecclesiastical dispute and real property dispute in Pawleys Island, South Carolina and involved significant historical and constitutional issues.
- (c) East Cherry Grove Realty Co. v. Gore, et. al, 2016-CP-26-5392. This matter impacted the use of improved residential real property of multiple homeowners abutting canals in the Cherry Grove Section of North Myrtle Beach.
- (d) SMIRF v. City of Georgetown and RSUI Indemnity Co., 2017-CP-22-0959. This matter determined the insurance coverage of tax payer funded municipal buildings damaged as a result of sinkholes.
- (e) Robertus L.C. Engle, et. al v. Sherry Engel and Timothy Rogers, 2009-CP-26-2104. This matter involved protecting the rights of crime victims to estate and insurance proceeds claimed by perpetrator.

The following is Ms. Bailey's account of five civil appeals she has personally handled:

- (a) Cribb v. Spatholt, 382 S.C. 490 (Ct. App. 2009)
- (b) McLaughlin v. Williams, 379 S.C. 451 (Ct. App. 2008)
- (c) Armstrong v. Atlantic Beach Mun. Election Com'n, 380 S.C. 47 (S.C. 2008)
- (d) Wallace v. Day, 390 S.C. 69 (Ct. App. 2010)
- (e) Rossi v. Intercoastal Village Resort Homeowners Ass'n, Inc., 2012-UP-221 (Ct. App., April 4, 2012)

THURSDAY, JANUARY 16, 2020

Ms. Bailey reported that she has not personally handled any criminal appeals.

(9) Judicial Temperament:

The Commission believes that Ms. Bailey's temperament would be excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Ms. Bailey to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

The Committee also noted that, "Mrs. Bailey is highly intelligent and articulate. We believe she would make an excellent judge and would run a very efficient court."

Ms. Bailey is married to Daniel J. Bailey. She has three children.

Ms. Bailey reported that she was a member of the following bar and professional associations:

- (a) South Carolina Bar Foundation Historical Society
- (b) Chair, South Carolina Bar Trial and Appellate Advocacy Section, 2017-2018
- (c) Section Delegate, South Carolina Bar House of Delegates, 2018-2019
- (d) Member, South Carolina Bar
- (e) Member, American Bar Association
- (f) Member, TIPS section of ABA
- (g) Volunteer, S.C. Bar Law Related Education Division, Middle and High School Mock Trial

Ms. Bailey provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Carolina Forest Rotary Club, Treasurer/Secretary, eMember
- (b) Grand Strand Humane Society, President, Board of Directors
- (c) Beach Church

THURSDAY, JANUARY 16, 2020

- (d) ExecuVision, now affiliated with the Myrtle Beach Area Chamber of Commerce, a founding member
- (e) First Robotics, volunteer and First Lego League coach

Ms. Bailey further reported:

I am not defined by one event in my life. Rather, when I put pen to paper on “other information” about my candidacy, I would be remiss if I neglected some of the rather ordinary things that have defined me.

I grew up the daughter of two very hard working parents. My dad is one of those individuals that knows how to fix everything and would rather do almost anything himself. He had a role in building or fixing almost every part of my childhood home. My mom is the type of person that cares deeply and unapologetically. Between the two of them, they raised two very hardworking children. My brother left home to join the Air Force and I left home to go to college. I worked all kinds of jobs from high school to law school and am lucky have found the practice of law in South Carolina. I am the only lawyer in my family.

I was married following my first year of law school. My husband, a non-lawyer, has the “fun” job but is equally hardworking. After law school, we moved to Conway, South Carolina, where I worked as a law clerk and my husband finished his degree at Coastal Carolina University. As a law clerk, I learned the value of mentorship and procedure.

I have been blessed by what I have learned from my mentors, both in and out of the law, and I have been professionally led by the procedures and rules of this State.

I currently work in a litigation practice that largely requires I track how I spend my time every day. I, like most lawyers, am keenly aware of the value of time, whether it be measured in six minute increments or lifetimes. I work hard to make the most of my time, as a litigator, co-worker, child, spouse, parent, and friend.

If elected to the Circuit Court bench, I will use the court’s time and procedures sensibly to promote efficient and fair justice.

THURSDAY, JANUARY 16, 2020

- (11) Commission Members' Comments:
The Commission was impressed by the positive BallotBox comments Ms. Bailey received regarding her demeanor. The Commission noted her wealth of knowledge and enthusiasm for the profession. They commented that her varied experience makes her an excellent candidate for the Circuit Court.
- (12) Conclusion:
The Commission found Ms. Bailey qualified, and nominated her for election to Circuit Court, At-Large, Seat 13.

**Debbie Chapman
Circuit Court, At-Large, Seat 13**

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Ms. Chapman meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Ms. Chapman was born in 1960. She is 59 years old and a resident of Chapin, South Carolina. Ms. Chapman provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1993.

- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Chapman.

Ms. Chapman demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Chapman reported that she has not made any campaign expenditures.

THURSDAY, JANUARY 16, 2020

Ms. Chapman testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Chapman testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Chapman to be intelligent and knowledgeable.

Ms. Chapman reported that she has taught the following law-related course:

Continuing legal education: Ms. Chapman was asked to speak regarding the sentencing guidelines by the Federal Public Defender's Office. This was several years ago. She cannot recall the date.

Ms. Chapman reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Ms. Chapman did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Chapman did not indicate any evidence of a troubled financial status. Ms. Chapman has handled her financial affairs responsibly.

The Commission also noted that Ms. Chapman was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

THURSDAY, JANUARY 16, 2020

- (5) Reputation:
Ms. Chapman reported that she is not rated by any legal rating organization.

Ms. Chapman reported that she has not served in the military.

Ms. Chapman reported that she has never held public office.

- (6) Physical Health:
Ms. Chapman appears to be physically capable of performing the duties of the office she seeks.

- (7) Mental Stability:
Ms. Chapman appears to be mentally capable of performing the duties of the office she seeks.

- (8) Experience:
Ms. Chapman was admitted to the South Carolina Bar in 1993.

She gave the following account of her legal experience since graduation from law school:

- (a) J. Preston Strom Jr. August 1991 to June 1993
Attorney at Law
Columbia, S.C.
Law Clerk – Duties involved legal research and analysis, prepare legal documents, compile case materials for trial, interviewing clients, drafting letters to clients, solicitors or other parties, assisting with telephone inquiries and other routine administrative duties.
- (b) Leigh Leventis, June 1993 to December 1995
Attorney at Law
Columbia, S.C.
Law Clerk/Attorney – Duties included those of a law clerk until I passed the bar in November, 1993. As an attorney my duties changed to include criminal and civil litigation including magistrate, state and federal courts. Responsible for all aspects of client cases: analyzed case documents and evidence, developed case strategy, conducted legal research

THURSDAY, JANUARY 16, 2020

and writing, interviewed clients and witnesses, provided legal advice to clients, and represented clients at all court hearings.

- (c) Debra Y. Chapman, LLC December 1995 to present
Columbia, S.C.
Sole Practitioner – Represent clients in numerous criminal and civil matters at state and federal levels. Litigate an average of 125 cases per year. I also manage all aspects of my practice including, day to day operations, administration, profit and loss, business checking account, business savings account, trust account, and employee supervision.

Ms. Chapman further reported regarding her experience with the Circuit Court practice area:

The majority of my practice is criminal defense. I practice in both state and federal court. In state court, I have handled numerous drug trafficking cases, assault and battery with intent to kill, armed robbery, burglaries, breach of trust, fraud, forgeries, grand larceny, criminal sexual conduct, attempted murder, and murder. In federal court, I have handled human trafficking, white collar crimes, armed career offenders, bank robberies, drug conspiracies and adoption fraud. I attend bond/detention hearings, preliminary hearings, pretrial conferences, motion hearings, plea and sentencing hearings on both a federal and state level. I have handled approximately 294 federal criminal cases of which 42 were in the Fourth Circuit Court of Appeals. I have also been admitted pro hac vice in Florida and Georgia for federal criminal cases.

While most of my criminal cases are disposed of by way of plea negotiations, I have tried several cases in Circuit Court and Federal Court. The following is a list of cases I have tried solely or with co-counsel: State v. Keith Wilson - trafficking cocaine; United States v. Yuji Hitomi - conspiracy to utter forged securities; United States v. Mario Strachan - conspiracy to distribute drugs; State v. Juan Arroyo - distribution of heroin case, tried with co-counsel; United States v. Phyllis Harden – conspiracy to distribute drugs; and State v. Georgetta Wiggleton – voter fraud, tried with co-counsel.

THURSDAY, JANUARY 16, 2020

I have represented clients in post-conviction relief hearings, SCDMV administrative hearings, parole hearings, probation revocation hearings and small claims court. Both the post-conviction relief hearings and small claims court cases are adversarial in nature and witnesses are called and examined. Administrative court hearings also occasionally require the examination of witnesses in addition to extensive oral argument. To gain some experience and procedural knowledge in civil law, I have been involved as co-counsel in several personal injury cases, as well as a workers compensation case. We have discussed strategies, defenses, issues of negligence and damages. The cases I have been associated within the past five years are: Craig Corbett v. Georgina Robinson – personal injury; Debra Wickizer – workers' compensation; James Ricard v. Cary Bonivillain – personal injury; John Golden v. Gary Noble – personal injury. I was also co-counsel in Culbertson v. Culbertson, 95-1150, 95-1151, Fourth Circuit, (1998) which involved a violation of 18 U.S.C. § 2520 violation. We appealed this case to the Fourth Circuit on the issue of damages. I was on the brief and co-counsel argued. We both appeared for oral argument. If appointed Circuit Judge, I would certainly familiarize myself with the law, and if needed consult my fellow colleagues for advice.

I appear either in front of a Circuit Court Judge, Federal Judge, or Magistrate Judge on a weekly basis.

Ms. Chapman reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: 40%;
- (b) State: 60%.

Ms. Chapman reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 10%;
- (b) Criminal: 80%;
- (c) Domestic: 5%;
- (d) Other: 5%.

THURSDAY, JANUARY 16, 2020

Ms. Chapman reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 5%;
- (b) Non-jury: 95%.

Ms. Chapman provided that during the past five years she most often served as sole counsel.

The following is Ms. Chapman's account of her five most significant litigated matters:

- (a) United States v. Dalton MacKenzie: My client was charged federally with three counts of Threatening a United States Public Official. After a mental evaluation it was determined he suffered from bi-polar disorder. He was found not guilty by reason of insanity at a bench trial. This case is significant because it was my first not guilty by reason of insanity.
- (b) State v. Matthew Dalton: Ten counts of Sexual Exploitation of a Minor 2nd Degree. This case involved online child pornography between two roommates and a classic issue of "who dun it". After extensive investigation and forensic computer analysis the case was dismissed against my client. Significant because these cases never get dismissed.
- (c) State v. Muhammed Furqan: This was a murder case where the defendant claimed self-defense. After investigating this case, a witness was found to corroborate the defendant's story. This case was significant because the witness was a child which involved other legal issues. He was allowed to plea to a lesser included charge for probation.
- (d) State v. Ryan Pyle: This was a DUI case that was dismissed. It is significant to me as it was my first DUI involving a moped. Called an expert to testify as to how fast the moped could go. This was a fun and interesting case.
- (e) United States v. Anthony Hodges: This was a federal drug conspiracy in which I won a suppression motion with co-counsel. This case was significant because we won the motion and it dramatically reduced his exposure of incarceration.

THURSDAY, JANUARY 16, 2020

The following is Ms. Chapman's account of the civil appeal she has personally handled:

- (a) Culbertson v. Culbertson, 95-1150, 95-1151, Fourth Circuit, (1998)

The following is Ms. Chapman's account of the criminal appeals she has personally handled:

- (a) United States v. Benjamin Holmes, 02-4871, Fourth Circuit Court of Appeals, 2002 – oral argument – not published.
(b) United States v. Mario Strachan, 99-4119, Fourth Circuit Court of Appeals, - oral argument – not published.
(c) United States v. Venson Jones, 13-4038, Fourth Circuit Court of Appeals, 2013
(d) United States v. Mario Garcia, 13-4271, Fourth Circuit Court of Appeals, 2013
(e) United States v. Kenneth Williams, 13-4516, Fourth Circuit Court of Appeals, 2013

Ms. Chapman further reported the following regarding unsuccessful candidacies:

I submitted an Application for United States Magistrate-2007; submitted an application for Lexington County Magistrate-2014.

- (9) Judicial Temperament:
The Commission believes that Ms. Chapman's temperament would be excellent.
- (10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Ms. Chapman to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, mental stability, and physical health. The Committee also stated, "Civil experience is limited but will have no problem gaining experience."

THURSDAY, JANUARY 16, 2020

Ms. Chapman is married to Michael Wayne McCaslin. She has two children.

Ms. Chapman reported that she was a member of the following bar and professional associations:

- (a) South Carolina Bar Association
- (b) Lexington County Bar Association

Ms. Chapman provided that she was not a member of any civic, charitable, educational, social, or fraternal organization.

Ms. Chapman further reported:

I am one of six children that grew up in a small rural community. I was raised by loving parents and grandparents who had strong morals and work ethics for which I am very grateful. Because of extreme financial limitations there was no opportunity to further my education after high school. Those dreams were put on hold while I worked full time. Eventually I was financially able to attend the College of Charleston. I completed my under graduate degree in three years, while employed full-time as a secretary at the U.S. Attorney's Office in Charleston. I then entered USC law and graduated in 1993. While attending law school, I worked as a law clerk and paid for my education.

I believe these experiences would assist me in holding judicial office. I have experienced life from several different perspectives. I understand what a person can achieve if they work hard and focus on a goal. I am now a proud member of the legal community and have been a sole practitioner since 1995. I haven't forgotten where I came from and the significance of those experiences. I am not afraid to take on new challenges and I understand that hard work achieves results. Having appeared before Circuit Court Judges for the last 26 years, I feel very confident I know the duties required of the office. If appointed, I would strive and dedicate myself to apply the law as written, treat litigants and attorneys with courtesy, and pursue the administration of justice as provided by our statutes and case law.

THURSDAY, JANUARY 16, 2020

- (11) Commission Members' Comments:
The Commission commented that Ms. Chapman is known to have a phenomenal work ethic and has a wealth of experience as a trial lawyer. They stated that she would make an excellent trial judge.
- (12) Conclusion:
The Commission found Ms. Chapman qualified, and nominated her for election to Circuit Court, At-Large, Seat 13.

**The Honorable Marvin H. Dukes III
Circuit Court, At Large, Seat 13**

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Dukes meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge Dukes was born in 1961. He is 58 years old and a resident of Beaufort, South Carolina. Judge Dukes provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1987.

- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Dukes.

Judge Dukes demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Dukes reported that he has made \$530.00 in campaign expenditures for printing and stamps.

THURSDAY, JANUARY 16, 2020

Judge Dukes testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Dukes testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Dukes to be intelligent and knowledgeable.

Judge Dukes reported that he has taught the following law-related courses:

Before becoming Master-In-Equity, I taught several paralegal classes at our local community college. Since becoming Master, I have spoken at a number of CLEs including, but not limited to:

- 10/12 Masters Bench/Bar
- 06/13 Foreclosure Law
- 10/15 Tips from the Bench
- 02/17 Better Motions, Orders, Persuasion and Technology

Judge Dukes reported that he has not published any books or articles:

(4) Character:

The Commission's investigation of Judge Dukes did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Dukes did not indicate any evidence of a troubled financial status. Judge Dukes has handled his financial affairs responsibly.

The Commission also noted that Judge Dukes was punctual and attentive in his dealings with the Commission, and the

THURSDAY, JANUARY 16, 2020

Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Judge Dukes reported that his rating by a legal rating organization, Martindale-Hubbell, is BV.

Judge Dukes reported that he has not served in the military.

Judge Dukes reported that he has held the following public offices:

- (a) I was an appointed member of the Beaufort County Planning Commission from 1995 until 1999.
- (b) I was an elected member of Beaufort County Council from 1999 until 2002. During my tenure on council I served as Vice-Chairman of the Council (1999-2002) and was Chairman of the Planning and School District Liaison committees. I also served as a member of other committees including the finance committee.
- (c) In 2005, I served as the appointed Chairman of the City of Beaufort Waterway Commission.

(6) Physical Health:

Judge Dukes appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Dukes appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Judge Dukes was admitted to the South Carolina Bar in 1987.

He gave the following account of his legal experience since graduation from law school:

Upon graduation and admission to the bar in 1987, I was employed by the firm of Dowling, Sanders, Dukes, Williams and Svalina in Beaufort, SC. This firm changed in name and character a number of times over the years, finally dissolving in about the year 2000 (The name at that time was Dukes, Williams

THURSDAY, JANUARY 16, 2020

and Infinger), after which the remaining partners (including myself) opened individual P.A's and LLCs.

In my twenty years of practice prior to becoming Master, I worked in a primarily civil and domestic general practice with some criminal and contract work. In my early years of practice, I handled all of the criminal appointments for all of the attorneys in our small firm. Later, I transitioned into a primarily civil and domestic practice. During my career, I have handled a wide variety of cases, many with complex issues. My career experience includes virtually all aspects of litigation from mediation through the appellate level. During approximately 8-10 years of my practice, I operated as a sole practitioner and handled personally all aspects of administration, financial management and trust accounts.

In 2007, I was appointment Master-in Equity and Special Circuit Judge for Beaufort County. The job of Master-in-Equity involves judicial, financial and administrative duties. In my 12 years as Master, I have handled thousands of cases, including criminal appeals from Magistrate's Court, partition actions, partnership matters and extremely complex business disputes.

Judge Dukes reported the frequency of his court appearances prior to his service on the bench as follows:

- (a) Federal: None
- (b) State: Two to three days per week

Judge Dukes reported the percentage of his practice involving civil, criminal, domestic and other matters prior to his service on the bench as follows:

- (a) Civil: 20%;
- (b) Criminal: 5%;
- (c) Domestic: 70%;
- (d) Other: 5%.

Judge Dukes reported the percentage of his practice in trial court prior to his service on the bench as follows:

- (a) Jury: 5%;
- (b) Non-jury: 95%.

THURSDAY, JANUARY 16, 2020

Judge Dukes provided that during the past five years prior to his service on the bench, he most often served as sole counsel.

The following is Judge Dukes' account of his five most significant litigated matters:

- (a) Taylor, Cotton & Ridley, Inc. v. Okatie Hotel Group, LLC, 372 S.C. 89, 641 S.E.2d 459 (S.C.App. 2007)
This was a very complex case involving a substantial mechanics lien, with several novel issues of set-off and cross-claim involving liquidated damages claims, materials shortages, interest disputes and a mold issue. The case originated in the year 2000, but due to the extensive testimony, the number of motions and finally the appeal, did not finally conclude until after the Appellate Court's ruling cited above. I was sole trial counsel. I assisted in the appeal.
- (b) KJL v. LER, et al. (99-DR-07- 750) This was an very unusual Family Court case in which I was hired by the State of Ohio department of Insurance to preserve a multi-million dollar claim of the department in the disputed marital holdings of the Family Court litigants. The case involved a mix of Family Court and civil issues including Statute of Elizabeth claims.
- (c) TMR v PMR (04-DR-07- 659) This was a divorce case in which the parties had been employed in the entertainment industry. It had a number of interesting valuation issues.
- (d) JO v WBO (2005-DR-07-699) This was a physician divorce case involving health issues which allegedly rendered the supporting spouse unable to assist in ongoing support.
- (e) PAH v. LEH (94-DR-07-0211) This was a complex equitable division case involving co-mingling of non-marital assets and property in the US virgin Islands. Ultimately it was successfully appealed (327 S.C. 360, 489 S.E.2d 212)

The following is Judge Dukes' account of five civil appeals he has personally handled:

- (a) Miller v. Miller 92-DR-07-2005

THURSDAY, JANUARY 16, 2020

- (b) Warner Advertising v. The Cabral Company 92-CP-07-1520
- (c) Upchurch Timber v. SouthEast Timberlands 92-CP-07-272
- (d) SC Federal Savings Bank v. Atlantic Land Title, et al 91-CP-07-853, 442 S.E.2d 630, 314 S.C. 292 (S.C. App., 1994)

Judge Dukes reported he has not personally handled any criminal appeals.

Judge Dukes reported that he has held the following judicial office(s):

I have served as Beaufort County Master-in-Equity and Special Circuit Judge for Beaufort County from June 2007 to present (12 years).

Judge Dukes provided the following list of his most significant orders or opinions:

- (a) Town of Hilton Head Island v. Kigre, Inc. 408 S.C. 647, 760 S.E.2d 103 (S.C., 2014)

This case involved a Constitutional challenge to the application of Hilton Head’s business license fee to sales of Kigre’s military laser products sold outside Hilton Head.

- (b) Estate of Tenney v. South Carolina Dept. of Health and Environmental Control, 393 S.C. 100, 712 S.E.2d 395 (S.C., 2011)

This was a “title to marshlands” case in which the Supreme Court, in affirming my Order, overturned the Coburg precedent on title to marshlands.

- (c) Beaufort County School Dist. v. United Nat. Ins. Co., 392 S.C. 506, 709 S.E.2d 85 (S.C.App. 2011) This was a complicated insurance policy interpretation case.

- (d) Wachovia Bank, N.A. v. Coffey, Wachovia Bank, N.A. v. Coffey, 404 S.C. 421, 746 S.E.2d 35 (S.C., 2013) This was a heavily-cited case involving the equitable defense of clean

THURSDAY, JANUARY 16, 2020

hands in a mortgage foreclosure where no attorney was used for the closing.

(e) King v. James, 388 S.C. 16, 694 S.E.2d 35 (S.C.App. 2010)
This was a tax sale case where the statute of limitations was tolled as a result of lack of notice.

Judge Dukes has reported no other employment while serving as a judge.

Judge Dukes further reported the following regarding unsuccessful candidacies:

- (a) In 1997, I was an unsuccessful candidate for the 14th Circuit Family Court bench.
- (b) In 2002, I was defeated in a primary race for SC House seat 124.
- (c) In 2013, I was an unsuccessful candidate for an At-Large Circuit Judge seat.
- (d) In 2017, I was an unsuccessful candidate for an At-Large Circuit Judge seat.

(9) Judicial Temperament:

The Commission believes that Judge Dukes' temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications found Judge Dukes to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee further commented, "Superb judge; smart, great judicial temperament; needs to be a circuit judge (lucky to have him)."

Judge Dukes is married to Laura Campbell Dukes. He has one child.

Judge Dukes reported that he was a member of the following bar and professional associations:

THURSDAY, JANUARY 16, 2020

- (a) South Carolina Bar Association, November 1987 to present
- (b) Master's Association 2007 to present. President 2012.

Judge Dukes provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Beaufort Yacht and Sailing Club
- (b) Jean Ribaut Society (debutante society)

Judge Dukes further reported:

I am the oldest of four brothers. Our parents emphasized the value of hard work, fairness, honesty and the golden rule. I practiced law for twenty years with the philosophy that following the core values our parents taught to us can never be wrong.

In my legal career, I did my best to solve problems and seek fair and just outcomes of disputes.

I have run a successful small law firm and I know the burden and the satisfaction of small business ownership, including making payroll and regulatory compliance. I have developed and redeveloped properties and understand and appreciate the difficulties and rewards of such endeavors.

I have served in public office as a County Council vice-chairman, a position that included serving on a number of committees on almost every government related subject.

I have sued and been sued and understand personally the value of a fair and just judicial system.

As Master-in-Equity I have done my best to live by the core values that have served me well in the past. I believe that due process is a combination of those values. Because I believe that a settlement between litigants is always better than a ruling from a 3rd party, I have always encouraged mediation wherever possible. In Court hearings, I insist on an atmosphere of "Disagree without being disagreeable".

During my service as Master, I have seen the fallout from the foreclosure crisis. Many of the decisions that I have made have been difficult, but they have not been made without careful consideration, due process and the exhaustion of all efforts to avoid forfeiture. In every case, I do my best to ensure that litigants and lawyers alike are treated with respect and fairness.

THURSDAY, JANUARY 16, 2020

I believe that our entire judicial system rests on the people's understanding and confidence that win or lose, they were given a fair chance. As a Master-in-Equity it has been my goal to always guarantee that fair chance and to have all parties leave the Courtroom, knowing that they were heard.

Further, as Master, I have served in the role of president of the Master's association and have been instrumental in the modification of Court rules regarding foreclosures. As Master I have handled tens of millions of dollars in foreclosure proceeds, and through collection of fees and commissions, my office been a consistent profit center for the County.

I believe that 20 years of practicing law, 12 years of hearing cases as Master and Special Circuit Judge, and a lifetime of experience in property and business have given me the experience, temperament and demeanor to advance to the Circuit Court Bench.

Finally, my greatest achievement and enjoyment has been that of a husband and father. My wife and I work every day to pass on to our daughter the core values that have guided us.

- (11) Commission Members' Comments:
The Commission commented that Judge Dukes has an impressive reputation as a jurist and as an active member of the community.
- (12) Conclusion:
The Commission found Judge Dukes qualified, and nominated him for election to Circuit Court, At-Large, Seat 13.

**FAMILY COURT
QUALIFIED AND NOMINATED**

**Ernest Joseph Jarrett
Family Court, Third Judicial Circuit, Seat 3**

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than three persons apply to fill a vacancy or if the Commission concludes that there are fewer than three candidates qualified for a vacancy, it shall submit only the names and

THURSDAY, JANUARY 16, 2020

qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

For the vacancy for Family Court, Third Judicial Circuit, Seat 3, two candidates applied for this vacancy, and one candidate withdrew before the Commission voted. Accordingly, the name and qualifications of one candidate is hereby submitted in this report.

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Jarrett meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Jarrett was born in 1967. He is 52 years old and a resident of Kingstree, South Carolina. Mr. Jarrett provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1992.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Jarrett.

Mr. Jarrett demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Jarrett reported that he has not made any campaign expenditures.

Mr. Jarrett testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

THURSDAY, JANUARY 16, 2020

Mr. Jarrett testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

- (3) Professional and Academic Ability:
The Commission found Mr. Jarrett to be intelligent and knowledgeable.

Mr. Jarrett reported that he has taught the following law-related courses:

- (a) I was an Adjunct Professor at Limestone College and taught Business Law (1997-2000).
- (b) I was the Co-Course Planner on "Children's Issues in the Family Court" (March 20, 2009) for the S.C. Bar.
- (c) I was a Speaker on "Constitution and the Bill of Rights" at Williamsburg Technical College (September 16, 2009).
- (d) I was the Co-Course Planner for "Dollars and Sense in Family Court" (October 6-8, 2011) at Grove Park Inn, Asheville, NC for the S.C. Bar.
- (e) I was a Speaker at "Hot Tips" on "Form 4 – What Now?" (September 28, 2012) for the S.C. Bar.
- (f) I was the Co-Course Planner for "Fast Pass to the Child Custody Roller Coaster" (October 23-25, 2013) at The Yacht and Beach Club at Disney Resort in Orlando, FL for the S.C. Bar.
- (g) I was a Speaker at "Family Law Essentials" on "Equitable Division of Marital Assets" (June 27, 2014) for the S.C. Bar.
- (h) I was a Speaker at "Family Law Essentials" on "Orders of Protection" (June 26, 2015) for the S.C. Bar.
- (i) I was the Co-Course Planner for "Family Law Inside and Out" (October 20-22, 2016) at The Westin Savannah Harbor Golf Resort & Spa, Savannah, GA for the S.C. Bar.
- (j) I was a Speaker on "Child Hearsay in Family Court" at the Fifteenth Circuit Family Court CLE (February 13, 2017).
- (k) I was a Speaker on "Preparing Court Information Sheets" at Georgetown County DSS (February 14, 2017).
- (l) I was the Speaker on "Preparing Court Information Sheets" at Florence County DSS (February 16, 2017).

THURSDAY, JANUARY 16, 2020

- (m) I was the Course Planner and Moderator for the “Family Law Intensive” (November 2-4, 2018) at the Grove Park Inn, Asheville, N.C. for the S.C. Bar.
- (n) I was the Speaker at the Horry County Foster Parent Association on “Navigating Foster Care Successfully” (November 13, 2018)
- (o) I was the Course Planner and Moderator for Family Law Seminar, S.C. Bar Convention (January 18, 2019).
- (p) I was the Speaker on “Preparing Court Information Sheets” at Georgetown County DSS (May 8, 2019)

Mr. Jarrett reported that he has published the following:

- (a) South Carolina Family Lawyer’s Toolkit, Second Edition (SC Bar 2010), Contributing Author
- (b) South Carolina Family Lawyer’s Toolkit, Third Edition (SC Bar 2017), Contributing Author

(4) Character:

The Commission’s investigation of Mr. Jarrett did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission’s investigation of Mr. Jarrett did not indicate any evidence of a troubled financial status. Mr. Jarrett has handled his financial affairs responsibly.

The Commission also noted that Mr. Jarrett was punctual and attentive in his dealings with the Commission, and the Commission’s investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Jarrett reported that his rating by a legal rating organization, Martindale-Hubbell, is BV.

Mr. Jarrett reported that he has not served in the military.

Mr. Jarrett reported that he has held the following public office: Williamsburg County Board of Voter Registration and Elections Appointed by the Governor and Confirmed by the Senate March 15, 2010, to Present.

THURSDAY, JANUARY 16, 2020

- (6) Physical Health:
Mr. Jarrett appears to be physically capable of performing the duties of the office he seeks.
- (7) Mental Stability:
Mr. Jarrett appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Mr. Jarrett was admitted to the South Carolina Bar in 1992.

He gave the following account of his legal experience since graduation from law school:

In August of 1992, I returned home to Kingstree following graduation from law school and completion of “Bridge the Gap” as an associate attorney for Jenkinson, Jenkinson, and McFadden, PA, to begin working for W. E. Jenkinson, III, Gordon B. Jenkinson, and Helen T. McFadden. I continue to practice law in this same firm. Jennifer R. Kellahan joined the firm as an associate in 1995. I became a partner in 1996 and the name of the firm was changed to Jenkinson, Jarrett & Kellahan, PA, in 1998. I have served as the Managing Partner since 2000 and have been responsible for overseeing all finances and administrative areas of the firm including the regular trust account, operating account, and the partnership account. I review all deposits and checks written on a daily basis and make sure all of our accounts are in order. (Jennifer R. Kellahan manages the Real Estate Trust Account). I oversee our associate attorneys, our office manager, the receptionist, the runners, and my paralegals. The other paralegals report directly to their respective attorneys, but the office staff meets weekly to discuss office procedures. If there is ever a personnel problem, I work with the office manager to resolve the issue.

As an associate attorney, I worked for all attorneys and did mostly civil litigation (Family, Magistrate, and Common Pleas) as well as real estate and probate work. I completed all research for the firm and wrote briefs and supporting

THURSDAY, JANUARY 16, 2020

memoranda to use in court. I was drawn to family court cases and as the years progressed, I concentrated more on these types of cases. In 1993, I contracted with the South Carolina Guardian Ad Litem Program and served as their attorney until 1995, when I then contracted with the South Carolina Department of Social Services. I have been serving as a DSS contract attorney in one or more counties since that time. I have also been the attorney for the Town of Kingstree since 1994. For the past twenty (20) years, my practice has focused almost exclusively in Family Court.

Mr. Jarrett further reported regarding his experience with the Family Court practice area:

During my last semester in law school, I interned with Family Court Judge William Byers. Since I did not have a part-time job, I spent every hour that I was out of class and he was in court watching and learning from him. I knew early on that I wanted to practice in Family Court and one day be a Family Court Judge. When I started as an associate, I learned all aspects of family law from Gordon B. Jenkinson. During the first five years I practiced law, I concentrated approximately one half of my practice handling cases involving divorce, equitable division of property, child custody, child support, adoption, name changes, birth certificates, annulments, and common law marriages. I have handled every type of case that a Family Court Judge handles many, many times. During my internship with Judge Byers, I spent my entire Spring Break with him while he held court in Clarendon County. Judge Turbeville had just been elected to the family court bench, and he sat with Judge Byers for that week as part of his training. As a result, Judge Turbeville and I developed a close relationship, and he has always been my mentor. He taught me how to conduct myself in court and taught me to always be prepared and know the rules and the law. I have been a contract attorney for the Department of Social Services handling abuse and neglect cases for over twenty-four years. I currently handle cases in Williamsburg, Georgetown, Horry, and Clarendon Counties. I have also represented DSS in Lee, Pickens, Sumter, and Florence

THURSDAY, JANUARY 16, 2020

Counties. I have handled hundreds of family court cases to include abuse and neglect, child support, equitable division, divorce, custody, termination of parental rights (both DSS and private), adoption, name changes, annulments, delayed birth certificates, Rules to Show Cause, amended birth certificates, and common law marriage. These cases have also included some complex equitable division cases. Although not in my primary practice area, I have handled approximately ten juvenile justice cases over the course of my practice. I have also observed many of these hearings on behalf of the Department of Social Services or while waiting in the courtroom for my cases to start. I would have no problem presiding over these types of cases. I also routinely served as guardian ad litem in contested custody and visitation cases. I am a certified Family Court Mediator and mediate family law cases on a regular basis.

As far as appearances, I have appeared in family court for at least one family court hearing 48 out of the past 52 weeks. Some weeks, I have had in excess of thirty hearings when I have back-to-back DSS court days in Williamsburg and Georgetown Counties. I primarily practice in Williamsburg, Sumter, Clarendon, Georgetown, Horry, Marion, Berkeley, and Florence Counties, but I have handled cases statewide when necessary.

Mr. Jarrett reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: None
- (b) State: Multiple (up to thirty) hearings weekly in Family Court

Mr. Jarrett reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 5%
- (b) Criminal: 0%
- (c) Domestic: 95%
- (d) Other: N/A

THURSDAY, JANUARY 16, 2020

Mr. Jarrett reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 2%
- (b) Non-jury: 98%

Mr. Jarrett provided that during the past five years he most often served as sole counsel.

The following is Mr. Jarrett's account of his five most significant litigated matters:

- (a) SCDSS vs. Teresa Swindler, Anthony Shephard and Caroline Shepard Op. No. 2004-UP-313 (S.C.Ct.App. filed May 13, 2004). This case was tried in March of 2002 before Judge Lisa A. Kinon in Horry County and lasted several days. It was one of my first termination of parental rights cases. The case was contested and the Defendant father was extremely volatile. One of our witnesses had moved to North Carolina and we had to fly her in and meet her at the airport to bring her in to testify. There were numerous witnesses and exhibits to coordinate. I was successful in terminating the parental rights of the parents. Both parents appealed, and the Court of Appeals affirmed the ruling.

- (b) SCDSS vs. Veronica Denise Chandler and Monroe Holmes Op. No. 2016-UP-166 (S.C.Ct.App. filed April 1, 2016).
Op. No. 2018-UP-003 (S.C.Ct.App. filed January 4, 2018).
This case was a complicated Termination of Parental Rights case where SCDSS sought termination of parental rights on both the mother and father, and Judge Pincus terminated the parental rights of both parents. The case was reversed by the South Carolina Court of Appeals and remanded back to Judge Pincus due to the admission of drug screens without the proper chain of custody. We had a full day remand hearing, and Judge Pincus again terminated the parental rights of both

THURSDAY, JANUARY 16, 2020

parents. The case was appealed a second time and oral argument was necessary. Judge Pincus was affirmed.

- (c) Robert M. Richardson, Sr. vs. Jean B. Richardson 2014-DR-22-602 Op. No. 2018-UP-277 (S.C.Ct.App. filed June 27, 2018).

This was a complicated equitable division case which involved a very contested transmutation issue and was tried before Judge Creech on January 25, 2016. We won on the transmutation issue, the equitable division issue, and the attorney's fees issue. The case was appealed by the Plaintiff to the South Carolina Court of Appeals and it was affirmed.

- (d) Randy Mobley vs. Sharon Mobley 93-DR-22-280

This case was tried on December 9 and 10, 1993, before Supreme Court Justice Kay Hearn when she was a Family Court Judge. This case was my first all-out custody case that lasted over two days, and I was up against a seasoned family court petitioner. I represented the father and was able to convince Judge Hearn to award the father custody of four young girls all under the age of ten. Back in 1993, it was not common for fathers to get custody of children, especially young girls. This case was probably my biggest case early on and established my reputation in custody actions. I have been able to watch all four of these girls grow into adults and have represented all of them over the years.

- (e) James Dillon vs. Janelle Elizabeth Evans Turner 2015-DR-22-369

This matter was a divorce, contested custody, and equitable division case before Judge Bromell-Holmes. The big issue in the case was custody as the mother had relocated from Georgetown County to Georgia and since the temporary hearing, the parties were alternating week to week. Due to the distance between the homes, one parent had to be awarded primary custody of the minor child during the school year. It was very contested and involved much animosity and many

THURSDAY, JANUARY 16, 2020

witnesses. The exhibits included Facebook and other social media posts. I was able to win full custody for the father in Georgetown County and due to the distance involved, the mother was only awarded visitation one weekend per month during the school year.

The following is Mr. Jarrett's account of five civil appeals he has personally handled:

- (a) Williamsburg Rural Water vs. Williamsburg County Water Williamsburg County, Town of Kingstree, et al
357 S.C. 251, 593 S.E.2d 154 (2003) and 367 S.C. 566, 627 S.E.2d 690 (2006)
- (b) SCDSS vs. Tammy A, Douglas A and John Doe
Op. No. 2011-UP-088 (S.C.Ct.App. filed March 3, 2011)
- (c) SCDSS vs. Fulton
Op. No. 2017-UP-244 (S.C.Ct.App. filed June 6, 2017)
- (d) SCDSS vs. Hitt
Op. No. 2016-UP-456 (S.C.Ct.App. filed November 9, 2016)
- (e) SCDSS vs. Sheakenia S.
Op. No. 2013-UP-089 (S.C.Ct.App. filed February 25, 2013)

Mr. Jarrett reported that he has not personally handled any criminal appeals.

Mr. Jarrett further reported the following regarding unsuccessful candidacies:

In 2017, I ran for Family Court Judge, Third Judicial Circuit, Seat 1, and withdrew from the race.

- (9) Judicial Temperament:
The Commission believes that Mr. Jarrett's temperament would be excellent.

THURSDAY, JANUARY 16, 2020

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications reported that Mr. Jarrett was “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and “Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee stated in its summary statement, “Mr. Jarrett is an enthusiastic candidate who has been working his entire legal career with an eye towards a family court seat and we believe he will be an asset on the bench.”

Mr. Jarrett is married to Josette Tisdale Jarrett. He has three children.

Mr. Jarrett reported that he was a member of the following bar and professional associations:

- (a) Williamsburg County Bar Association 1992 – Present
Secretary/Treasurer 1992 - 1996
- (b) Georgetown County Bar Association 2001 – Present
- (c) South Carolina Association for Justice 1993 – Present
- (d) Family Law Section Council of the South Carolina Bar 2008 – Present
Family Law Intensive Co-planner 2009 - Present
Chairperson-Elect 2017 - 2018
Chairperson 2018-2019
- (e) Supreme Court Commission on Docketing, Family Court Committee 2017 - Present
- (f) South Carolina Family Court Bench-Bar Committee 2015 - Present
Nominating Committee 2017
- (g) South Carolina Bar Resolution of Fee Disputes Board 2014 - Present
- (h) Office of the Disciplinary Counsel – Attorney to Assist 2005 - 2014
- (i) SC Bar Young Lawyer Division – 3rd Circuit Representative 1994 – 2002
- (j) SC Bar Judicial Qualification Committee 2003 - 2006

Mr. Jarrett provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

THURSDAY, JANUARY 16, 2020

- (a) Williamsburg Academy Governing Board 2001 – 2018
Chairman 2003 – 2018
- (b) Kingstree Rotary 2000 – Present
Paul Harris Fellow
Past President 2009 - 2010
Projects Chair 2014 - 2018
President–Elect 2017 - 2018
President 2018-2019
- (c) Williamsburg County First Steps Board 2011 – 2018
Personnel Committee 2012 - 2018
Vice- Chairman 2014 - 2018
- (d) Kingstree United Methodist Church Member Birth – Present
Council on Ministries (became Church Council) 1994 – 2002
Chairman of Council on Ministries 1997 – 2000
Long-Range Planning Committee 1996 - 1999
Church Council 2002 – Present
Chairman 2019 - Present
Committee on Lay Leadership 2001 - 2004
Trustees 2002-2005; 2015 - 2018
Vice-Chair 2005
Sunday School Teacher 2008 – Present
Youth Leader Assistant 1997 – Present
Bible School Leader 1993 – Present
Mission Trip Chaperone 1997 – 2015 (18 trips over the Southeast)
- (e) South Carolina Independent School Association Executive Committee
2010 – Present
- (f) Tri-County Regional Development Board 2012 – 2016

Mr. Jarrett further reported:

I can remember attending a church conference one weekend where we had to write a personal life mission statement as one of our exercises. I do not remember the exact wording of my mission statement, but I remember it being something to the effect of “serving others by helping them through difficult times.” I have tried to devote my life to serving others professionally by representing them during some of the most trying and difficult times in their lives. I enjoy serving others. I

THURSDAY, JANUARY 16, 2020

have participated in eighteen mission trips through Kingstree Community Youth, the youth group sponsored by my church, Kingstree United Methodist Church. These mission trips have covered the Southeast where we go into the community, stay in a local school, and serve the residents during the week by repairing homes, painting, and helping to rebuild their lives. I think being selected as a Family Court Judge would allow me to further my life of service to others. I have patterned my career to position me to have the professional, academic, and ethical traits along with the proper temperament to do this job well. I deeply care about children's issues as reflected by my professional work with the Department of Social Services and by my volunteer work with children and youth at Williamsburg Academy and my church. I want to see children thrive and grow up in a healthy and safe environment, and I always want what is best for them. I want to be fair, impartial, and treat each person that comes before the Family Court with dignity and respect. I realize that this is a very trying time in the lives of litigants and a Family Court Judge usually sees the worst side of people and relationships. However, I think I can have a positive impact on the lives of the litigants and especially the lives of children who are involved in Family Court proceedings.

(11) Commission Member' Comments:

The commission commented that Mr. Jarrett is an exemplary candidate with a great demeanor and is extremely well qualified to serve as a Family Court judge.

(12) Conclusion:

The Commission found Mr. Jarrett qualified, and nominated him for election to Family Court, Third Judicial Circuit, Seat 3.

THURSDAY, JANUARY 16, 2020

**The Honorable Michael S. Holt
Family Court, Fourth Judicial Circuit, Seat 3**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Holt meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Holt was born in 1970. He is 49 years old and a resident of Hartsville, South Carolina. Judge Holt provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1996.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Holt.

Judge Holt demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Holt reported that he has not made any campaign expenditures.

Judge Holt testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Holt testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

THURSDAY, JANUARY 16, 2020

- (3) Professional and Academic Ability:
The Commission found Judge Holt to be intelligent and knowledgeable.

Judge Holt reported that he has taught the following law-related courses:

I have been an Adjunct Professor, and I have taught, among other things, business law.

Judge Holt reported that he has not published any books or articles.

- (4) Character:
The Commission's investigation of Judge Holt did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Holt did not indicate any evidence of a troubled financial status. Judge Holt has handled his financial affairs responsibly.

The Commission also noted that Judge Holt was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

- (5) Reputation:
Judge Holt reported that he is not rated by any legal rating organization.

Judge Holt reported that he has not served in the military.

Judge Holt reported that he has held the following public office: I was elected as Mayor of the City of Hartsville, South Carolina from 2005 – 2009. I filed all required reports; however, there were late reports which resulted in fines, all of which were promptly paid.

- (6) Physical Health:
Judge Holt appears to be physically capable of performing the duties of the office he seeks.

THURSDAY, JANUARY 16, 2020

(7) Mental Stability:
Judge Holt appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Judge Holt was admitted to the South Carolina Bar in 1996.

He gave the following account of his legal experience since graduation from law school:

(a) From 1996 to 2006 my practice experience would best be described as a general practice. My areas of focus were primarily in domestic litigation, criminal defense, Social Security disability and real estate, although I handled other matters, as well.

(b) Beginning in 2006 until 2009 when I was elected to the Family Court bench, I operated my own law firm as a sole practitioner. My areas of primary practice did not change. Obviously, in managing my own firm, I was responsible for handling all financial matters.

Judge Holt reported that he has held the following judicial office(s):

I was elected in 2009 to Seat 3, Family Court of the Fourth Judicial Circuit. I have served continuously since that time.

Judge Holt reported he has not personally handled any civil or criminal appeals.

Judge Holt further reported the following regarding unsuccessful candidacies:

(a) I was unsuccessful in the South Carolina Senate primary race in 1996.

(b) I was unsuccessful in my attempt to be elected to the Court of Appeals, Seat 1 in 2018.

(9) Judicial Temperament:
The Commission believes that Judge Holt's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Judge Holt to be “Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The committee stated in summary, “Judge Holt enjoys a reputation of being a compassionate judge who is committed to doing his best.”

Judge Holt is married to Sherry Burton Holt. He has two children.

Judge Holt reported that he was a member of the following bar and professional associations:

- (a) SC Bar Association
- (b) Darlington County Bar Association
- (c) Pee Dee Inns of Court

Judge Holt provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Pee Dee Inns of Court
- (b) Kappa Alpha Order – Court of Honor
- (c) St. David's Society
- (d) Darlington County Historical Society

Judge Holt further reported:

My experiences as a leader in my community allowed me to transition to the Family Court bench with humility, patience and understanding. I believe these are all qualities all judges should reflect. Further, my experiences as a husband and father provide great insight into the issues dealt with in Family Court.

(11) Commission Members' Comments:

The Commission commended Judge Holt for his excellent BallotBox survey results and judicial temperament. The Commission appreciates and is impressed with his service on the Family Court bench.

- (12) Conclusion:
The Commission found Judge Holt qualified, and nominated him for re-election to Family Court, Fourth Judicial Circuit, Seat 3.

Blakely Copeland Cahoon
Family Court, Fifth Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Ms. Cahoon meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Cahoon was born in 1974. She is 45 years old and a resident of Columbia, South Carolina. Ms. Cahoon provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2000.

- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Cahoon.

Ms. Cahoon demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Cahoon reported that she has not made any campaign expenditures.

Ms. Cahoon testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

THURSDAY, JANUARY 16, 2020

Ms. Cahoon testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Cahoon to be intelligent and knowledgeable.

Ms. Cahoon reported that she has taught the following law-related courses:

I have spoken in the past regarding elder law, estate planning and probate matters.

Ms. Cahoon reported that she has not published any books and/or articles.

(4) Character:

The Commission's investigation of Ms. Cahoon did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Cahoon did not indicate any evidence of a troubled financial status. Ms. Cahoon has handled her financial affairs responsibly.

The Commission also noted that Ms. Cahoon was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Cahoon reported that she is not rated by any legal rating organization.

Ms. Cahoon reported that she has not served in the military.

Ms. Cahoon reported that she has never held public office:

(6) Physical Health:

Ms. Cahoon appears to be physically capable of performing the duties of the office she seeks.

- (7) Mental Stability:
Ms. Cahoon appears to be mentally capable of performing the duties of the office she seeks.
- (8) Experience:
Ms. Cahoon was admitted to the South Carolina Bar in 2000.

She gave the following account of her legal experience since graduation from law school:

- (a) Young Clement Rivers and Tisdale, LLP, Charleston SC.
From June 2000-May 2001, I was a first-year associate with the firm in the practice areas of estate planning, probate, state and federal taxation and nonprofit law. I was not involved with the administrative or financial management of the firm. I had no management over the trust account(s).
- (b) Berry Quackenbush and Stuart, PA, Columbia SC. From August 2001 – September 2006. I was a general practice associate with the firm practicing primarily in the areas of estate planning, state and federal taxation, probate, elder law, family law, nonprofit law and general business issues. I had no responsibility for the administrative or financial management of the firm. I had no management over the trust account(s).
- (c) MerrittWebb, PLLC, Columbia SC. September 2006-March 31, 2011. I followed the managing partner of Berry Quackenbush and Stuart to MerrittWebb where I continued as a general practice associate with the firm practicing primarily in the areas of estate planning, state and federal taxation, probate, elder law, family law, nonprofit law and general business issues. I had no responsibility for the administrative or financial management of the firm. I had no management over the trust account(s).
- (d) Cahoon Law Firm, LLC, Columbia SC. April 1, 2011-present. I opened Cahoon Law Firm, LLC, on April 1, 2011. Since that time, I have primarily practiced in Family Court where I have handled clients matters related to all cases over which the Family Court has original jurisdiction. This includes divorce, child custody and child support, equitable apportionment of property, protective orders, alimony

THURSDAY, JANUARY 16, 2020

issues along with modifications of child custody and visitation, alimony and child support. I have been involved in all aspects of adoption. I have represented parents, grandparents and other caregivers. While I encourage my clients to try and resolve their issues without the need for a contested hearing, I have handled contested trials on these issues. I have had a 608 contract with the State of South Carolina through the Office of Indigent Defense to represent indigent parties in abuse and neglect cases since the program's inception. Currently, approximately eighty-five percent of my practice involves Family Court matters with the remaining fifteen percent of my practice related to estate planning, elder law, probate and general business work. As the owner and sole member, I am responsible for all administrative, accounting and financial management. The operating and trust account are held and operated in accordance with the required rules.

Ms. Cahoon further reported regarding her experience with the Family Court practice area:

For the past eight years, my practice has primarily consisted of Family Court matters. Within the past five years, I have appeared on average twice a week before a Family Court Judge. Many weeks I am in court at least two days with multiple hearings being scheduled on those days. I have experience in all areas of practice within the Family Court.

Divorce and Equitable Distribution of Property: I have handled divorces filed on the basis of the uncontested statutory ground of a one-year physical separation and those with fault grounds. I have represented individuals who were the victims of domestic violence and those who were alleged to have committed such domestic violence. I have tried cases that required my client to prove fault, whether adultery or habitual drunkenness or drug use, and I have defended clients who spouses alleged fault grounds. Many of these matters also involved contested equitable apportionment of property and division of debt. I have used experts to value homes, retirement accounts and other assets. I have dealt with the issues of non-marital property, inherited property and transmuted property. In all my cases, I encourage my clients to try to resolve the issues between them either through informal or formal mediation

THURSDAY, JANUARY 16, 2020

between the parties as this allows the client to determine what is best for his or her family and circumstances. When mediation does not resolve the outstanding issues, then I have prepared for and tried multi-issue matters.

Child custody: In issues of child custody, I have represented parents, grandparents and other relatives in seeking custody or visitation. I have handled de facto guardian and psychological parent cases. I have helped new parents who are not married and long term married couples with teenagers. In each case, I encourage parents and other caregivers to work together to resolve their issues as they know what is best for their child or children. I have helped families reach agreements that are flexible enough to grow with the child and hopefully allow the parents to work together with the need for additional legal action. The agreements generally involve schedules and parental conduct guidelines. In contested matters, I have worked with both attorney and lay Guardians ad Litem appointed for the children. I have also served as a Guardian ad Litem. When my clients have been unable to reach agreements often because of an issue such as mental health or addiction issues with the other party, then I have tried these issues. I have used experts regarding psychological evaluation and parenting evaluations. With custody issues, I have also handled the accompanying visitation and child support issues. While child support is primarily set by the child support guidelines, I have worked with my clients to ensure accurate income figures as well child care and insurance credits are presented to the court.

Adoptions: In the area of adoption, I have handled both contested and uncontested adoptions. This includes private adoptions and inner family adoptions. I have also assisted clients who were foster parents adopting their foster children from the custody of the Department of Social Services. I have also served as a Guardian ad Litem in this type of matter. I have helped secure the appropriate pre- and post-placement investigations for my clients along with handling the relinquishment of parental rights. I have assisted other attorneys by taking relinquishments from biological parents. I have represented parents whose parental rights were terminated so that an adoption could occur.

Abuse and neglect: I regularly defend parents or other caregivers who are alleged to have abused or neglected a child

THURSDAY, JANUARY 16, 2020

and parents whose children are brought into care because of the alleged inappropriate actions of the custodian. While many of my cases in this area are from a court appointment, I also have been privately retained to represent parents dealing with these issues. As a 608 contract attorney since the inception of the program in Richland and Kershaw counties, I have defended and assisted many parents who had issues such as poverty, lack of education, lack of work skills or experience, addiction, abusive relationships, and who were homeless. Some of my clients are products of the foster care system themselves. I have handled all types of hearings including probable cause hearings, merit hearings, judicial reviews, permanency planning hearings and termination of parental rights actions. I have handled matters that involved children subject to the Indian Child Welfare Act. I have helped non-offender parents get custody of their children from foster care. I have negotiated findings and appropriate treatment plans. I have helped my clients reach their treatment goals and defended their rights to visit their children. I have helped many clients reunite with their children after successfully completing treatment. On the other side, I have also represented parents in abuse and neglect matters that are unsuccessful in completing their treatment plans. Those clients, I then often represent in a termination of parental rights action where the court terminates their parental rights. I have handled severe cases including cases where a child died, and my client also faced significant charges on the criminal side of their case. I have filed actions to intervene on behalf of other relatives to obtain custody of children in foster care.

Juvenile justice: While in law school, I represented juveniles through my work with the juvenile justice clinic. I also volunteered as arbitrator in juvenile cases while in law school. I am familiar with the statutes and the process for juveniles who are involved in Family Court. I have handled abuse and neglect matters that were also Department of Juvenile Justice matters. While I have no significant court experience in this area, I believe that I would be able to work with the solicitor, public defender, Department of Juvenile Justice, Department of Mental Health, Department of Social Services and other parties in handling these cases. I am a quick study and the primary thing I learned while studying for my LL.M in taxation at the University

THURSDAY, JANUARY 16, 2020

of Florida was to how to read and interpret statutes as the law and accompanying regulations are always changing.

Ms. Cahoon reported the frequency of her court appearances during the last five years as follows:

- (a) Federal: N/A;
- (b) State: Weekly in Family Court

Ms. Cahoon reported the percentage of her practice involving civil, criminal, and domestic matters during the last five years as follows:

- (a) Civil: 0%;
- (b) Criminal: 0%;
- (c) Domestic: 85%;
- (d) Other: Estate Planning, Probate, Elder Law, Taxation, General Business Law: 15%

Ms. Cahoon reported the percentage of her practice in trial court during the last five years as follows:

- (a) Jury: N/A
- (b) Non-jury: 100%.

Ms. Cahoon provided that she most often served as sole counsel.

The following is Ms. Cahoon's account of her five most significant litigated matters:

- (a) SCDSS v. E.B. et al, 15-DR-28-661. This was a four-day contested Termination of Parental Rights action where I successfully defended a father. The Court determined that the South Carolina Department of Social Services had not met its burden of proof and my client's parental rights were not terminated. The trial consisted of many witnesses including expert testimony and testimony from the minor child. There was also a section 19-1-180 motion that was argued regarding the testimony of the minor child.
- (b) John and Jane Doe v. SCDSS, In re K. This was a foster care adoption where I represented the adoptive parents of a young lady who turned eighteen while in foster care. I helped this family finalize their adoption and get the name change for the young lady who was off to college and future success.

THURSDAY, JANUARY 16, 2020

- (c) L. v. M., 16-DR-40-4681. I successfully defended my client in a one-day trial regarding a post-divorce modification action. My client was able to obtain a higher amount of child support and arrange visitation that was in the best interests of her family. My client tried to resolve the matter in mediation, but the other side would not agree. While I encourage my clients to try to settle matters, this trial resolved the matter in her favor and the other side was required to pay a portion of her attorney fees.
- (d) J v. N., J., 15-DR-32-01929. I filed this action on behalf of paternal grandparents to obtain custody of their two minor grandchildren. My clients were successful at the one-day trial in meeting their burden to show they were the children's psychological parents and they obtained legal and physical custody of their grandchildren. The defendant parents were ordered to pay child support and a portion of the grandparents' attorney fees.
- (e) SCDSS v. A.B., 15-DR-40-4726. I represented a single mother whose young daughter had been removed by the South Carolina Department of Social Services for allegations of medical and physical abuse. After researching the matter and reviewing medical information, I was able to file a successful motion to have the case dismissed for lack of medical evidence of abuse or neglect. My client was able to reunite with her daughter after she had been removed from her care for nine months.

The following is Ms. Cahoon's account of two civil appeals she has personally handled:

- (a) SCDSS v. C.S., 2019-000555. Currently on appeal.
- (b) SCDSS v. S.B., 2015-002008. Unpublished opinion affirmed the decision of the Family Court.

Ms. Cahoon reported that she has not personally handled any criminal appeals.

- (9) Judicial Temperament:
The Commission believes that Ms. Cahoon's temperament would be excellent.

THURSDAY, JANUARY 16, 2020

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Ms. Cahoon “Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee had no related comments.

Ms. Cahoon is married to Frank Ellwood Cahoon, III. She has two children.

Ms. Cahoon reported that she was a member of the following Bar associations and professional associations:

- (a) South Carolina Bar Association
- (b) Richland County Bar Association

Ms. Cahoon provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Junior League of Columbia
- (b) Alala Cancer Society Board of Directors
- (c) Blythewood Soccer Club Board of Directors
- (d) Northeast United Methodist Church; Lay Leader, Chair of Administrative Counsel, certified lay servant for Columbia District

Ms. Cahoon further reported:

As a lawyer, I have seen the impact that a Family Court Judge has on the parties appearing before them. Family Court, more than any other court, is about people and the issues that affect families. From my personal experience as a child of divorced parents, as a parent to two children, from my daughter’s adoption through foster care and my professional work with clients in all aspects of Family Court, I truly believe I can help other children and families who are navigating the Family Court system. Through my personal history and work experience, I understand the personal and legal issues that would be brought before me.

Family Court is often a frightening and stressful place. A courtroom where all parties feel safe, heard and respected can make a huge difference in how parties perceive and experience

THURSDAY, JANUARY 16, 2020

Family Court. This is an adversarial system so absent a settlement agreement between the parties; one or both parties is going to disagree with my decision. My biggest challenge would be wording my ruling in such a way to help parties who may be considered the losing side to understand that I heard and considered their viewpoint. As a Judge, I hope that my demeanor, courtesy, empathy, attention, knowledge and diligence would help facilitate a positive experience even when the parties disagree over the outcome. Even though they may not agree with my decision, I want the people who leave my courtroom, whether lawyers, pro se litigants, other parties or court personnel, to have felt that they were in a safe place, that their voice was heard, that they were respected, and that their outcome was based on a thoughtful, deliberate decision which was issued within the confines of the existing laws that govern Family Court.

(11) Commission Members' Comments:

The Commission commented that Ms. Cahoon had broad experience, both personal and professional, in Family Court proceedings as well as financial expertise through her L.L.M. in Taxation. The Commission further expressed its appreciation for Ms. Cahoon's commitment to her work in Family Court.

(12) Conclusion:

The Commission found Ms. Cahoon qualified, and nominated her for election to Family Court, Fifth Judicial Circuit, Seat 1.

**Laurel Eden Harvey Hendrick
Family Court, Fifth Judicial Circuit, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Hendrick meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Hendrick was born in 1980. She is 39 years old and a resident of Columbia, South Carolina. Ms. Hendrick provided in her application that she has been a resident of South Carolina for

THURSDAY, JANUARY 16, 2020

at least the immediate past five years and has been a licensed attorney in South Carolina since 2005.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Hendrick.

Ms. Hendrick demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Hendrick reported that she has not made any campaign expenditures.

Ms. Hendrick testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Hendrick testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Hendrick to be intelligent and knowledgeable.

Ms. Hendrick reported that she has taught the following law-related courses:

- (a) 2012-2014 Presented at Department of Social Services Continuing Legal Education Conferences on topics such as Foregoing Reasonable Efforts and the Role of the Foster Care Review Board in the Child Welfare System
- (b) August 2015 Presented at the Richland County Sheriff's Department School Resource Officers Back to School Training

THURSDAY, JANUARY 16, 2020

- (c) Fall 2015 Conducted Training for the City of Columbia Police Department School Resource Officers
- (d) Fall 2015 Guest Lecturer for the Juvenile Justice Clinic at the University of South Carolina School of Law
- (e) Fall 2015 presented an overview of the Juvenile Justice System during the train for the volunteer arbitrators in the Richland County Youth Arbitration Program
- (f) Spring 2016 Guest Lecturer for the Children’s Law Office Course at the University of South Carolina School of Law about the Juvenile Justice System
- (g) Spring 2016 was the Attorney Supervisor for an extern through the University of South Carolina School of Law Extern Program – Students are required to spend at least 104 hours with their Attorney Supervisor and are evaluated at the end of the semester
- (h) August 2016 Presented at the Richland County Sheriff’s Department School Resource Officers Back to School Training
- (i) Fall 2016 Conducted Training for the City of Columbia Police Department School Resource Officers
- (j) Fall 2016 Guest Lecturer for the Juvenile Justice Clinic at the University of South Carolina School of Law
- (k) February 2017 Served as the Moderator for the “Family Court Prosecutors’ Workshop” Continuing Legal Education Program
- (l) Spring 2017 was the Attorney Supervisor for an extern through the University of South Carolina School of Law Extern Program – Students are required to spend at least 104 hours with their Attorney Supervisor and are evaluated at the end of the semester
- (m) August 2017 Presented at the South Carolina Association for Justice Annual Conference in the Family Court Session about the “Terrible Teens”
- (n) August 2017 Presented at the Richland County Sheriff’s Department School Resource Officers Back to School Training, specifically on How the Science of Adolescent Brain Development Influenced Supreme Court and South Carolina Case law
- (o) Fall 2017 Conducted Training for the City of Columbia Police Department School Resource Officers

THURSDAY, JANUARY 16, 2020

- (p) Fall 2017 Guest Lecturer for the Juvenile Justice Clinic at the University of South Carolina School of Law
- (q) Fall 2017 trained new recruits for the City of Columbia Police Department on the Juvenile Justice System and Juvenile Procedures
- (r) Spring 2018 Guest Lecturer for the Children's Law Office Course at the University of South Carolina School of Law about the Juvenile Justice System
- (s) Spring 2018 Presented on the Juvenile Justice System and Juvenile Procedures at the Fifth Circuit Solicitor's Office Quarterly Update
- (t) August 2018 Presented at the Richland County Sheriff's Department School Resource Officers Back to School Training, specifically on the elements of common crimes and preservation of evidence
- (u) Fall 2018 Conducted Training for the City of Columbia Police Department School Resource Officers
- (v) Fall 2018 Guest Lecturer for the Juvenile Justice Clinic at the University of South Carolina of South Carolina School of Law
- (w) Winter 2019 Presented at the Annual Criminal Practice Continuing Legal Education Program about The Raise The Age Legislation in South Carolina
- (x) Spring 2019 was the Attorney Supervisor for an extern through the University of South Carolina School of Law Extern Program – Students are required to spend at least 104 hours with their Attorney Supervisor and are evaluated at the end of the semester

Ms. Hendrick reported that she has not published any books or articles.

- (4) Character:
The Commission's investigation of Ms. Hendrick did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Hendrick did not indicate any evidence of a troubled financial status. Ms. Hendrick has handled her financial affairs responsibly.

THURSDAY, JANUARY 16, 2020

The Commission also noted that Ms. Hendrick was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

- (5) Reputation:
Ms. Hendrick reported that she is not rated by any legal rating organization.

Ms. Hendrick reported that she has not served in the military.

Ms. Hendrick reported that she has never held public office.

- (6) Physical Health:
Ms. Hendrick appears to be physically capable of performing the duties of the office she seeks.

- (7) Mental Stability:
Ms. Hendrick appears to be mentally capable of performing the duties of the office she seeks.

- (8) Experience:
Ms. Hendrick was admitted to the South Carolina Bar in 2005.

She gave the following account of her legal experience since graduation from law school:

- (a) From November 2005 through February 2007, I worked in the Fifth Judicial Circuit Solicitor's Office, Richland County Family Court Division handling adjudication, disposition, detention, review and waiver hearings.
- (b) From February 2007 through September 2010, I worked in the Fifth Judicial Circuit Solicitor's Office in both General Sessions and Family Court. During that time, I managed a case load of approximately 400 cases of non-violent and violent crimes. I was also part of a team that specialized in prosecuting Driving Under the Influence cases in both Magistrate Court and General Sessions. I was the liaison between the General Sessions and Family Court divisions in Richland County, handling the majority of the violent juvenile cases and all the waiver eligible cases. During this time I participated in

THURSDAY, JANUARY 16, 2020

several felony jury trials including Armed Robbery, Murder and Burglary First Degree. During 2010, I also handled all juvenile cases in Kershaw County as well as my duties in Richland County.

- (c) From September 2010 through March 2013 I was the Staff Attorney for the Foster Care Review Board Division of the Governor's Office of Executive Policy and Programs (now part of the Department of Administration). With this position, I had the opportunity to travel the State, appearing in almost every Judicial Circuit to represent the Foster Care Review Board advocating permanency for children in Foster Care. I worked with both Department of Social Service lawyers and private attorneys, representing birth parents, foster parents and prospective adoptive parents. I networked with all stake holders in the child welfare system, with the goal of improving outcomes for child in foster care.
- (d) From March 2013 to May 2014, I was a county attorney for the Department of Social Services in Richland County representing the agency in Abuse and Neglect and Vulnerable Adult hearings. I managed approximately seventy (70) cases at a time; appearing in Family Court a minimum of two (2) days per week for multiple hearings each day. I also drafted pleadings, orders, and motions in addition to responding to discovery. I also participated in daily staffings with case workers and attended Multidisciplinary Team Meetings ("MDT"), a bimonthly meeting including representative of Children Advocacy Centers and law enforcement.
- (e) From May 2014 through January 2015, I was the Managing Attorney for the Department of Social Services in Fairfield and Chester Counties; I was responsible for all legal actions involving the agency and direct management of two (2) paralegals.
- (f) Currently, I am the team leader and prosecutor for the Richland County Family Court Division in the Fifth Judicial Circuit. I oversee the handling of all juvenile cases in Richland County to include all criminal cases and all cases diverted to Juvenile Pre-trial Diversion, Treatment Courts and Youth Arbitration. My staff

THURSDAY, JANUARY 16, 2020

includes three (3) paralegals, two (2) additional attorneys, a social worker, and a victim advocate. I also work closely with the directors of the diversion programs. For the past five (5) years, this division disposed of approximately one thousand (1,000) petitions per year. I appear in Court, on average, four (4) times a week for multiple hearings each day. This caseload includes all status offenses, non-violent offenses and violent offenses. Also part of my duties is to be on call at all times to provide curtesy legal advice to law enforcement about all issues and specifically about detaining juveniles in secure facilities and coordinating the statutorily required detention hearing with in forty-eight (48) hours.

Ms. Hendrick reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: 0%
- (b) State: 100%

Ms. Hendrick reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 0%;
- (b) Criminal: 80%;
- (c) Domestic: 15%;
- (d) Other: 5%.

Ms. Hendrick reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 0%;
- (b) Non-jury: 100%.

Ms. Hendrick provided that during the past five years she most often served as sole counsel.

The following is Ms. Hendrick's account of her five most significant litigated matters:

- (a) State v. Terrance Jennings, 2010-UP-054 – This was a lengthy and complicated Armed Robbery and Murder trial of a seventeen (17) year old that shot and killed a

THURSDAY, JANUARY 16, 2020

good Samaritan that offered him and his friends a ride. One of the co-defendants was juvenile who only turned fourteen (14) just weeks before the incident. The State moved to waive the juvenile's case to General Sessions due to the seriousness of the charge. I handled the waiver hearing in Family Court. The Family Court denied the motion to waive jurisdiction to General Sessions because of his young age and minimal prior record. After the waiver hearing, the juvenile became a cooperating witness and testified against Mr. Jennings. Mr. Jennings was also charged with Attempted Armed Robbery and Assault and Battery with Intent to Kill in which he shot a cab driver. After pre-trial hearings, the Court allowed the victim of the Attempted Murder and Assault with Intent to Kill to testify in the Murder trial. The jury found Mr. Jennings guilty of Armed Robbery and Murder and he was sentenced to life in prison. The juvenile was eventually adjudicated in Family Court to Accessory After the Fact to Armed Robbery and Murder sentenced to serve an indeterminate amount of time at the Department of Juvenile Justice not to exceed his twenty-first (21st) birthday. I handled all of the Family Court hearings and was second seat in the General Sessions trial. This case was significant to me because the juvenile and Mr. Jennings were only 3 years apart in age and participated in the same incident, but the end result for each of these teenagers was drastically different. In 2019, Mr. Jennings was resentenced to forty (40) years after an Aiken v. Byers hearing.

- (b) South Carolina Department of Social Services v. C.S., et. al – This was a termination of parental rights action involving six (6) minor children with same mother and four (4) different fathers. The first issue in this case was properly serving all the fathers. Only one of the fathers was able to served by certified mail and the others had to be served by publication. When I took over the case, the termination of parental rights action had been pending for over six (6) months with none of the fathers served. I was able to direct the case workers to comply with the statutory requirements to obtain Orders for Publication and properly serve all of the parties. This

THURSDAY, JANUARY 16, 2020

family had been involved with the Department of Social Services for over ten (10) years and this was the third (3rd) indicated case against the Mother. At the time of the termination of parental rights action, all of the children had been in foster care for thirty-two (32) consecutive months. The guardian ad litem agreed that termination of parental rights was in the best interest of the five (5) youngest children, but not for the oldest child who was sixteen (16) years old and did not wish to be adopted. After a trial, including testimony from the Mother, the court terminated the parental rights of the parents to the five (5) youngest children and agreed with the guardian ad litem in regards to the oldest child. The five (5) younger siblings have been adopted. This case was significant to me because I was able to accomplish the legal steps necessary to provide the children with opportunity for a permanent home and to exit foster care with a positive outcome.

- (c) In the Interest of C.C. – In this case a fifteen (15) year old juvenile was charged with two (2) counts of Criminal Sexual Conduct with a Minor in the First Degree. The allegations in this case involved the juvenile sexually assaulting his younger half-siblings. In this case, the Father of the victims was also the Father of the juvenile respondent. The Father wanted his son held responsible for his actions but also to receive rehabilitation services. The Father did not believe his son should be on the sex offender registry for life and wanted to avoid the younger siblings having to testify against their older brother. I was able foster a solution that would prevent a young children from testifying and defer the issue of the sex offender registry to the presiding Judge. This allowed the Judge to review two (2) separate sex offender risk assessments and a full psychological evaluation before ruling on the issue of sex offender registry. As a prosecutor, I felt strongly that the juvenile needed in-patient sex offender specific treatment and should remain detained in a secure facility until the Department of Juvenile Justice could obtain such placement. The Court was concerned that the juvenile had already been detained for several months

THURSDAY, JANUARY 16, 2020

and was not receiving treatment. I respected and gave deference to the Judge's decision. In collaboration with the defense attorney and the Department of Juvenile Justice, it was arranged for the juvenile to be placed in a group home near the inpatient facility so that outpatient treatment services could begin immediately and continue until bed space became available at the inpatient facility. The juvenile successfully completed inpatient treatment and was not placed on the sex offender registry. To my knowledge, this juvenile has not reoffended. Unfortunately, this is only one example of the many cases I prosecuted dealing juveniles sexually assault younger family members or friends. This case is an example of the prosecutor, defense attorney and the Department of Juvenile Justice cooperating to accomplish a fair and just resolution for all parties involved.

- (d) Department of Social Services v. B. G., et al. – This child entered foster care at birth because the Mother abused drugs while pregnant. The child has a severe heart defect and while in foster care had complications during surgery causing a leg to be amputated. The Mother was successful with drug treatment but had difficulty securing stable housing and employment. To further complicate matters, the Mother's boyfriend/fiancée failed court ordered drug screens. Through the case, the agency was concerned about the Mother's ability to care for her child's special medical needs. Over the course of the case, the child left and reentered foster care three (3) times. The abuse and neglect case was finally closed two (2) years with the child being reunited with her family. Nearly every hearing in this case was contested, and I was responsible for drafting very lengthy and complicated pleadings and orders due to the multiple actions, hearings and changes in custody. I was not the attorney when the case was initiated or closed; however, I did handle the majority of the litigation. Working very diligently with the case workers, medical providers, defense attorney, and the guardian ad litem, I ensured the agency followed the law and treated the Defendants fairly while never

THURSDAY, JANUARY 16, 2020

compromising the safety or welfare of the child. This case is remarkable because after three (3) entries in foster care the child was successfully reunited with her family.

- (e) State v. Antonio Barnes and Devion Jenkins – When Mr. Barnes and Mr. Jenkins were fifteen (15) years old, they went to an apartment complex in search of a rival gang member. While they stood at the top of a hill looking into the apartment complex, Mr. Barnes encouraged Mr. Jenkins to shoot into the apartment complex at the rival gang member. They did not hit their intended target and another person was shot and killed. Both were charged with Murder in Family Court. Both juveniles had history with the Department of Juvenile Justice and after separate waiver hearings, the Family Court waived jurisdiction of both juveniles to General Sessions. After much negotiation, both entered a guilty plea to voluntary manslaughter and were sentenced to twenty-three (23) years. Although they were not convicted of murder, the victim’s family was very appreciative of the effort it took to ensure they would have adult convictions and serve significantly longer sentences that if the case remained in Family Court. I handled every aspect of this case from the initial forty-eight (48) hour detention hearing in Family Court to the final sentencing in General Sessions. I believe this was a fair result because they were held accountable as adults but their young age was also considered in sentencing.

The following is Ms. Hendrick’s account of the civil appeal she has personally handled:

- (a) In re Diamond D., A Juvenile under the Age of Seventeen. Appellate Case No. 2017- 001486.

Ms. Hendrick reported she has not personally handled any criminal appeals.

Ms. Hendrick further reported the following regarding unsuccessful candidacies:

THURSDAY, JANUARY 16, 2020

I was a candidate for Family Court At-Large, Seat 8 for election in 2017. I was not elected.

(9) Judicial Temperament:

The Commission believes that Ms. Hendrick's temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizen Committee on Judicial Qualifications found Ms. Hendrick to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee also noted, "Very well qualified. Very energetic! Will make an excellent judge!"

Ms. Hendrick is married to Matthew Richard Hendrick. She has two children.

Ms. Hendrick reported that she was a member of the following bar and professional associations:

Richland County Bar Association

Ms. Hendrick provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Recipient of the 2016 Ernest F. Hollings Award for Excellence in State Prosecution in Family Court
- (b) Member of Forest Lake Elementary School PTO
- (c) Member of Beth Shalom Synagogue
- (d) Member of the Children's Justice Act Task Force
- (e) Participant in the United Way of the Midlands Resilient Richland Initiative
- (f) Participant in The Council of State Government Justice Center: The Impact of Juvenile Probation on Educational Outcomes for Youth Research Study
- (g) Participant in the University of South Carolina Department of Criminology and Criminal Justice: Family Court Intake Structures Research Study

THURSDAY, JANUARY 16, 2020

Ms. Hendrick further reported:

My father is a member of the South Carolina Bar with a practice concentrated in criminal defense. My mother is a licensed therapist who works with children and families. Growing up, I realized that both my parents were constantly helping and guiding people through difficult and emotional situations. This led me to choose a career serving others. For almost fifteen years, I have been involved in Family Court in various capacities. This has granted me countless opportunities to witness how the Family Court operates and how the Family Court process impacts the lives of the litigants and children involved. I have great respect for those who serve as Family Court Judges. Family Court Judges have an enormous responsibility of making difficult decisions in an emotional environment where the future of families, children and lives are at stake.

My experiences as a prosecutor in both Family Court and the Court of General Sessions, together with years of practicing in child welfare law, have equipped me with knowledge, perspective, and insight to serve on the Family Court Bench. Furthermore, with the implementation of “Raise the Age” and the expanded jurisdiction of the Family Court in juvenile justice cases, my expertise in criminal law will be a valuable asset. This legislation allows the Family Court to adjudicate and rehabilitate more youth without the collateral consequences of an adult conviction. Given the opportunity, I will make a positive impact and substantial contribution to Family court Bench.

(11) Commission Members’ Comments:

The Commission members found Ms. Hendrick to be well qualified, and her answers to questions posed during her public hearing to be articulate and impressive. The members further noted that her wealth of experience with juvenile justice would be beneficial to the Family Court bench.

(12) Conclusion:

The Commission found Ms. Hendrick qualified, and nominated her for election to Family Court, Fifth Judicial Circuit, Seat 1.

THURSDAY, JANUARY 16, 2020

**C. Vance Stricklin Jr.
Family Court, Fifth Judicial Circuit, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Stricklin meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Stricklin was born in 1969. He is 50 years old and a resident of Columbia, South Carolina. Mr. Stricklin provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1994.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Stricklin.

Mr. Stricklin demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Stricklin reported that he has made campaign expenditures of approximately \$125 for business cards and nametags.

Mr. Stricklin testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Stricklin testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

THURSDAY, JANUARY 16, 2020

(3) Professional and Academic Ability:

The Commission found Mr. Stricklin to be intelligent and knowledgeable.

Mr. Stricklin reported that he has taught the following law-related courses:

I have attached a list provided by the South Carolina Bar of Continuing Education Seminars where I was the planner, moderator and/or presenter. This list is not complete, but does cover a number of the programs in which I participated. I have been the co-planner and moderator for Hot Tips for approximately the past ten years. The program is designed for short presentations covering a wide variety of Family Court topics. In addition to planning the programs, I have presented and have focused on the issue of alimony for over a decade. I have also been a presenter at the Family Law Essentials CLE held by the South Carolina Bar. The program is designed for new lawyers or lawyers new to the practice of Family Law. My presentations have been on the substantive and procedures of Temporary Hearings. On multiple occasions, I have been either a course planner or speaker at the South Carolina Bar Convention, covering a variety of Family Court topics. For example, one year I arranged for a professor from Wake Forest University to speak on her analysis of studies dealing with custody and visitation issues. All Family Court Judges were required to attend the convention CLE. The South Carolina Bar also had a sister program to Hot Tips called Cool Tips. I have spoken at these programs regarding a wide variety of Family Court issues. This year, I spoke at the Horry County Bar CLE on the issue of alimony which included an emphasis on the recent tax law changes impacting the Family Court. I have also been a presenter at the South Carolina Bench Bar CLE. I have taught at the new Judges School on the substantive and procedures of Temporary Hearings. I have been a presenter at the South Carolina Association of Justice Seminar (formally SCTL). In July of 2019, I spoke at the Al Todd Probate CLE regarding issues in Family Court that intertwine with Probate Court. On average, I would estimate that I have been involved with at least two seminars per year

THURSDAY, JANUARY 16, 2020

for the past ten to fifteen years. In addition to speaking/working on seminars involving Family Law issues, shortly after completing law school, I taught one or two paralegal courses at Orangeburg-Calhoun Technical College.

Mr. Stricklin reported that he has published the following:

- (a) South Carolina Family Lawyer's Toolkit Third Edition, published in 2017. I was one of the primary editors who helped with publication and provided substantive materials on a number of topics. I also assisted in the publication of the first two editions.
- (b) "The Temporary Hearing" a chapter in Family Law Essentials: A Primer for Private Practice Before the Family Court in South Carolina, published in 2018. Ben Stevens was the editor of the book and used materials from my presentations at the 2014 and 2015 Family Law Essentials Seminars to draft this chapter.
- (c) I have provided articles and materials for almost every CLE referenced in number 21 above.
- (d) I have had at least two requests to republish my alimony materials that I have re-worked and updated over the past ten years. I do not recall the publications.
- (e) I was recently asked and agreed to assume the editorial duties for Marital Litigation in South Carolina Substantive Law by Professor Emeritus Roy T. Stuckey. To date, I have not worked on the publication.

(4) Character:

The Commission's investigation of Mr. Stricklin did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Stricklin did not indicate any evidence of a troubled financial status. Mr. Stricklin has handled his financial affairs responsibly.

The Commission also noted that Mr. Stricklin was punctual and attentive in his dealings with the Commission, and the

THURSDAY, JANUARY 16, 2020

Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Stricklin reported that his rating by the legal rating organization Martindale-Hubbell is BV, that he has been included in Super Lawyers - Family Law since (at least) 2013, and that he has been included in Legal Elite of the Midlands by Columbia Business Monthly since (at least) 2014.

Mr. Stricklin reported that he has not served in the military.

Mr. Stricklin reported that he has never held public office.

(6) Physical Health:

Mr. Stricklin appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Stricklin appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Stricklin was admitted to the South Carolina Bar in 1994.

He gave the following account of his legal experience since graduation from law school:

- (a) Richland County Public Defender's office, November 1994 until June 1995. I almost exclusively represented juveniles charged with criminal offenses in the Family Court. My job also required me to work on some other cases such as probation violations and to assist with legal research. Prior to working as an attorney at the Public Defenders Office, I was a law clerk working on the Family Court team for two years.
- (b) Moore Taylor Law Firm (The Firm has had various names in the past as partners have joined and left the law firm). I joined the Firm as an associate in June 1995. I became a partner approximately five years later. Since going into private practice, I have worked almost exclusively with

THURSDAY, JANUARY 16, 2020

Family Court cases. Primarily, I represent individuals in domestic cases, involving divorce, custody, visitation, health insurance, college expense cases, equitable distribution and support (alimony and child support). I have also handled adoptions and South Carolina Department of Social Services cases. Earlier in private practice, I worked on some magistrate cases, probate cases and various legal research projects. Once I became a partner in the Firm, I worked on various administrative issues related to our retirement plan, case management system, group insurance plans, hiring and overall function of the Firm. I was Managing Partner for two years. All of the partners are responsible for overseeing the accounts of the Firm.

Mr. Stricklin further reported regarding his experience with the Family Court practice area:

For the past twenty-five years, I have worked almost exclusively in Family Court. I began my career representing juveniles charged with offenses. During this time, I worked with the Department of Juvenile Justice, the Solicitor's office and various volunteer agencies such as the Urban League or Church Diversion program. I represented young people on everything from statute offense to serious criminal charges. I handled pleas and trials. I also worked on waiver hearings and detention hearings.

After entering into private practice, I have primarily represented individuals in Family Court. I have handled countless divorce cases along with the ancillary issues associated with divorce. I have assisted in negotiation settlements and have tried cases. I have represented numerous clients from start to finish to include covering and preparing discovery, taking and attending depositions, and working as a guardian ad litem and with guardian ad litem, along with psychologists, psychiatrists and counselors.

I have managed temporary hearings and contested trials in Family Court, worked on appeals and argued in the Supreme Court. During my legal career, the vast majority of the cases I have litigated have been in Family Court. I have also prepared

THURSDAY, JANUARY 16, 2020

many separation and/or custody agreements, prepared or assisted with many Qualified Domestic Relations Orders, and prepared or assisted with some ante-nuptial agreements.

I have represented clients in cases involving the South Carolina Department of Social Service, mostly by appointment and some by hire. During the first ten years in private practice, I worked on occasion as a guardian ad litem. During this same time frame, I represented individuals in adoptions and assisted with the relinquishments of parental rights.

I have also been involved in cases involving grandparent visitation and grandparents seeking custody. I have brought and defended contempt actions in Family Court.

I have served as a mediator and arbitrator in numerous of Family Court matters.

Mr. Stricklin reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: None
- (b) State: Weekly

Mr. Stricklin reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: less than 1%;
- (b) Criminal: less than 1%
- (c) Domestic: 99%
- (d) Other:

Mr. Stricklin reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: none
- (b) Non-jury: 100%

Mr. Stricklin provided that during the past five years he most often served as sole counsel but also served as co-counsel and chief counsel.

THURSDAY, JANUARY 16, 2020

The following is Mr. Stricklin's account of his five most significant litigated matters:

- (a) Teeter v. Teeter, 408 S.C. 485, 759 S.E.2d 144 (Ct. App. 2014) This case is significant because it was a two day trial that dealt with a number of Family Court issues. I was the lead attorney representing Ms. Teeter. The appellate decision addressed the exclusion of certain evidence (e-mails), the character (marital v. non-marital) and value of property, the date of valuation, issues of credit for use of marital property during the pendency of the case and attorney's fees. The case was one of the first trials I handled with issues related to electronic evidence. We were ultimately successful on almost all of the issues.
- (b) Kinsey v. Kinsey, No. 2012-UP-212, 2012 WL 10841365 (S.C. Ct. App. Mar 28, 2012) This case is significant because it dealt with the character of a business started by my client prior to the marriage along with valuation issues. I was able to convince the Court to award my client 60% of the marital property. I prevailed on evidentiary issues related to Wife's fault. Additionally, the trial exemplified the civility between lawyers. Opposing counsel was a zealous advocate for her client, but professional and civil throughout the case. I was as well. We were a prime example of how lawyers ought to address each other even when a case cannot be settled.
- (c) McGee v. McGee, No. 2007-UP-148, 2007 WL 8327460 (S.C. Ct. App. Apr 4, 2007) This case is significant for two main reasons. First, I was able to convince the Family Court to order a fixed term of alimony as opposed to permanent periodic alimony as requested by the wife. Second, the case sparked my interest in alimony and the issues related to alimony. Because of this case, I have spoken on the issue of alimony on more than ten separate occasions at CLEs and prepared a spreadsheet of alimony cases used by other practitioners and Judges.
- (d) Hooper v. Rockwell, 334 S.C. 281, 513 S.E.2d 358 (1999) This case found the emergency protective custody statute was constitutional, that the evidence supported the termination of the mother's parental rights and allowed my clients to adopt the children. Although I was second chair

THURSDAY, JANUARY 16, 2020

during the trial and I argued the matter before the South Carolina Supreme Court. The verdict allowed the children to have a better home and family moving forward.

- (e) Tomsic v. Tomsic, No. 2016-DR-40-358 This case is currently under appeal, however, it is significant for dealing with custody, relocation, attorney's fees and a unique evidence issue related to the opposing party's North Carolina v. Alford plea in criminal court. I tried the case for five days and have prevailed on all the issues thus far.

The following is Mr. Stricklin's account of five civil appeals he has personally handled:

- (a) Penny v. Greene, 357 S.C. 583, 594 S.E.2d 171 (Ct. App. 2004)
(b) West v. West, No. 2007-UP-555, 2007 WL 8400144 (S.C. Ct. App. December 14, 2007)
(c) McElveen v. McElveen, 332 S.C. 583, 506 S.E.2d 1 (Ct. App. 1998)
(d) Eaddy v. Oliver, 345 S.C. 39, 545 S.E.2d 830 (Ct. App. 2001)
(e) Bowman v. Bowman, 357 S.C. 146, 591 S.E.2d 654 (Ct. App. 2004)

Mr. Stricklin reported that he has not personally handled any criminal appeals.

Mr. Stricklin reported he has not personally handled any civil or criminal appeals.

(9) Judicial Temperament:

The Commission believes that Mr. Stricklin's temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Mr. Stricklin to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The

THURSDAY, JANUARY 16, 2020

Committee also stated, "Lots of experience - very well qualified!"

Mr. Stricklin is married to Carolyn Newsham Stricklin. He has three children.

Mr. Stricklin reported that he was a member of the following bar and professional associations:

- (a) South Carolina Bar Association
- (b) South Carolina Bar Association Family Law Section Council, member since 1998 and chair from 2004-2005 and 2013-2014
- (c) Lexington County Bar Association, President 2002 (d) Richland County Bar Association
- (e) American Bar Association
- (f) South Carolina Association of Justice

Mr. Stricklin provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Dreher High School Booster Club; various positions over the past four years, including secretary
- (b) St. Joseph's Catholic Church; Eucharistic Minister
- (c) Family Law Section Council; Council Chair

Mr. Stricklin further reported:

I feel fortunate to have grown up in a safe, supportive middle class family that promoted religion, citizenship and honorable values. My mother was a school teacher and my father was a tire salesman. I graduated from Dreher High School, attended Winthrop College on a full scholarship and returned to Columbia for law school. I feel grateful to call Columbia, South Carolina home and I want to give back to my community. I have and could continue to make more money in private practice, but I feel the call of public service. I have handled almost every type of case conceivable in Family Court. I have managed Juvenile cases, DSS cases, divorce, custody, visitation, child support, alimony, contempt and dealt with all the ancillary matters that come from these cases. I have tried all of the above and worked hard to resolve the cases when possible in order to help clients

THURSDAY, JANUARY 16, 2020

avoid or at least limit the emotional and financial expense that comes with litigation.

My wife and I will celebrate our 25th wedding anniversary this year. We have twins going to college and a rising high school junior, so we have first-hand experience raising children. We have prepared our finances to allow me to pursue the bench.

I know my character and demeanor are appropriate for the Court. My knowledge and experience are only part of my strengths I offer to the bench. I have had several other lawyers retain me to arbitrate cases, essentially paying me to act as the judge for their cases. Most importantly, I would be honored to serve in this role for the State of South Carolina.

(11) Commission Members' Comments:

The Commission commented that Mr. Stricklin has an impressive legal intellect, an exceptional reputation, a breadth of experience, and a professional demeanor that would make him an excellent addition to the bench.

(12) Conclusion:

The Commission found Mr. Stricklin qualified, and nominated him for election to Family Court, Fifth Judicial Circuit, Seat 1.

**The Honorable Debra A. Matthews
Family Court, Sixth Judicial Circuit, Seat 2**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Matthews meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Matthews was born in 1957. She is 62 years old and a resident of Blackstock, South Carolina. Judge Matthews provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2001.

THURSDAY, JANUARY 16, 2020

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Matthews.

Judge Matthews demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Matthews reported that she has made \$10 in campaign expenditures for postage, paper, ink, and envelopes.

Judge Matthews testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Matthews testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Matthews to be intelligent and knowledgeable.

Judge Matthews reported that she has taught the following law-related course:

I lectured at the Family Court Bench Bar on December 7, 2018. My topic was problematic issues with temporary hearings.

Judge Matthews reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Matthews did not reveal evidence of any founded grievances or criminal allegations made against her.

THURSDAY, JANUARY 16, 2020

The Commission's investigation of Judge Matthews did not indicate any evidence of a troubled financial status. Judge Matthews has handled her financial affairs responsibly.

The Commission also noted that Judge Matthews was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

- (5) Reputation:
Judge Matthews reported that she is not rated by any legal rating organization.

Judge Matthews reported that she has not served in the military.

Judge Matthews reported that she has never held public office other than judicial office.

- (6) Physical Health:
Judge Matthews appears to be physically capable of performing the duties of the office she seeks.

- (7) Mental Stability:
Judge Matthews appears to be mentally capable of performing the duties of the office she seeks.

- (8) Experience:
Judge Matthews was admitted to the South Carolina Bar in 2001.

She gave the following account of her legal experience since graduation from law school:

- (a) Elected Family Court Judge, Sixth Judicial Circuit on February 7, 2018.
- (b) I was self-employed operating a general practice from 2001 to 2018. I employed two associate attorneys. I immediately began practicing in the Family Court and the majority of my work was in Family Court. I handled most all types of Family Court cases including, divorces, custody, child support, adoptions, name changes, abuse and neglect, vulnerable adults and juveniles.

THURSDAY, JANUARY 16, 2020

- (c) I was a contract attorney with the South Carolina Commission on Indigent Defense from 2013 to 2015.
- (d) I served as a court appointed guardian ad litem on many occasions.
- (e) I was certified as a Family Court and Circuit Court Mediator in 2010.
- (f) In 2004, I began handling criminal cases, workers compensation, personal injury, social security disability and probate cases, as well as estate planning and real estate closings.
- (g) In 2002 I was admitted to the United States Bankruptcy Court and handled consumer filings for Chapter 7 and 13 clients.
- (h) I was admitted to the U.S. District Court, South Carolina 2001.
- (i) For most of my career I handled the administrative and financial management and trust accounts. I employed one bookkeeper to handle my financial affairs since 2001. My staff accepted payments and issued receipts to clients.

Judge Matthews reported she has not personally handled any civil or criminal appeals.

Judge Matthews reported that she has held the following judicial office(s):

I was elected on February 7, 2018 to the Family Court, Sixth Judicial Circuit, Seat 2

Judge Matthews provided the following list of her most significant orders or opinions:

- (a) Whitlock v. Walters et al., 2018-DR-29-0249 (Order);
- (b) Boney v. Boney, 2016-DR-29-703 (Order);
- (c) Wickham v. Wickham, 2017-DR-20-182 (Memorandum for Order).

Judge Matthews has reported no other employment while serving as a judge.

Judge Matthews further reported the following regarding unsuccessful candidacies:

THURSDAY, JANUARY 16, 2020

Yes, Fairfield County Magistrate, 2005 and Winnsboro Municipal Court, 2009.

(9) Judicial Temperament:

The Commission believes that Judge Matthews' temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualifications found Judge Matthews to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee further noted, "Judge Matthews has been on the bench for only a year and a half, but she has already acquired a reputation as a diligent, thoughtful and fair-minded Family Court Judge. The Committee strongly urges her reappointment to the bench for another term."

Judge Matthews is not married. She has two children.

Judge Matthews reported that she was a member of the following bar and professional associations:

- (a) SC Bar Association
- (b) Fairfield County Bar Association

Judge Matthews provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Finance Committee – St. Theresa Church;
- (b) Secretary – Mid County Water Board;
- (c) Coach and Judge Volunteer Mock Trial;
- (d) Sixth Judicial Circuit Public Defender Board;
- (e) Sixth Judicial Circuit Public Defender Selection Panel.

Judge Matthews further reported:

I believe in honesty, hard work and integrity, as well as treating everyone with dignity and respect. I work hard and try to maintain the upmost respect for everyone in the court room, but at the same time I am firm. I believe my experience as a Family

THURSDAY, JANUARY 16, 2020

Court lawyer has helped me tremendously as a Family Court Judge

- (11) Commission Members' Comments:
The Commission commented that Judge Matthews has an outstanding reputation as a jurist, which has ably served her in discharging her responsibilities on the Family Court bench.
- (12) Conclusion:
The Commission found Judge Matthews qualified, and nominated her for re-election to Family Court, Sixth Judicial Circuit, Seat 2.

Spiros Stavros Ferderigos
Family Court, Ninth Judicial Circuit, Seat 5

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Mr. Ferderigos meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Ferderigos was born in 1978. He is 41 years old and a resident of Charleston, South Carolina. Mr. Ferderigos provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2003.

- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Ferderigos.

Mr. Ferderigos demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Ferderigos reported that he has not made any campaign expenditures.

THURSDAY, JANUARY 16, 2020

Mr. Ferderigos testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Ferderigos testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Ferderigos to be intelligent and knowledgeable.

Mr. Ferderigos reported that he has taught the following law-related courses:

- (a) I have lectured at the 2011 and 2014 Judges and Attorneys Substance Abuse Seminar as a panelist discussing Drug Court Programs;
- (b) I have made annual presentations to the local School Resource Officers regarding updates to the criminal law as it relates to school incidents and best practices regarding criminal activity that arise within a school setting;
- (c) I have made presentations in 2017 and 2018 to students at the Charleston Southern University regarding juvenile delinquency matters and the Family Court criminal process.

Mr. Ferderigos reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Ferderigos did not reveal evidence of any founded grievances or criminal allegations made against him.

THURSDAY, JANUARY 16, 2020

The Commission's investigation of Mr. Ferderigos did not indicate any evidence of a troubled financial status. Mr. Ferderigos has handled his financial affairs responsibly.

The Commission also noted that Mr. Ferderigos was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

- (5) Reputation:
Mr. Ferderigos reported that he is not rated by any legal rating organization.

Mr. Ferderigos reported that he has not served in the military.

Mr. Ferderigos reported that he has never held public office.

- (6) Physical Health:
Mr. Ferderigos appears to be physically capable of performing the duties of the office he seeks.

- (7) Mental Stability:
Mr. Ferderigos appears to be mentally capable of performing the duties of the office he seeks.

- (8) Experience:
Mr. Ferderigos was admitted to the South Carolina Bar in 2003.

He gave the following account of his legal experience since graduation from law school:

- (a) Law Offices of Paul E. Tinkler, Charleston, South Carolina Civil Litigation, October 2003 to March 2007
Attorney for a civil litigation firm specializing in the field of domestic relations. Other areas of practice included personal injury, medical malpractice and business transactions. Complete autonomy in representing clients in a two lawyer firm.
- (b) Solicitor's Office, Ninth Judicial Circuit Criminal Litigation, March 2007 to present Assistant Solicitor for the

THURSDAY, JANUARY 16, 2020

Ninth Judicial Circuit, Family Court Division. Includes complete autonomy in the prosecution of Murder, Armed Robbery, Narcotic and Weapon related charges.

- (c) Solicitor's Office, Ninth Judicial Circuit Special Counsel to the Ninth Judicial Circuit Juvenile Drug Court Program, January 2011 to present
Representative and member of the Ninth Judicial Circuit Juvenile Drug Court Program. Sole Assistant Solicitor assigned to the program and intricately involved in the program's oversight, day to day affairs and recruitment.
- (d) Solicitor's Office, Ninth Judicial Circuit Managing Assistant Solicitor, June 2013 to present
Promoted to Managing Assistant Solicitor in addition to the duties of Special Counsel to the Ninth Judicial Circuit Juvenile Drug Court Program and general duties of an Assistant Solicitor in the Ninth Judicial Circuit.
- (e) Solicitor's Office, Ninth Judicial Circuit
Chief Prosecutor, March 2016 to present
Promoted to Chief Prosecutor for the Ninth Judicial Circuit, Family Court Division. In addition to handling the most complex juvenile delinquency cases in Family Court, the duties of the Chief Prosecutor include complete management of the entire Family Court Division of the Ninth Judicial Circuit, oversight and management of all Family Court Assistant Solicitors and staff, and management of Juvenile Delinquency Dockets with the Family Court. As Chief Prosecutor, I am the acting deputy of the elected Solicitor for all matters regarding the Family Court Division in the Ninth Judicial Circuit.

Mr. Ferderigos reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: None;
- (b) State: Approximately three days a week for Family Court Juvenile Delinquency Proceedings.

THURSDAY, JANUARY 16, 2020

Mr. Ferderigos reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: None;
- (b) Criminal: 100% (Family Court Juvenile Delinquency Proceedings);
- (c) Domestic: None;
- (d) Other: None.

Mr. Ferderigos reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: None;
- (b) Non-jury: 100%.

Mr. Ferderigos provided that during the past five years he most often served as sole, chief counsel.

The following is Mr. Ferderigos' account of his five most significant litigated matters:

- (a) State vs. Jones– I successfully prosecuted a contested juvenile delinquency Waiver Hearing resulting in the juvenile defendant being transferred to General Sessions Court to be tried as an adult for the charges of Murder, Assault with Intent to Kill and Escape from Prison. This matter is of significance as Waiver Hearings are one of the more complex and rare hearings to be held in Family Court. This matter is also of significance as I succeeded in bringing justice to a mourning family in a case where the court found that the juvenile defendant could not be rehabilitated after he hunted down a minor victim and shot the victim “execution style” in front of the victim’s sister. The same juvenile also repeatedly shot another minor victim resulting in permanent disfigurement. The family of the murdered victim desperately sought justice for the unnecessary death of their child. The other minor victim who was shot numerous times not only sought justice, but also feared for his safety should the defendant be adjudicated delinquent in Family Court where he could only be indeterminately committed for a period not to

exceed his twenty-first birthday. By “waiving up” the juvenile defendant, the family of the murdered victim was able to receive the maximum justice afforded in our legal system, and the maimed second victim did not have to live in fear that the defendant would be released within a few short years of his conviction.

- (b) Rawlins v. Rawlins – This domestic relations matter is of significance as I represented a mother who was completely blind-sided by her spouse’s adultery with exotic dancers, abuse of narcotics, devaluation and concealment of marital/business assets, and attempts to transmute my client’s substantial inheritance to marital property. Motions for Emergency Hearing, Rules to Show Cause, Motions to Compel and other relief had to be sought to protect the minor child and protect the sanctity of the marital estate. Through the proper use of these motions, I succeeded in protecting my client’s minor child from her spouse’s dangerous behavior, preserved the marital estate, and used financial experts and private investigators to ensure the court had the proper evidence to issue a fair and proper ruling. After hearing testimony from my financial experts, private investigator, and other witnesses; the court imputed a significantly higher income to the spouse than he reported, awarded my client permanent periodic alimony, granted a divorce on the ground of adultery, granted primary custody to my client, denied the spouse’s demand to transmute my client’s significant non-marital estate to marital property, and awarded my client attorney’s fees and costs.
- (c) State vs. Williams and Gathers – This juvenile delinquency matter is of significance as I successfully prosecuted two juvenile defendants concurrently for Murder and received Murder adjudications against both defendants. This was a highly contested matter in which the juveniles denied shooting the victim when the victim came out to defend his younger brother who was being bullied by the defendants. By the end of the altercation, the victim was killed by a single gunshot wound to the head and another shot to the body. I worked diligently with police investigators to re-create the crime scene,

THURSDAY, JANUARY 16, 2020

analyze the possible trajectories of the bullets and offered into evidence audio recordings of the shots fired that ultimately led to the defendants being found guilty of Murder beyond a reasonable doubt. The Family Court's ruling was appealed by one of the defendants; however, the Court of Appeals affirmed the Murder adjudication in an unpublished opinion.

- (d) Schenkler vs. Schenkler – This matter is of significance as I represented a mother in a complex divorce case whose psychiatrist spouse had committed adultery by prescribing medications to and taking sexual advantage of his patients while they were under the influence of the medications. When I was retained to represent the mother in this action, she was aware of her spouse's obsession with pornography; however, she never imagined what our investigations would bring to light regarding his sexual exploits. Although the parties had a nominal financial estate, this matter became heavily contested as I fought for the safety of the minor children. As the evidence of his adultery and inappropriate behavior with patients began to solidify, the spouse unexpectedly left the country. After I successfully navigated through the procedural hurdles related to the spouse's flight during litigation, trial moved forward in the spouse's absence with my client being awarded custody of the children, a fair equitable division of the marital estate, restraining order from the spouse contacting the children, and the court granting my client attorney's fees and costs.
- (e) State vs. Felder – This juvenile delinquency matter is of significance as I successfully prosecuted a juvenile for numerous counts of Arson and Malicious Injury to Property after he intentionally entered a downtown residence at approximately 9:50 am, lit the drapes of the residence on fire and fled as the building collapsed from the flames. The fire spread to two additional residences and engulfed those homes as well. In total, five homes were damaged (three completely engulfed in flames), numerous vehicles damaged, and pets of the homeowners trapped in the blaze were killed. Fortunately, all of the residents had just left and were

THURSDAY, JANUARY 16, 2020

not asleep in their homes as the flames quickly spread through the buildings. This was a complex matter as the juvenile defendant initially denied his involvement. Numerous investigations had to be completed to determine where the fire started and a search for witnesses or individuals with information about the crime. In addition to working with the police department, I had the additional role of consoling and providing legal guidance to the victims who had lost everything. With the help of the Fire Marshal, police interviews and police surveillance video near the area; I was able to convince defense counsel that the juvenile defendant would be found guilty at trial. The juvenile pled accordingly and was committed to the Department of Juvenile Justice, providing some closure to the innocent victims as they began the process of slowly putting their lives back together.

The following is Mr. Ferderigos' account of three civil appeals he has personally handled:

- (a) Callen vs. Callen, 365 S.C. 618, 620 S.E.2d 59 (2005)
Date of Decision: September 19, 2005
(Personally handled along with Paul E. Tinkler and Lori Stoney)
- (b) Simmons vs. Simmons, 370 S.C. 109, 634 S.E.2d 1 (Ct. App. 2006)
Date of Decision: April 10, 2006
(Personally handled along with Paul E. Tinkler)
- (c) Computer Products Inc. vs. JEM Restaurant Group, John E. McGrath, Monolith Software Solutions, Inc., and W. David Valmus, Op. No. 2007-UP-066 (Ct. App. 2007)
Date of Decision: February 12, 2007; Not Published.
(Personally handled along with Paul E. Tinker)

Mr. Ferderigos reported he has not personally handled any civil or criminal appeals.

Mr. Ferderigos further reported the following regarding unsuccessful candidacies:

THURSDAY, JANUARY 16, 2020

I was selected as a candidate by the Judicial Merit Selection Commission in 2014 and 2015 for the vacancy of Seat # 2 and Seat #3, Charleston County Family Court, respectively. I withdrew my nomination in both instances a few days prior to the vote when it became apparent that my opponent would likely secure sufficient votes to win the nomination. As my local delegation appeared to be divided regarding support for a single nominee, I chose to withdraw from the contest and seek nomination to the next vacant Charleston County Family Court seat.

(9) Judicial Temperament:

The Commission believes that Mr. Ferderigos' temperament would be excellent.

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications found Mr. Ferderigos to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee also stated, "Superbly qualified, energetic, caring, passionate knowledgeable - Superb candidate."

Mr. Ferderigos is married to Laura Williams Ferderigos. He has three children.

Mr. Ferderigos reported that he was a member of the following bar and professional associations:

Charleston County Bar Association.

Mr. Ferderigos provided that he was not a member of any civic, charitable, educational, social, or fraternal organizations.

Mr. Ferderigos further reported:

First and foremost I am a devoted husband and the father of three adorable children. My children are my life and I strive every day to set a good example for them and be the kind of father that they deserve. I believe that every child should have the same

THURSDAY, JANUARY 16, 2020

opportunities as my children and be raised in a nurturing and safe environment. I have devoted my legal career to the practice of family law because Family Court is the judicial arena where children are the primary focus of the law. Whether it is domestic relations where the “best interests of the child” is the cornerstone of the law, or juvenile delinquency proceedings that focus on rehabilitation rather than punishment; a Family Court judge is expected to make every effort within the law to protect children and attempt to bring normalcy in what is a tumultuous period in a child’s life. A Family Court judge also has the duty to set appropriate boundaries for adult litigants whose lives have been turned upside down from divorce proceedings. I have personally observed how divorce proceedings can turn the most rational individuals into irrational litigants whose sole aim is to harm their spouse rather than seek the best interests of their children and reasonable financial resolution for their families. Throughout the chaotic mental, physical and emotional state that many individuals find themselves in during a domestic matter, it is up to the presiding judge to set appropriate boundaries that will foster litigants to move forward in a dignified manner and provide an opportunity for all parties to present the appropriate evidence before the court.

I am also the son of an immigrant father and mother. My father relocated to the United States of America from Greece as a teenager and became an American citizen in search of a better life for himself and his family. The unfair laws and lack of opportunity in his origin of birth crippled my father’s ability to live in a dignified manner where he could raise a family and prosper through hard work. I have personally observed the unjust laws (or lack thereof) when visiting Greece where judicial verdicts are routinely given in favor of litigants who make the proper “contributions” to court officials, or observing officers imprison individuals with no warrant, no probable cause or any explanation whatsoever. I am very blessed that my father risked everything to seek a better life in the United States of America, a country where disputes are not handled in the streets or by a corrupt judiciary; but a country with a judiciary that allows all litigants from every walk of life, race and social status to have a truly fair trial. The necessity of a fair trial, following the rule of law, treating litigants with respect and a judiciary that is above

THURSDAY, JANUARY 16, 2020

reproach is something that is very dear to me and something that I will ensure should I be blessed with the opportunity to become a Family Court judge.

(11) Commission Members' Comments:

The Commission commented that Mr. Ferderigos is well qualified to serve as a Family Court judge. They noted that he was articulate in his responses to questions posed by the Commission.

(12) Conclusion:

The Commission found Mr. Ferderigos qualified, and nominated him for election to Family Court, Ninth Judicial Circuit, Seat 5.

Marissa K. Jacobson
Family Court, Ninth Judicial Circuit, Seat 5

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Jacobson meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Jacobson was born in 1979. She is 40 years old and a resident of Charleston, South Carolina. Ms. Jacobson provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2005.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Jacobson.

Ms. Jacobson demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

THURSDAY, JANUARY 16, 2020

Ms. Jacobson reported that she has not made any campaign expenditures.

Ms. Jacobson testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Jacobson testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Jacobson to be intelligent and knowledgeable.

Ms. Jacobson reported that she has taught the following law-related course:

I was asked to speak at an abuse and neglect continuing legal education program sponsored by the Charleston County Bar. I lectured on representing parents who have been accused of abuse and neglect. The lecture included: statutory time frames, representation of indigents, the goal of reunifying parents with their children, local resources available for rehabilitation for parents involved in child welfare cases and the different burdens of proof in child protective service cases, ie: merits vs. termination of parental rights.

Ms. Jacobson reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Ms. Jacobson did not reveal evidence of any founded grievances or criminal allegations made against her.

THURSDAY, JANUARY 16, 2020

The Commission's investigation of Ms. Jacobson did not indicate any evidence of a troubled financial status. Ms. Jacobson has handled her financial affairs responsibly.

The Commission also noted that Ms. Jacobson was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Jacobson reported that she is not rated by any legal rating organization.

Ms. Jacobson reported that she has not served in the military.

Ms. Jacobson reported that she has never held public office.

(6) Physical Health:

Ms. Jacobson appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Jacobson appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Jacobson was admitted to the South Carolina Bar in 2005.

She gave the following account of her legal experience since graduation from law school:

- (a) Charleston County Public Defenders Office, Law Clerk, June 2004-November 2004
- (b) Law Office of Raymond W. Smith, Law Clerk, November 2004- May 2005
- (c) Law Office of Marissa K. Jacobson, Sole Practitioner, June 2005-present
 - a. The general character of my practice has been primarily family court work; including, but not limited to, abuse and neglect defense, guardian ad litem work, divorce and equitable division, child support, custody, legal

THURSDAY, JANUARY 16, 2020

- name-changes, termination of parental rights, adoption actions and juvenile defense.
- b. Before the South Carolina Bar enacted the indigent defense program, several law firms hired me to handle their court appointed cases that they were required to handle as members of the Bar.
 - c. From approximately, 2005-2010, I did limited probate work; acting as a court appointed visitor to represent individuals named in conservatorship and guardianship actions. I was also appointed by the Probate Court in Charleston and Berkeley Counties, approximately on a monthly basis to represent individuals named in commitment proceedings.
 - d. From approximately, 2010-2012, I did limited contract work for the South Carolina Foreclosure Task Force, assisting and counseling, (not legally representing), members of the public who were facing mortgage foreclosure due to the shift in the real estate market around that time. I would assist members of the public by reviewing their budgets, helping them revise their budgets and acting as an intermediary between the mortgage lenders and the lendees.
 - e. From approximately, 2013-Present, I have been awarded a 608 contract from the Commission of Indigent Defense in Charleston, Berkeley, Dorchester and Georgetown County, handling various family court matters, including, but not limited to, adult protective placement, abuse and neglect defense, Guardian ad litem for vulnerable adults, counsel for vulnerable adults, guardian ad litem for minor children, counsel for minor children, termination of parental rights matters, adoption proceedings, guardian ad litem for incarcerated defendants and filing of appeals. From approximately, 2013-Present, I have worked as a Private Attorney Involvement (PAI) Contract Attorney for the South Carolina Center for Legal Services in Charleston, Berkeley, and Dorchester County. I handle child support modifications, fault based divorces, guardianship actions, custody and change of custody actions and establishment of paternity actions.

THURSDAY, JANUARY 16, 2020

- f. From approximately, 2016-2018, I served as a guardian ad litem on mortgage foreclosure actions.
- g. Since 2005, I have been primarily the person responsible for administrative and financial management of my law practice, including management of trust accounts.

Ms. Jacobson further reported regarding her experience with the Family Court practice area:

I have had nearly fifteen years of extensive family court experience in the areas of divorce and equitable division of property, child custody, adoption, abuse and neglect and juvenile justice.

I have handled complex and highly litigated divorce matters involving equitable division for marital estates that include: highly valued real property, personal property, business dissolutions, business interests, and trusts that require the involvement of forensic financial analysts.

I have handled divorces where the marital estate is limited to personal property and/or no marital estate exists at all.

I have handled actions for the establishment of paternity and visitation, both when custody is contested and custody is uncontested. I have handled change of custody actions, as well. I have represented both the Plaintiff and the Defendant in custody matters. I have served as a court appointed guardian ad litem in both custody and change of custody matters. Some custody matters I have worked on required the use of an expert, such as a forensic psychologist, due to allegations of parental alienation.

I have represented the Plaintiff in adoption actions, represented the Defendant in adoption actions and served as a guardian ad litem in adoption actions. Additionally, I have represented the Plaintiff in termination of parental rights actions, represented the Defendant in termination of parental rights action and served as a guardian ad litem in different capacities in parental rights actions. I have prepared and assisted with relinquishments of parental rights, as well.

I have represented Defendants in abuse and neglect matters all over the state. I have been awarded contracts by the Commission of Indigent Defense in Charleston, Berkeley, Dorchester and Georgetown Counties to represent parents and

THURSDAY, JANUARY 16, 2020

persons acting as caretakers for minor children accused of abusing and neglecting minor children.

I have been retained to represent clients accused of abusing and neglecting their children. I have been hired to represent clients in the investigation phase of an abuse and neglect matter based on reports made to the Department of Social Services.

I have served as a guardian ad litem in abuse and neglect matters for: children, vulnerable adults, incarcerated defendants, mentally incompetent defendants. I have also served as counsel for children and vulnerable adults.

I have been retained to represent minor children accused of committing crimes. I have served as a guardian ad litem for minor children accused of committing crimes.

I am familiar with and have had to argue issues involving the Uniform Child Custody Jurisdiction and Enforcement Act and Indian Child Welfare Act, in both private cases and indigent defense cases.

Over the past five years, when court is in session, I have appeared between three to four days a week in Family Court. It is not uncommon for me to have two court appearances in one day in different counties. Further, I regularly may appear in a county and represent anywhere from one to five clients on a specific docket, requiring great preparation and organization.

Ms. Jacobson reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: none;
- (b) State: on average, multiple times per week.

Ms. Jacobson reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 10%;
- (b) Criminal: 0%;
- (c) Domestic: 90%;
- (d) Other: N/A.

Ms. Jacobson reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: N/A.

THURSDAY, JANUARY 16, 2020

- (b) Non-jury: 100%.

Ms. Jacobson provided that during the past five years she most often served as sole counsel.

The following is Ms. Jacobson's account of her five most significant litigated matters:

- (a) Gresh vs. Black was significant to me because of its complexity. This case had multiple aspects of family law. I represented, a Father who had been arrested for murdering his wife, while his two daughters were in the house. The case involved: child welfare, termination of parental rights, adoption, pending criminal charges, a custody dispute between maternal Aunt, maternal Uncle and paternal grandmother, and child pornography allegations. Due to the contentious parties behavior toward the guardian ad litem, necessitated her hiring for herself. An attorney guardian ad litem hiring representation during family court litigation is rare. A specific judge was assigned the entire matter because of its complex status. The case was litigated for nearly two years. The parties reached an agreement after two days of trial.
- (b) Steven Smith was wrongfully accused of sexually abusing his four-year-old daughter when his daughter contracted gonorrhea. Mr. Smith was incarcerated for a drug related charge, shortly after the birth of his daughter. He remained incarcerated until she was approximately four years old. Mr. Smith visited his daughter on two occasions at his Mother's home after his release from prison. DSS alleged that Mr. Smith was prescribed antibiotics to cure his gonorrhea once he was accused of sexually abusing his daughter, however presented no medical evidence to substantiate this claim. The Solicitor's office declined to prosecute based on insufficient evidence. The minor child's forensic disclosure at the child advocacy center was admittedly problematic. Despite DSS presenting two different medical experts, neither expert was able to establish the chain of custody of the gonorrhea test with my use of the hearsay rule of evidence.

THURSDAY, JANUARY 16, 2020

- (c) DSS vs. Candace Parks was significant to me because my client's competency was an issue. She was a victim of childhood sexual abuse. She had a prior history of trauma. She was in a domestically violent relationship with a sex offender. She and the sex offender had five children. The children disclosed sexual abuse. Both Mother and Father were indicted for criminal sexual misconduct with their children. Because Ms. Parks had a traumatic past and struggled with understanding our conversations related to her case, I brought a motion to appoint a guardian ad litem to represent her best interest. It was ultimately found that she was competent, though she presented with an extremely low IQ. She received probation for the criminal charges.
- (d) Gros vs. Gros was significant to me and continues to be significant to me because it involves litigants who have been in and out of court for five years. My client's former spouse continues to file motions and attempt to bring new issues to the court's attention. We continue to prevail on the majority of the issues.
- (e) In John Brown vs. Eman Brown, we sought an order for protection for our male client, which is not the typical, because Wife ripped a glass top oven out of the kitchen wall in the parties marital home, smashing it to pieces with a hammer, following a marital dispute. Mr. Brown was fearful for his and his children's personal safety. It was granted. Ms. Brown violated the order for protection by appearing at the parties' marital home intoxicated and belligerent, continuing to threaten Mr. Brown's personal safety. I filed a contempt action based on the violation of the order for protection. Ms. Brown was found to be in willful contempt and in violation of the prior court order. She was sentenced to the detention center. John Brown vs. Eman Brown was significant to me because of the defendant's hostile and dangerous nature. Ms. Brown was self represented and was so hostile that co-counsel and I moved for a restraining order. Ms. Brown threatened me through email, in the courtroom and by text message. She appeared unannounced at co-counsel's law firm and walked into

THURSDAY, JANUARY 16, 2020

his personal office in the middle of a client meeting, necessitating the police to be called.

The following is Ms. Jacobson's account of two civil appeals she has personally handled:

- (a) South Carolina Department of Social Services vs. Pompey, Appeal from Dorchester County, Filed October 2, 2015, Unpublished Opinion No. 2015-UP-475, Appellate case No. 2015-000661
- (b) South Carolina Department of Social Services vs. Monique Jenkins, Appeal from Dorchester County, Filed January 31, 2019, Unpublished Opinion No. 2019-UP-051, Appellate case no.: 2018-000291

Ms. Jacobson reported she has not personally handled any criminal appeals.

- (9) Judicial Temperament:
The Commission believes that Ms. Jacobson's temperament would be excellent.
- (10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Ms. Jacobson to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee also commented, "Great demeanor, dedicated, good experience, thoughtful."

Ms. Jacobson is married to Jack A. Landis. She has two children.

Ms. Jacobson reported that she was a member of the following bar and professional associations:

- (a) South Carolina Bar
- (b) Charleston County Bar
- (c) American Bar: Child Parents' Attorneys in Child Welfare Chapter

THURSDAY, JANUARY 16, 2020

Ms. Jacobson provided that she was a member of the following civic, charitable, educational, social, or fraternal organization:

I am a member of the South Carolina Bar and participate in the South Carolina Bar Mock Trial Program which involves middle school and high school students.

Ms. Jacobson further reported:

There is little that I can add that has not already been covered by this Questionnaire, however, I believe that for the past fourteen years of practice as a family court practitioner, I have had the opportunity to encounter nearly every aspect of family law. I have been fortunate to have the privilege to represent clients from all walks of life, giving me a well rounded view and respect for the many different types of people whom I have encountered and the personal struggles that they may have had. I treat my fellow colleagues with respect, a pleasant attitude and understanding. We all have a significant job to do, as family court attorneys. One can advocate in a zealous manner, but continue to be respectful, kind and civil to opposing counsel and/or opposing parties. Also, having been through a divorce and being a parent of two daughters with divorced parents, I understand the challenges that litigants may experience when doing the same. My personal experience would only lend itself to more compassion, patience and understanding for them.

(11) Commission Members' Comments:

The Commission commented on the variety of Ms. Jacobson's experience in family law practice, and noted the positive comments in both the BallotBox survey and the Citizens Committee report. The Commission also commended her for volunteering her services for mock trial for middle school and high school.

(12) Conclusion:

The Commission found Ms. Jacobson qualified, and nominated her for election to Family Court, Ninth Judicial Circuit, Seat 5.

THURSDAY, JANUARY 16, 2020

Julianne M. Stokes
Family Court, Ninth Judicial Circuit, Seat 5

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Stokes meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Stokes was born in 1981. She is 38 years old and a resident of Charleston, South Carolina. Ms. Stokes provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2006.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Stokes.

Ms. Stokes demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Stokes reported that she has not made any campaign expenditures.

Ms. Stokes testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Stokes testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

THURSDAY, JANUARY 16, 2020

- (3) Professional and Academic Ability:
The Commission found Ms. Stokes to be intelligent and knowledgeable.

Ms. Stokes reported that she has taught the following law-related courses:

- (a) Moderator and course organizer, South Carolina Bar guardian ad litem training and update seminar in 2018, 2019, (planning 2020)
- (b) Presenter, Charleston County Bar Association “What Works for Your Practice” (in area of family law), 2018
- (c) Presenter, South Carolina Bar guardian ad litem training, 2017
- (d) Presenter, South Carolina Bar guardian ad litem training, 2014
- (e) Presenter, South Carolina Bar’s Hot Tips from the Coolest Domestic Law Practitioners, 2013

Ms. Stokes reported that she has published the following:
I prepared written materials for the various continuing legal education seminars referenced above. I also served as editor of South Carolina Family Law Mediation, a Guide for Mediators and Attorneys authored by Sean Keefer, with an anticipated publication date of 2019 by the South Carolina Bar.

- (4) Character:
The Commission’s investigation of Ms. Stokes did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission’s investigation of Ms. Stokes did not indicate any evidence of a troubled financial status. Ms. Stokes has handled her financial affairs responsibly.

The Commission also noted that Ms. Stokes was punctual and attentive in her dealings with the Commission, and the Commission’s investigation did not reveal any problems with her diligence and industry.

THURSDAY, JANUARY 16, 2020

- (5) Reputation:
Ms. Stokes reported that her last available rating by a legal rating organization was Super Lawyers Rising Star in the area of family law in years 2012, 2013, 2014, 2015, and 2016.

Ms. Stokes reported that she has not served in the military.

Ms. Stokes reported that she has never held public office.

- (6) Physical Health:
Ms. Stokes appears to be physically capable of performing the duties of the office she seeks.

- (7) Mental Stability:
Ms. Stokes appears to be mentally capable of performing the duties of the office she seeks.

- (8) Experience:
Ms. Stokes was admitted to the South Carolina Bar in 2006.

She gave the following account of her legal experience since graduation from law school:

(a) 2006-2009: Associate attorney practicing family law with Andrews & Shull, PC. Handled my own time-keeping and reviewed invoices and trust account statements monthly. Actively litigated numerous divorce, custody, and modification actions, including taking depositions, attending mediations, and sitting second chair in Family Court trials.

(b) 2009-2010: Associate attorney practicing family law with Shull Law Firm, LLC. Actively litigated numerous divorce, custody, and modification actions. Handled my own time-keeping and reviewed invoices and trust account statements monthly. Actively litigated in the family court and was certified as a Family Court Mediator and guardian ad litem (continuing to present).

(c) 2011: Partner practicing family law with Shull & Stokes, LLC. Reviewed monthly bills and trust account statements monthly. Actively litigated numerous divorce, custody, and modification actions. Litigated an 11-day custody trial during this year.

THURSDAY, JANUARY 16, 2020

(d) 2011-2019: Partner practicing family law with Stokes & Haselden, LLC. Managing partner handling all financial management of trust accounts. Litigated and mediated hundreds of private divorce, custody, and modification actions, and served as guardian ad litem during litigation and trial of numerous matters. I also served as arbitrator for divorce issues.

(e) May 2019: Former law partner took position as magistrate judge and left private practice. Now solo practitioner litigating and mediating family law matters with Stokes Family Law & Mediation, LLC. I also serve as court-appointed guardian ad litem. Handle all financial management of trust accounts.

Ms. Stokes further reported regarding her experience with the Family Court practice area:

(a) Divorce and equitable division: For the past 13 years I have represented litigants in divorce actions, including division of assets and debts and spousal support issues. My involvement ranges from contested motion hearings to multiple-day trials to lengthy arbitrations involving complex financial components, such as off-shore accounts and intricate business interests. I frequently work with financial experts in the more complicated cases, as there are often businesses to be valued and tax consequences to be considered. While most of my cases settle at mediation, effective resolution requires preparation and knowledge of the marital estate and how its division might impact my client and his/her income stream.

(b) Custody: The bulk of my practice involves litigation and mediation of child-related issues. I frequently serve as court-appointed guardian ad litem in private custody actions, including preparation of final reports for and testimony at trial. I also serve as a mediator in custody and visitation matters. Last year I successfully tried a six-day custody case which had previously been deemed “complex.” Prior to that, I settled a custody trial after four days of testimony, and litigated to completion an 11-day custody trial with my law partner.

(c) Adoption: I have served as guardian ad litem in private adoption actions and have represented adoptive step-parents and

THURSDAY, JANUARY 16, 2020

biological parents relinquishing his/her rights in private adoption matters.

(d) Abuse and neglect: I have been involved in DSS actions as counsel for a defendant accused of abuse or neglect. These cases were resolved prior to any merits hearings.

(e) Juvenile justice: While I have not appeared as counsel for juveniles in the family court, I am familiar with the statutes and caselaw involved in handling these matters and intend to conduct additional observations of juvenile hearings.

Ms. Stokes reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: None;
- (b) State: 1-5 times per week. This week, for example, I had one contested and four uncontested hearings in Charleston County Family Court.

Ms. Stokes reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 0%;
- (b) Criminal: 0%;
- (c) Domestic: 100%;
- (d) Other: n/a.

Ms. Stokes reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 0%;
- (b) Non-jury: 100%.

Ms. Stokes provided that during the past five years she most often served as sole counsel.

The following is Ms. Stokes' account of her five most significant litigated matters:

- (a) Amanda M. Byfield v. Nathan F. Albertson, Case No. 2015-DR-2429, Charleston County Family Court. I represented the Defendant/Father in this child custody

THURSDAY, JANUARY 16, 2020

modification action. At the time Mother filed the lawsuit, the parties' older daughter had refused to visit Father for almost two years. The parties' younger daughter was beginning to refuse visitations. Mother sued to suspend Father's contact with the children and for an order allowing her to relocate with the children to the United Kingdom. I obtained an order appointing a joint expert, Dr. Allison Foster, to conduct a custody evaluation. Dr. Foster concluded that Mother was psychologically abusing the children through her campaign of denigration against Father. Following the release of Dr. Foster's report, I was able to negotiate for the younger daughter to begin exercising alternating weekly time with her father, thereby allowing her to establish a healthy bond with her newborn sister (from Father's second marriage). We were scheduled for a weeklong custody trial, but resolved the matter by agreement the morning trial was to commence. I authored the agreement, which included an intensive reunification program in Florida for Father and the parties' older daughter; the involvement of a parenting coordinator to oversee the family's aftercare; and a no-contact provision between Mother and the older daughter immediately following the reunification program. We also obtained a change of custody from Mother to Father.

- (b) Nathan F. Albertson v. Amanda M. Byfield, Case No. 2017-DR-10-2491, Charleston County Family Court. One year following the resolution of the case referenced above, Father was exercising substantial parenting time with both of his daughters. Mother refused to continue working with the parenting coordinator. As Mother's time with the older daughter gradually increased, however, that daughter began to decompose emotionally around Father. Ultimately, after spending one full week with her Mother for the first time since the reunification program, the older daughter (then age 17) refused to return to Father. I filed an emergency action, which was deemed complex. We sought and obtained an emergency ex parte order requiring the older daughter to return to her father's care. When she

THURSDAY, JANUARY 16, 2020

refused, the Court determined Mother was unfit to have custody of the children and DSS commenced an action against both parents. The older daughter remained in foster care until her emancipation, and I worked with both DSS and various mental health experts for the following year while the case was pending. Mother exercised supervised visitation with the younger daughter pending a merits hearing. After a six-day trial, my client was granted sole custody of the younger daughter, with Mother having minimum visitation and no long holidays. I was also granted attorney's fees. In an award of attorney's fees for my client, the Court indicated in its Final Order, "Plaintiff's counsel in this case enjoys the hard-earned reputation of being competent, ethical and extremely professional."

- (c) Patricia Ong v. Jerry Ong, Case No. 2012-DR-10-4340, Charleston County Family Court. I represented the Plaintiff/Wife in a divorce from her husband on the ground of adultery after 35 years of marriage. Husband owned interests in multiple commercial real estate companies with complex investments. His stream of income, as well as the value of the assets, were both at issue. We agreed to binding arbitration of the financial issues and after a four-day hearing, which included direct and cross examination of multiple experts, I successfully obtained substantial alimony and more than fifty percent of the marital estate, as well as legal fees, for my client.
- (d) Tanya Lewellyn v. Justin James, Case No. 2009-DR-10-1253, Dorchester County Family Court. I represented the Plaintiff/Mother in a custody modification action spanning over two years. After multiple depositions and voluminous discovery, we attended four days of a weeklong trial. With encouragement from the trial judge, we ultimately settled the matter with a detailed final agreement. At the time of trial, I was nursing an eight-week-old baby, but I was able to successfully litigate and ultimately resolve a high-conflict custody matter.
- (e) Gitter v. Gitter, Case No. 2008-DR-10-2865, Charleston County Family Court. I represented the

THURSDAY, JANUARY 16, 2020

Defendant/Mother in this 11-day custody modification trial. Mother was represented by several other attorneys prior to retaining my law firm shortly before trial. I prepared for approximately two dozen witnesses, including experts. Following trial, my client transitioned from supervised time with her daughter to unsupervised, regular weekend contact. This case was impactful due to the tremendous amount of preparation for court and the substantial time in the courtroom.

The following is Ms. Stokes' account of the civil appeal she has personally handled:

- (a) Nancy W. McGowan v. Philip A. McGowan, M.D. et al., S.C. Court of Appeals. This was an appeal filed from the Charleston County Family Court by the opposing party during the pendency of the underlying divorce case. I successfully negotiated the voluntary dismissal of this interlocutory appeal after initial briefs but prior to any oral argument.
- (b) In the case of post-trial appeals, I have associated appellate counsel and have remained actively involved in the appellate process, but not as counsel of record.

Ms. Stokes has not personally handled any criminal appeals.

- (9) Judicial Temperament:
The Commission believes that Ms. Stokes' temperament would be excellent.
- (10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Ms. Stokes to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, mental stability, and physical health. The Committee also noted, "Considerable experience, very knowledgeable and personable, extremely well qualified - super candidate."

THURSDAY, JANUARY 16, 2020

Ms. Stokes is married to Joshua P. Stokes. She has three children.

Ms. Stokes reported that she was a member of the following bar and professional associations:

- (a) South Carolina Bar Association – Family Law Section
- (b) Charleston County Bar Association
- (c) South Carolina Women Lawyers Association
- (d) South Carolina Resolution of Fee Disputes

Ms. Stokes provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Trustee, James Island Presbyterian Church, Charleston, SC
- (b) Treasurer, James Island Charter High School Board of Directors
- (c) Member, James Island Yacht Club Ladies Auxiliary.

Ms. Stokes further reported:

From a young age I recognized the importance of public service. My mother and father met as parole officers for the Department of Juvenile Justice, and later my father was a director at DJJ in Columbia prior to taking a position as administrator for the Laurens County School District. My mother earned a degree in Special Education and taught for over 30 years. Watching my parents serve in public education in a low-income school district opened my eyes to many families' challenges. It was not unusual for our family to deliver clothing or food to a student my mother knew was in need. I was also raised to volunteer my time and talents with our local community. For example, I volunteered in a classroom with special needs children, with the hospital auxiliary, and without various church fundraisers and community outreach activities.

I attended Presbyterian College, where our school's motto is "Dum Vivimus Servimus" ("while I live, I serve"). We were encouraged to give back wherever and whenever possible. In addition to volunteering with Special Olympics, I was elected Chair of our school's Honor Council. At that time, PC's Honor Code was enforced by its student led counsel, to include making

THURSDAY, JANUARY 16, 2020

decisions involving expulsion from the school for alleged violations. It was there I first realized that justice is a balance between accountability and compassion.

Throughout my adolescence and young adulthood, I also observed my grandfather, the Honorable Julius H. Baggett (Circuit Court, Retired), give back to his community through his time on the bench. He was known best, perhaps, for his fiery temperament, but also for his empathy toward litigants and criminal defendants often accused of heinous crimes – but always innocent until proven guilty in his courtroom. He exemplified impartiality, while upholding the rule of law and being careful not to legislate from the bench.

Each of these stages of my life influenced my desire to attend law school, where I immediately felt pulled toward the practice of family law. It is difficult to imagine another area of law wielding the possibility of upheaval to the family dynamic more so than a divorce, youth arrest, or abuse/neglect situation. My desire in law school, and now, is to help people wherever situated and in whatever way equipped I might be. While I have a thriving family law practice and truly enjoy the litigation, mediation, and guardian ad litem work I do on a daily basis, I cannot ignore the call I feel to public service. I believe that my 13 years of practice have prepared me for this tremendous step. A litigant's day in court is a day which could change his or her life forever. It is critical that our finders of fact and law be well-equipped, well-respected, and beyond ethical reproach. I am well qualified in each area needed to ensure the ends of justice are met. It would be an honor to serve the State of South Carolina in the capacity of family court judge.

(11) Commission Members' Comments:

The Commission commented that Ms. Stokes is an impressive candidate and that she is very knowledgeable and passionate about serving on the Family Court bench. They noted that she is very well respected and well qualified for this position.

(12) Conclusion:

The Commission found Ms. Stokes qualified, and nominated her for election to Family Court, Ninth Judicial Circuit, Seat 5.

THURSDAY, JANUARY 16, 2020

M. Scott McElhannon
Family Court, Tenth Judicial Circuit, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than three persons apply to fill a vacancy or if the Commission concludes that there are fewer than three candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

For the vacancy for Family Court, Tenth Judicial Circuit, Seat 3, two candidates applied for this vacancy. Accordingly, the names and qualifications of two candidates are hereby submitted in this report.

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. McElhannon meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. McElhannon was born in 1962. He is 57 years old and a resident of Anderson, South Carolina. Mr. McElhannon provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1988.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. McElhannon.

Mr. McElhannon demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. McElhannon reported that he has not made any campaign expenditures.

Mr. McElhannon testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;

THURSDAY, JANUARY 16, 2020

- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. McElhannon testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. McElhannon to be intelligent and knowledgeable.

Mr. McElhannon reported that he has taught the following law-related courses:

- (a) I was a speaker at a juvenile justice seminar in Biloxi, Mississippi. I spoke about the Anderson County Juvenile Arbitration Program for first time juvenile offenders. I was director of that program.
- (b) I was a panel member for the juvenile prosecution seminar which was part of the annual Solicitor's Conference. The panel discussed various issues in juvenile justice and fielded questions from the audience.
- (c) I have spoken to several high school classes regarding juvenile justice law.

Mr. McElhannon reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. McElhannon did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. McElhannon did not indicate any evidence of a troubled financial status. Mr. McElhannon has handled his financial affairs responsibly.

The Commission also noted that Mr. McElhannon was punctual and attentive in his dealings with the Commission, and the

THURSDAY, JANUARY 16, 2020

Commission's investigation did not reveal any problems with his diligence and industry.

- (5) Reputation:
Mr. McElhannon reported that he is not rated by any legal rating organization.

Mr. McElhannon reported that he has not served in the military.

Mr. McElhannon reported that he has never held public office.

- (6) Physical Health:
Mr. McElhannon appears to be physically capable of performing the duties of the office he seeks.

- (7) Mental Stability:
Mr. McElhannon appears to be mentally capable of performing the duties of the office he seeks.

- (8) Experience:
Mr. McElhannon was admitted to the South Carolina Bar in 1988.

He gave the following account of his legal experience since graduation from law school:

(a) Dowling, Sanders, Dukes, Svalina & Williams, August 1988 – April 1989; Beaufort, South Carolina
Associate attorney practicing in Family Court, General Sessions and Common Pleas.

(b) Svalina, Richardson & Smith, April 1989 – November 1990; Beaufort, South Carolina
Associate attorney practicing in Family Court, General Sessions and Common Pleas.

(c) M. Scott McElhannon, Attorney at Law. January 1991 – March 1992; Honea Path, South Carolina
Sole practitioner practicing in Family Court, General Sessions and Common Pleas. I was directly and solely involved in the

THURSDAY, JANUARY 16, 2020

administrative and financial management of this firm, including the management of the trust account.

(d) Law Office of Raymond MacKay, April 1992 – June 1995; Anderson, South Carolina
Associate attorney practicing in Family Court, General Sessions and Common Pleas.

(e) M. Scott McElhannon, Attorney at Law, July 1995 – December 1999; Anderson, South Carolina
Sole practitioner practicing in Family Court, General Sessions and Common Pleas. During this period I was also a contract Public Defender handling juvenile cases in Family Court. I was directly and solely involved in the administrative and financial management of this firm, including the management of the trust account.

(f) Solicitor's Office, Tenth Judicial Circuit. January 2000 – March 2009; Assistant Solicitor; Anderson, South Carolina
From January, 2000 to June, 2005 I prosecuted all juvenile cases in Family Court. I was also Director of Juvenile Services which included the Juvenile Arbitration Program. From June, 2005 to March, 2009, I prosecuted cases in General Sessions, as well as continuing to prosecute juvenile cases in Family Court as needed.

(g) M. Scott McElhannon, Attorney at Law, March, 2009 – September, 2015; Anderson, South Carolina
Sole practitioner practicing in Family Court, General Sessions and Common Pleas. During this period I was also a conflict 608 attorney for the Office of Indigent Defense handling conflict criminal adult and juvenile cases in Anderson County and Oconee County. I was solely and directly involved in the administrative and financial management of this firm, including the management of the trust account.

(h) South Carolina Department of Social Services, September, 2015 – March, 2017; Anderson, South Carolina
Staff attorney prosecuting child abuse and neglect cases, termination of parental rights, and abuse of vulnerable adult

THURSDAY, JANUARY 16, 2020

cases. After nine months I was promoted to managing attorney for the Tenth Judicial Circuit.

(i) Solicitor' Office, Tenth Judicial Circuit, March, 2017 – present; Assistant Solicitor; Anderson, South Carolina

I prosecute General Sessions cases in Circuit Court in Anderson County. In addition, I prosecute juvenile cases in Family Court when needed. I participated in the juvenile waiver hearing for the Townville Elementary School shooting case in February, 2018.

Mr. McElhannon further reported regarding his experience with the Family Court practice area:

Divorce and equitable division of property: While in private practice from 1988 to 2000 and from March, 2009 to September, 2015, I handled many divorce cases in which equitable division of property was an issue. Most of the cases were settled by way of a property settlement agreement. In some cases the division of property remained an issue and was tried before a Family Court judge.

Child custody: I have handled numerous cases in which child custody was an issue. I have also been the guardian ad litem for children in numerous cases. I have submitted written guardian ad litem reports, as well as testified as guardian ad litem in court. From September, 2015 to March, 2017, as an agency attorney with the South Carolina Department of Social Services, custody and placement of children was always an issue.

Adoption: During my years in private practice I represented parents who were adopting children. While working as an agency attorney for the South Carolina Department of Social Services, I handled cases in which the ultimate result was the adoption of children by foster parents. I have also served as guardian ad litem for children who were being adopted.

Abuse and neglect: During my years in private practice I represented parents in abuse and neglect cases. As an agency attorney with the South Carolina Department of Social

THURSDAY, JANUARY 16, 2020

Services I handled numerous abuse and neglect cases involving children, as well as abuse of vulnerable adult cases.

Juvenile justice: I have extensive experience with juvenile justice. I have defended juveniles while in private practice as well as serving as a contract Public Defender for two years. During that time, I handled hundreds of juvenile cases. I prosecuted juveniles as an Assistant Solicitor for over five years. I handled thousands of juvenile cases during that time. I have handled every type of case in juvenile court, including three murder cases in which the juvenile was waived to General Sessions as an adult. In 2001, I was awarded the Ernest F. Hollings Award for Excellence in State Prosecution in Family Court.

Mr. McElhannon reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: None
- (b) State: While in private practice, I was in court almost every week, either in Family Court or General Sessions Court. As an agency attorney with the South Carolina Department of Social Services, I was in Family Court at least one day a week, and most weeks more than one day. As an Assistant Solicitor, I am in General Sessions Court multiple days each month. I also appear in Family Court on juvenile cases when needed.

Mr. McElhannon reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 0%
- (b) Criminal: 50%;
- (c) Domestic: 50%;
- (d) Other: 0%.

Mr. McElhannon reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 2%;
- (b) Non-jury: 98%.

THURSDAY, JANUARY 16, 2020

Mr. McElhannon provided that during the past five years he most often served as sole counsel. I have most often served as sole counsel on all Department of Social Services cases. As an Assistant Solicitor, I have served as sole counsel, chief counsel and associate counsel almost equally.

The following is Mr. McElhannon's account of his five most significant litigated matters:

- (a) State v. Kristopher M. Miller, (363 S.C. 635, 611 S.E. 2nd 309) (App. 2005)

This was a murder case in which the defendant was a juvenile. After a waiver hearing the Family Court judge issued an order waiving jurisdiction to the Circuit Court. The defendant appealed the waiver. The South Carolina Court of Appeals affirmed the Family Court's waiver finding that there was evidence in the record to support the Family Court judge's overall decision to waive jurisdiction to the Circuit Court. The defendant was convicted in Circuit Court.

- (b) State v. Jesse Newton

This was a murder case in which the defendant was a juvenile. After a waiver hearing the Family Court judge waived jurisdiction to the Circuit Court. The defendant was convicted in Circuit Court.

- (c) State v. Jesse Osborne

This was a case where the defendant was a juvenile. The defendant murdered his father and then went to an elementary school where he murdered one student and injured several others. After a four day waiver hearing, the Family Court judge waived jurisdiction to the Circuit Court. The defendant was convicted in Circuit Court and is awaiting sentencing.

- (d) State v. Braxton J. Bell, (374 S.C. 136, 646 S.E. 2nd 888) (App. 2007)

This was a murder case in which the defendant attempted to have the Tenth Circuit Solicitor's Office disqualified from prosecuting on the basis of a conflict of interest. The Circuit Court found that the defendant did not show any actual prejudice to his case. The defendant was tried and convicted. The South Carolina Court of Appeals affirmed the Circuit Court's ruling and the defendant's conviction.

THURSDAY, JANUARY 16, 2020

(e) State v. Leroy Archie

This was a murder case in which the State served the defendant with Notice to Seek Life without Parole based on the defendant's prior convictions. After a trial in Circuit Court the defendant was convicted and sentenced to life without parole.

Mr. McElhannon reported he has not personally handled any civil or criminal appeals.

Mr. McElhannon further reported the following regarding unsuccessful candidacies:

I ran for the position of Family Court Judge for the Tenth Judicial Circuit in 2008 upon the retirement of the Honorable Barry W. Knobel. I was successfully screened and found qualified. I withdrew from consideration prior to the election.

(9) Judicial Temperament:

The Commission believes that Mr. McElhannon's temperament would be excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Mr. McElhannon to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee also noted, "The persons interviewed regarding Mr. McElhannon described a candidate who meets or exceeds all of the requirements of the evaluative criteria."

Mr. McElhannon is married to Shirley H. McElhannon. He has one child.

Mr. McElhannon reported that he was a member of the following bar and professional associations:

- (a) South Carolina Bar Association
- (b) Anderson County Bar Association

THURSDAY, JANUARY 16, 2020

Mr. McElhannon provided that he was not a member of any civic, charitable, educational, social, or fraternal organization.

Mr. McElhannon further reported:

I have been a practicing attorney for thirty-one years. During that time, I have been in private practice and public service practice. I was in private practice from 1988 to 2000. While in private practice I handled virtually every type of case that can be heard in Family Court. From 1998 to 2000, I was a contract Public Defender handling all the juvenile cases that came through the Public Defender's Office. In January 2000, I became a full-time Assistant Solicitor handling all juvenile matters, including being the director of the Anderson County Juvenile Arbitration Program. I was also a founding member of the Anderson County Juvenile Drug Intervention Court. I was awarded the Ernest F. Hollings Award for Excellence in State Prosecution in Family Court in 2001. I continued handling all juvenile court matters in Anderson County until June 2005. At that time, I began prosecuting cases in General Sessions Court. I continued to handle juvenile cases when needed until March 2009. I returned to private practice in March 2009 where I again began handling private domestic cases. I also became a 608 conflict attorney and handled adult and juvenile cases in which the Public Defender's Office had a conflict. I continued in private practice until September 2015 when I was recruited by the South Carolina Department of Social Services to become a staff agency attorney. After approximately nine months as a staff attorney I was promoted to managing attorney for the Tenth Judicial Circuit. I handled abuse and neglect of children, termination of parental rights, and abuse and neglect of vulnerable adult cases. In March 2017 I returned to the Tenth Circuit Solicitor's Office as an Assistant Solicitor. As an Assistant Solicitor I have either handled or assisted handling three juvenile waiver hearings in which the juvenile was charged with murder, the last hearing taking place in February 2018.

In summary, I believe that my overall experience in thirty-one years of practicing in Family Court has prepared me fully to be a fair, impartial and just Family Court judge.

- (11) Commission Members' Comments:
The Commission commented that Mr. McElhannon was intelligent, professional, and well qualified. Furthermore, they were impressed by his excellent temperament and wealth of experience in many areas of family law.
- (12) Conclusion:
The Commission found Mr. McElhannon qualified, and nominated him for election to Family Court, Tenth Judicial Circuit, Seat 3.

**Brittany Dreher Senerius
Family Court, Tenth Judicial Circuit, Seat 3**

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than three persons apply to fill a vacancy or if the Commission concludes that there are fewer than three candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

For the vacancy for Family Court, Tenth Judicial Circuit, Seat 3, two candidates applied for this vacancy. Accordingly, the names and qualifications of two candidates are hereby submitted in this report.

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Ms. Senerius meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Senerius was born in 1983. She is 36 years old and a resident of Anderson, South Carolina. Ms. Senerius provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2008.

- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Senerius.

THURSDAY, JANUARY 16, 2020

Ms. Senerius demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Senerius reported that she has not made any campaign expenditures.

Ms. Senerius testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Senerius testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

- (3) Professional and Academic Ability:
The Commission found Ms. Senerius to be intelligent and knowledgeable.

Ms. Senerius reported that she has taught the following law-related course:

Adjunct Professor, Anderson University 2010 – 2012: PreLaw Class – Introductory class covering the basic aspects of the legal world. This class focused on the major areas of law and the structure of the state and federal courts.

Ms. Senerius reported that she has not published any books and/or articles.

- (4) Character:
The Commission's investigation of Ms. Senerius did not reveal evidence of any founded grievances or criminal allegations made against her.

THURSDAY, JANUARY 16, 2020

The Commission's investigation of Ms. Senerius did not indicate any evidence of a troubled financial status. Ms. Senerius has handled her financial affairs responsibly.

The Commission also noted that Ms. Senerius was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Senerius reported that she is not rated by any legal rating organization.

Ms. Senerius reported that she has not served in the military.

Ms. Senerius reported that she has never held public office.

(6) Physical Health:

Ms. Senerius appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Senerius appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Senerius was admitted to the South Carolina Bar in 2008.

She gave the following account of her legal experience since graduation from law school:

(a) Law Clerk to the Honorable Alexander Macaulay – 10th Circuit Court Judge (Active/Retired): Researched questions of law. Wrote memorandums for Judge Macaulay regarding specific cases, as well as general questions of law. Assisted Judge during trials, motions, and plea hearings. Corresponded with attorneys and pro se litigants to facilitate each week's docket. Kept up with Orders to be signed and advised Judge of updates in case law and statutory law for relevant cases before the Court.

(b) Attorney for Cass Elias McCarter Guardian ad Litem Program:

THURSDAY, JANUARY 16, 2020

- i. Anderson County Attorney / June 2010 – May 2017
- ii. Oconee County Attorney / October 2016 – May 2017

Represented volunteer guardians ad litem at all court hearings, mediations, and meetings. Reviewed each case, made case assessments, and developed strategic plans while maintaining communication with each guardian ad litem. Advised guardians ad litem with legal guidance and researched applicable case law. (c) Junior Partner at Senerius Law Firm / August 2009 – May 2017:

- i. Family Court Attorney / Guardian ad Litem (Minor Children and Incapacitated Adults): Met with potential clients to consult regarding needs and develop trust to establish a professional relationship evidenced by contract of representation at consultation. Represented clients on issues relating to divorce, such as division of marital property, custody, child support, and alimony. Appointed by Court to represent the best interest of minor children as their Guardian ad Litem in family court litigation, including custody, placement, visitation, and relocation. Appointed by Court to represent the best interest of incapacitated adults as their Guardian ad Litem in probate court. Conducted case assessments, legal research, and strategic planning for cases while keeping clients informed of progress and documenting time/updating case management system related to case.

- ii. Legal Office Management: Managed office with one (1) other attorney and four (4) staff members. Oversaw client billing/accounts and trust accounting reviews monthly. Provided/Oversaw ordering of supplies, promotional material, and coordinating contracts for maintenance of office equipment. (d) Department of Social Services

- i. Attorney III / May 2017 – May 2019: Staff cases with members of the Anderson County Child Protective Services Office, to include Investigators, Family Preservation Caseworkers, Foster Care Caseworkers and Adult Protective Services Caseworkers, and their supervisors. Review and manage caseload, to include preparing for trial, prosecuting abuse and neglect cases, including adult protective services cases. Provide legal guidance to agency employees when needed relating to child and adult protective services issues.

- ii. Interim Managing Attorney / May 2019 – Present: All responsibilities listed in Attorney III position. In addition,

THURSDAY, JANUARY 16, 2020

reviewing and managing entire office's caseload. Assisting and monitoring all attorneys relating to issues such as meeting necessary deadlines, case/file review, preparation for trial/hearings, and conduct/interaction with other staff, the public, members of the bar and the judiciary.

Ms. Senerius reported the frequency of her court appearances during the last five years as follows:

- (a) Federal: None;
- (b) State: Three-Four times each week;

Ms. Senerius reported the percentage of her practice involving civil, criminal, and domestic matters during the last five years as follows:

- (a) Civil: Ten;
- (b) Criminal: Ten;
- (c) Domestic: Eighty;
- (d) Other: NA.

Ms. Senerius reported the percentage of her practice in trial court during the last five years as follows:

- (a) Jury: Five;
- (b) Non-jury: Ninety-Five.

Ms. Senerius provided that:

I most often served as sole counsel. However, as I practiced with an experienced partner, I was able to utilize his experience and expertise if I came across a situation I was unfamiliar with. Additionally, I have been fortunate to have a working relationship with a number of members of my local and state bar that allowed me to contact them for additional guidance when appropriate.

The following is Ms. Senerius' account of her five most significant litigated matters:

- (a) SCDSS v. Michelle Gursky, et al – Significance: I represented the Volunteer Guardian ad Litem in this matter. This case involved some of the most significant abuse of any case I have been involved with and required a number of hearings both in the underlying removal action as well as the subsequent termination of

THURSDAY, JANUARY 16, 2020

parental rights action. Given the nature and substance of this case, there were a number of interests that had to be balanced while advocating for the protections necessary for the minor children. The TPR portion of this case was appealed to the South Carolina Supreme Court and Affirmed therein. SCDSS v. Michelle G. and Robert L., Opinion No.: 27371 (S.C. Sup. Ct. filed March 27, 2014).

- (b) Jessica Pitts v. Jason Pitts, Case No.: 2015-DR-04-623 – Significance: I represented the Plaintiff/Mother in this action. Mrs. Pitts is still one of the most hardworking clients/mothers I have come into contact with during my legal life. With the abuse she suffered during her marriage, this case required a great deal of patience and guidance to keep my client on track to achieve the most beneficial outcome for her. Making sure she was fully aware of the possible outcomes so she could make the best decision for herself and her children involved a lot of different aspects. This case truly taught me how necessary patience is when dealing with all clients/parties we come into contact with.
- (c) SCDSS v. Ivoree Malcom, et al – Significance: I represented the Volunteer Guardian ad Litem in this matter. This case required multiple days to try, to include a number of days (and even months) in between trial dates. This case helped teach me how to be truly organized and take notes from trial to make sure I have a full understanding of what happened during the previous day(s). Additionally, this case required attendance at multiple motion hearings prior to the trial of the case. This case helped me increase my abilities regarding cross-examination.
- (d) State v. Hinton, Case No.: 2009-GS-37-1347 – Significance: I served as second chair during this case and subsequent trial. I learned a lot about trial strategy and client control during this case.
- (e) State v. Abdelhamid Yousef Mefleh – Significance: I served as second chair during this case and subsequent trial. This was the first major trial I was a part of and helped me really get myself acclimated to trial work.

THURSDAY, JANUARY 16, 2020

This case involved motions, press, a large audience, a number of days of trial, and a difficult subject matter.

The following is Ms. Senerius' account of two civil appeals she has personally handled:

- (a) Weatherford v. Weatherford, Opinion No.: 2014-UP-277 (S.C. Ct. App. filed June 14, 2014)
- (b) SCDSS v. Ngoc Tran, Opinion No.: 5445 (S.C. Ct. App. filed October 10, 2016).

Ms. Senerius reported she has not personally handled any criminal appeals.

(9) Judicial Temperament:

The Commission believes that Ms. Senerius' temperament would be excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Ms. Senerius "Qualified" in the evaluative criteria of constitutional qualifications, physical health, mental stability, and experience; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and judicial temperament. The Upstate Citizens Committee also noted, "In private cases, which constitute a large and important portion of the family court's workload, a large portion of the candidate's experience has been as a Guardian ad Litem, instead of representing a party in the litigation. Therefore, the committee rated her 'qualified.'"

Ms. Senerius is not married. She has one child.

Ms. Senerius reported that she was a member of the following Bar associations and professional associations:

- (a) Anderson Bar Association
- (b) South Carolina Bar Association
- (c) South Carolina House of Delegates
- (d) Young Lawyers Division
 - i. Tenth Circuit Representative (2015-2017)
 - ii. Cinderella Project Coordinator / Anderson, Oconee, Pickens Counties: 2009, 2010, 2011

THURSDAY, JANUARY 16, 2020

Ms. Senerius provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Deacon – Welcome Baptist Church
- (b) Member – Welcome Baptist Church

Ms. Senerius further reported:

I am divorced with a small child. She will turn two (2) years old in September of this year (2019). Her father and I have a great working relationship and co-parent effectively; however, the time she is with me I am a single parent. She spends every other weekend and one night during the off week with her dad. He and I work well together with flexibility on the schedule when the other is in need of it, while trying to maintain as much consistency for her sake as possible. Additionally, I have the benefit of both sets of grandparents living within approximately fifteen minutes. Lastly, I have a number of other friends that I can count on at a moment's notice to assist in the care of my child. In the work I do, I understand it is not to be taken lightly that I have so many amazing people my child and I can count on. I know I will have to utilize this "village" if I were to be granted the opportunity to fill the seat being vacated by Judge Edwards. Giving up time that could be spent with my daughter is not something I do without a lot of thought and consideration. I have been asked multiple times whether or not it was worth it. And my immediate answer is, absolutely. Being able to serve as a family court judge is a goal and dream of mine. I have the resources around me to allow me to fulfill my dream, help provide for my daughter, and raise her surrounded by incredible friends and family. I am proud to have the opportunity to show my daughter that I continued working toward my dreams, no matter the outcome.

I am thirty-six (36) years old. I understand that I would be considered a young member of the judiciary, should I be given the chance to hold that position. While I wonder if some might consider this a negative, I think it can be viewed as wildly positive. I have an enthusiasm and excitement for the practice of law that I believe is beneficial for a member of the judiciary. I have no doubt I have the knowledge base to preside over the matters that would come before me. I have greatly benefited

THURSDAY, JANUARY 16, 2020

from an incredible local bar. I have developed relationships with other bar members that allow me to reach out should I have questions or want to talk through complex issues. I have always valued these relationships and will continue to utilize them when appropriate.

- (11) Commission Members' Comments:
The Commission noted that Ms. Senerius exhibited knowledge about Family Court proceedings and thoughtfulness in addressing problems or concerns that may arise there. The Commission appreciated Ms. Senerius' enthusiasm and dedication for work in the Family Court.
- (12) Conclusion:
The Commission found Ms. Senerius qualified, and nominated her for election to Family Court, Tenth Judicial Circuit, Seat 3.

**The Honorable Tarita A. Dunbar
Family Court, Thirteenth Judicial Circuit, Seat 5**

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Dunbar meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Dunbar was born in 1961. She is 58 years old and a resident of Greenville, South Carolina. Judge Dunbar provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1990.

- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Dunbar.

Judge Dunbar demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

THURSDAY, JANUARY 16, 2020

Judge Dunbar reported that she has not made any campaign expenditures.

Judge Dunbar testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Dunbar testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Dunbar to be intelligent and knowledgeable.

Judge Dunbar reported that she has taught the following law-related courses:

- (a) I have made a presentation at the year-end Greenville County Bar CLE on family law issues.
- (b) I have spoken at a CLE on behalf of the National Business Institute on top mistakes attorneys make in Family Court.
- (c) I have spoken at CLE for lawyers given by Upstate Mediation on various family law issues.
- (d) I have spoken at a CLE for the South Carolina Bar regarding guardian ad litem training.
- (e) I have spoken on behalf of the South Carolina Bar Young Lawyers Division Color of Justice Committee. Answering questions from young lawyers and students regarding the law and a career in the law.
- (f) Spoke at Palmetto Association for Children and Families Annual Conference on how the family and juvenile court system work.

Judge Dunbar reported that she has not published any books or articles.

THURSDAY, JANUARY 16, 2020

(4) Character:

The Commission's investigation of Judge Dunbar did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Dunbar did not indicate any evidence of a troubled financial status. Judge Dunbar has handled her financial affairs responsibly.

The Commission also noted that Judge Dunbar was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Judge Dunbar reported that she is not rated by any legal rating organization.

Judge Dunbar reported that she has not served in the military.

Judge Dunbar reported that she has never held public office other than judicial office.

(6) Physical Health:

Judge Dunbar appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Judge Dunbar appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge Dunbar was admitted to the South Carolina Bar in 1990.

She gave the following account of her legal experience since graduation from law school:

- (a) Lawyer in general practice, mainly family law (1990-1991).
- (b) Director of Research and Legal Counselor on the South Carolina Senate Corrections and Penology Committee. Did legal research, wrote legal memoranda, attended committee meetings, met with different agencies regarding their

THURSDAY, JANUARY 16, 2020

concerns and related concerns to committee members and staff, and spoke at a few events on behalf of Senator (1993-1994).

- (c) Contract Attorney with SC Labor Licensing and Regulation. Advised Board Members of the statues and regulations during hearings. Drafted orders for the Board following a hearing. (2002-03).
- (d) Attorney with Department of Social Services Child Abuse and Neglect. Litigated cases involving the removal of abused or neglected children, vulnerable adults, permanency planning hearings for the family, termination of parental rights and any other matter relating to the family. Usually appeared in court four days a week. (2005-06).
- (e) Attorney with Department of Social Services Child Support Division. Assisted individuals in establishing and collecting child support, assisted families in resolving their disputes regarding visitation, and assisted the noncustodial parents seeking employment. Collaborated with The Fatherhood Coalition about available community resources, employment opportunities and assistance on how best to help the parents to have harmony in their relationship for the benefit of their children. Also, litigated cases involving paternity, modification of child support, establishing child support, whether to suspend or terminate child support, determined who should rightfully receive child support, and any matter relating directly or indirectly to child support, paternity, and custody. (2006-14).
- (f) Elected to the Family Court Bench Thirteenth Judicial Circuit, Seat 5 on February 5, 2014. Make decisions involving custody, alimony, domestic abuse, youth delinquency, name change, divorce, paternity, child support, disobedience of a court order, bench warrants, abused and neglected children, whether an individual is vulnerable, termination of parental rights, division of marital property, visitation, and adoptions. Draft all orders pertaining to self-represented litigants. Sixty-six thousand two hundred ninety-two (66,292) cases have been heard in Greenville County from January 2015 to June 30, 2019. I attend mostly educational conferences. I have accepted every speaking engagement on which I have been asked to participate. I also

THURSDAY, JANUARY 16, 2020

participate on committees which promote practices that assist vulnerable families through the legal system.

Judge Dunbar reported that she has held the following judicial office(s):

Elected to Family Court Thirteenth Judicial Circuit, Seat 5 on February 5, 2014. Term of Office began July 1, 2014 until present.

Judge Dunbar provided the following list of her most significant orders or opinions:

- (a) Klein v. Barrett, Op. No. 5647 (S.C. Ct. App. Filed May 8, 2019).
- (b) Hackett v. Harless, Up. Op. No. 2017-UP-117.
- (c) SC Department of Social Services v. Marroquin, Up. Op. No. 2019-UP-124.
- (d) South Carolina Dept. of Social Services v. Lee, Up. Op. No. 2015-UP-246.
- (e) Smith v. Smith, Op. No. 5597 (S.C. Ct. App. Filed September 19, 2018).

Judge Dunbar has reported no other employment while serving as a judge.

(9) Judicial Temperament:

The Commission believes that Judge Dunbar's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Judge Dunbar to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, and reputation; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee also noted, "Members of the community had nothing but positive things to say about Judge Dunbar. All attorneys, who were interviewed, indicated the candidate has a wonderful temperament and meets the evaluative criteria in most areas. However, some attorneys were critical of her understanding of process and legal principles in Family court. Other attorneys believe she has achieved a much

THURSDAY, JANUARY 16, 2020

higher level of competence due to her hard work and study. Based on our conversations with candidate, the committee believes that she strives to be an excellent Family Court judge.”

Judge Dunbar is married to Vernon Fred Dunbar. She has three children.

Judge Dunbar reported that she was a member of the following bar and professional associations:

- (a) Greenville County Bar;
- (b) National Council of Juvenile Family Court Judges and I serve on two standing committees;
- (c) Commission on the Profession;
- (d) South Carolina Family Court Bench Bar Committee;
- (e) South Carolina Supreme Court Historical Society.

Judge Dunbar provided that she was not a member of any civic, charitable, educational, social, or fraternal organization.

Judge Dunbar further reported:

I grew up without knowing my biological father. My mother never received any financial support from my father nor any governmental assistance. Thus, my mother’s primary role was to provide for the family financially. Emotional support was a luxury we could not afford, but I knew I was loved. This experience has given me a greater understanding and empathy of the plight of many single head of households. This has created my compassion for families and children in crisis. I fully understand the emotional, economic and financial hardship that divorce causes. The custodial parent often has very little time to give the necessary nurturing that a child requires.

Because of the tremendous financial obligations, my mother was too physically and emotionally spent. I understand the child that has grown up in that environment often experience depression, low self-esteem and anxiety. As a result the child will resort to engaging in activities that are not reflective of their true character. I experienced these range of emotions as a child and young adult. My experience has given me the tools to craft

THURSDAY, JANUARY 16, 2020

decisions that best minimize the damaging effects of divorce on parents and their children.

I care deeply for the youth that come before me. I try very hard to make them feel that not only do I care but the flags standing behind me represent the state of South Carolina and its concern for its citizens. I give careful consideration when considering how best to help the youthful offenders become productive citizens in society. Unfortunately, we lack the many mental health and educational programs to ensure success.

My life experience from growing up in a poor, segregated community, and going to a college in an economically advantaged and diversified environment has enable me to relate to every aspect of our society. The litigants in Family Court come from all walks of life and the majority are broken people or in crisis. I possess the legal understanding and practical skills and concern to be an effective, strong and compassionate Family Court Judge.

(11) Commission Members' Comments:

Two affidavits were filed against Judge Dunbar by Ms. Lindsay Sellers and Ms. Cynthia Glenn. The Commission thoroughly reviewed all documents and transcripts while carefully considering the allegations and the nine evaluative criteria provided in statute. At the public hearing, the Commission heard testimony and questioned both complainants, and allowed Judge Dunbar to reply to the allegations.

While the Commission did have some initial concerns about Ms. Sellers appearing pro se during a hearing before Judge Dunbar, an examination of the transcripts of the hearing in question does not appear to support the Ms. Sellers' allegations against Judge Dunbar in this matter. In addition, the appellate court, and not the Commission, is the proper forum to address legal issues.

After thoroughly reviewing both complaints, transcripts and hearing testimony at the public hearing, the Commission does not find a failing on the part of Judge Dunbar in the nine evaluative criteria.

THURSDAY, JANUARY 16, 2020

- (12) Conclusion:
The Commission found Judge Dunbar qualified, and nominated her for re-election to Family Court, Thirteenth Judicial Circuit, Seat 5.

Jean K. McCormick
Family Court, Fourteenth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than three persons apply to fill a vacancy or if the Commission concludes that there are fewer than three candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

For the vacancy for Family Court, Fourteenth Judicial Circuit, Seat 2, two candidates applied for this vacancy. Accordingly, the names and qualifications of two candidates are hereby submitted in this report.

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Ms. McCormick meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. McCormick was born in 1964. She is 55 years old and a resident of Beaufort, South Carolina. Ms. McCormick provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1990.

- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Ms. McCormick.

Ms. McCormick demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

THURSDAY, JANUARY 16, 2020

Ms. McCormick reported that she has made less than \$100.00 in campaign expenditures for postage

Ms. McCormick testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. McCormick testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. McCormick to be intelligent and knowledgeable.

Ms. McCormick reported that she has taught the following law-related courses:

- (a) Instructed and lectured Beaufort County law enforcement and student resource officers during my employment with the Solicitor's Office. (2007-2017)
- (b) Lectured to Beaufort County students regarding the law and juvenile justice. (2007-2017)
- (c) Adjunct Professor at The Technical College of the Lowcountry, 1998 where I taught a variety of courses in the Criminal Law and Paralegal Programs.
- (d) Host and coordinator, continuing legal education accredited Family Court seminar on Juvenile Justice, 1991.

Ms. McCormick reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Ms. McCormick did not reveal evidence of any founded grievances or criminal allegations made against her.

THURSDAY, JANUARY 16, 2020

The Commission's investigation of Ms. McCormick did not indicate any evidence of a troubled financial status. Ms. McCormick has handled her financial affairs responsibly.

The Commission also noted that Ms. McCormick was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

- (5) Reputation:
Ms. McCormick reported that her rating by a legal rating organization, Martindale-Hubbell Top Lawyers of the Lowcountry 2013 & 2014, is 4.4 BV.

Ms. McCormick reported that she has not served in the military.

Ms. McCormick reported that she has never held public office.

- (6) Physical Health:
Ms. McCormick appears to be physically capable of performing the duties of the office she seeks.

- (7) Mental Stability:
Ms. McCormick appears to be mentally capable of performing the duties of the office she seeks.

- (8) Experience:
Ms. McCormick was admitted to the South Carolina Bar in 1990.

She gave the following account of her legal experience since graduation from law school:

- (a) Richland County Public Defender, Attorney, Columbia, South Carolina.
Assistant Public Defender, 1991-1993;
Represented adults and juveniles charged with criminal offenses in the Family, Circuit and Magistrate Courts. I was not involved in the administrative or financial management of the office.

THURSDAY, JANUARY 16, 2020

(b) Beaufort County Public Defender, Attorney, Beaufort, South Carolina.

Assistant Public Defender, 1993-1995;

Represented adults and juveniles charged with criminal offenses in the Family and Circuit Courts. I was not involved in the administrative or financial management of the office.

(c) United States Army Corps of Engineers, Attorney, Savannah, Georgia.

General Attorney, 1995-1996;

Provided legal advice and assistance to a staff of approximately eighty (80) individuals involving difficult and complex legal and factual issues related to the management and disposal of property acquired by the government. Responsibilities included correlating and reviewing evidence of title, appraisals, foreclosure documents, environmental reports, offers to sell, title insurance policies, deeds, closing documents and other pertinent information for legal sufficiency necessary for the acquisition and resale of properties.

Certified transactions as closing officer and approved payment to proper parties. The program acquired 1786 properties from the Charleston area with an acquisition cost of \$131,271,000.00.

(d) Peter L. Fuge, Attorney, Beaufort, South Carolina.

Associate, 1996-1997;

Practice of law and litigation in Family Court. I assisted or handled cases involving divorce, equitable division of property, child custody, adoption, abuse and neglect. I was not involved in the administrative or financial management of the office.

(e) Jean K. McCormick, Attorney at Law, Beaufort, South Carolina.

Sole Practitioner, 1998-2006;

Practice of law and litigation in the Family Court, Common Pleas, General Sessions, and certified Family Court Mediator. Handled all administrative and financial matters to include management of trust accounts.

THURSDAY, JANUARY 16, 2020

(f) State of South Carolina Office of the Solicitor
Fourteenth Judicial Circuit, Attorney, Allendale, Beaufort,
Colleton, Hampton and Jasper Counties, South Carolina.

Assistant Solicitor, 2007-2017;

Practice of law and litigation in Family Court and Circuit Court
where I handled Magistrate Court criminal appeals. I was not
involved in the administrative or financial management of the
office.

(g) Jean K. McCormick, Attorney at Law, Attorney,
Beaufort, South Carolina.

Sole Practitioner, 2017-present;

Practice of law and litigation in Family Court and certified
Family Court Mediator.

Ms. McCormick reported the frequency of her court appearances
during the past five years as follows:

(a) Federal: 0

(b) State: When I worked at the Solicitor's Office (2007-
2017) I appeared before a Family Court Judge at least
twice a week and one (1) full day once a month.

Ms. McCormick reported the percentage of her practice
involving civil, criminal, domestic and other matters during the
past five years as follows:

(a) Civil: 5%;

(b) Criminal: 5%;

(c) Domestic: 20%;

(d) Other: Family Court Juvenile Justice 70%.

Ms. McCormick reported the percentage of her practice in trial
court during the past five years as follows:

(a) Jury: 0%;

(b) Non-jury: 100%.

Ms. McCormick provided that during the past five years she
most often served as sole counsel.

The following is Ms. McCormick's account of her five most
significant litigated matters:

THURSDAY, JANUARY 16, 2020

- (a) In the Interest of John Duncan, 2015-JU-07-190 & 191.
This case involved a juvenile who was charged with Murder and Possession of a Firearm during the commission of a violent crime. The juvenile was 15 years old at the time of the shooting. The juvenile searched for the 17 year old victim found him and shot him in the head at a busy tourist location in front of children and families. I filed a Motion to have jurisdiction transferred to the court of General Sessions. A highly contested Waiver Hearing was held on October 28, 2016 and my Motion was granted. The defendant was eventually tried and found guilty by a jury.

If the defendant remained in Family Court, he would have only remained in custody until his 21st birthday and then released with no supervision.

- (b) John Doe #1 vs. Beaufort County School District; The Beaufort County Board of Education; Boys and Girls Clubs of the Lowcountry and Boys & Girls Clubs of America. 2004-CP-07-791; John Doe #2 vs. Beaufort County School District; The Beaufort County Board of Education; Boys and Girls Clubs of the Lowcountry and Boys & Girls Clubs of America. 2004-CP-07-792; John Doe #3 vs. Beaufort County School District; The Beaufort County Board of Education; Boys and Girls Clubs of the Lowcountry and Boys & Girls Clubs of America. 2004-CP-07-793; John Doe #4 vs. Beaufort County School District; The Beaufort County Board of Education; Boys and Girls Clubs of the Lowcountry and Boys & Girls Clubs of America. 2004-CP-07-794; John Doe #5 vs. Beaufort County School District; The Beaufort County Board of Education; Boys and Girls Clubs of the Lowcountry and Boys & Girls Clubs of America. 2004-CP-07-795; John Doe #6 vs. Beaufort County School District; The Beaufort County Board of Education; Boys and Girls Clubs of the Lowcountry and Boys & Girls Clubs of America. 2004-CP-07-796. I represented a licensed clinical psychologist who had been subpoenaed to provide testimony and produce

THURSDAY, JANUARY 16, 2020

records of any individual she may have treated who was a victim of a teacher who was charged with molesting 6 students. My client was willing to cooperate, but the victims had not given her their authorization.

I was able to protect my client and the confidentiality of her patient's records

- (c) Records have been sealed, 1999-DR-07-____ & _____. I was selected to serve as the private guardian ad litem for the children in this matter. The family was very wealthy and the husband was a _____ in Beaufort. The party's children were very vocal regarding their wishes. Due to a number of concerning issues, I made a motion for a Family Psychological/Custody Evaluation which was ordered by consent agreement. I called the Psychologist as an expert witness during the weeklong trial. A motion was made by one of the parties requesting that the children be appointed an attorney to represent them in the Divorce, Custody and Separate Maintenance action.

This was a very complex case dealing with equitable distribution, custody, child support and the novel issue of whether children are entitled to their own attorney in their parent's divorce and custody action.

- (d) In the Interest of _____. 1995-JU-07____. This case involved a motion by the defendant to vacate a juvenile adjudication for lack of subject matter jurisdiction for Criminal Sexual Conduct 1st degree. The novel issue was that the motion was made 18 years after the adjudication. The defendant was 13 years old at the time of the offense and the victim was 6 years old. At the time of the motion the defendant was 32 years old and the victim 24.

I had to locate the victim in this case and she had to relive the assault which was very traumatic for her. I presented a memorandum on this issues and successfully argued my position and the Motion was denied.

- (e) John & Mary Doe, petitioners, In re: Baby Girl, an infant under one year of age. 2017-DR-07-___. I was appointed to serve as the guardian ad litem for the baby girl in this contested adoption case. The Adoptive parents resided in Texas and the baby girl was born in South Carolina. Her mother signed a consent to adopt without the father's knowledge and alleged that she did not know how to locate him. Prior to the adoption hearing it was discovered that father had registered with the Responsible Father Registry. He was located and contested the adoption.

I actively participated in the Deposition of the father. I believe it was the consensus of the attorneys that as a result of my gentle questioning of the father that the parties were able to amicably come to an agreement that was in the best interest of the child.

Ms. McCormick reported that she has not personally handled any civil appeals.

The following is Ms. McCormick's account of criminal appeals she has personally handled:

I handled Magistrate Court criminal appeals for the Solicitor's Office for 9 years. I appeared in the Circuit Court and before The Beaufort Master in Equity. I cannot recall the case names but handled a wide variety of appeals involving traffic offenses, criminal domestic violence, driving under the influence, boating under the influence and illegal shrimping.

- (9) Judicial Temperament:
The Commission believes that Ms. McCormick's temperament would be excellent.
- (10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Ms. McCormick to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and

THURSDAY, JANUARY 16, 2020

“Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee also commented, “Highly qualified, good range of experience in family court.”

Ms. McCormick is married to Harvey Wilson McCormick, III. She has three children.

Ms. McCormick reported that she was a member of the following bar and professional associations:

- (a) South Carolina Bar Association
- (b) Beaufort County Bar Association
- (c) Woman Lawyers Association
- (d) Certified Family Court Mediator

Ms. McCormick further reported:

I knew that I wanted to be a lawyer in the 8th grade and I worked hard to get into the University of South Carolina School of Law. When I entered law school my goal was to help others. Most of my legal career has been in public service.

I have had the opportunity to practice on both sides of the law, by serving as a public defender and prosecutor. I think that opportunity will assist me in being a fair and understanding judge.

I am aware and I have witnessed that in divorce and child custody cases the parties are usually at their very worst. This is usually traumatic on the children. I have represented Women and Men in divorce and custody actions. I have served as the Guardian ad litem for children of all ages from infants to 17 year olds in custody actions. I have the knowledge and perception from all sides of a divorce case which will result in me being a patient and fair judge.

I have prosecuted and defended juveniles in Family Court. Unfortunately, I have been the parent of a child who was the victim of an assault and appeared in Family Court. I have truly been on all sides of a juvenile court case in family court.

THURSDAY, JANUARY 16, 2020

I left the Solicitor's Office in 2017 and since then I have been practicing law part-time serving as guardian ad litem in private custody cases. My priority has always been my husband and my 3 children. My 3rd child will be leaving home in August to attend The Citadel. This is the perfect time in my life to achieve my goal of being appointed to the Family Court.

I believe that I have handled every type of case that comes before a Family Court Judge and I have the knowledge, the ability and the passion to be become a great judge.

- (11) Commission Members' Comments:
The Commission commented that Ms. McCormick has garnered a wealth of knowledge and experience to be a Family Court judge, and is qualified to serve on the Family Court bench.
- (12) Conclusion:
The Commission found Ms. McCormick qualified, and nominated her for election to Family Court, Fourteenth Judicial Circuit, Seat 2.

**The Honorable Douglas L. Novak
Family Court, Fourteenth Judicial Circuit, Seat 2**

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than three persons apply to fill a vacancy or if the Commission concludes that there are fewer than three candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

For the vacancy for Family Court, Fourteenth Judicial Circuit, Seat 2, two candidates applied for this vacancy. Accordingly, the names and qualifications of two candidates are hereby submitted in this report.

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Novak meets the qualifications prescribed by law for judicial service as a Family Court judge.

THURSDAY, JANUARY 16, 2020

Judge Novak was born in 1968. He is 52 years old and a resident of Bluffton, South Carolina. Judge Novak provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1993.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Novak.

Judge Novak demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Novak reported that he has not made any campaign expenditures.

Judge Novak testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Novak testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Novak to be intelligent and knowledgeable.

Judge Novak reported that he has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

Judge Novak reported that he has not published any books or articles.

THURSDAY, JANUARY 16, 2020

(4) Character:

The Commission's investigation of Judge Novak did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Novak did not indicate any evidence of disqualifying financial issues.

The Commission also noted that Judge Novak was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Judge Novak reported that his last available rating by a legal rating organization, Martindale-Hubbell, was AV Preeminent.

Judge Novak reported that he has not served in the military.

Judge Novak reported that he has never held public office other than judicial office.

(6) Physical Health:

Judge Novak appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Novak appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Judge Novak was admitted to the South Carolina Bar in 1993.

He gave the following account of his legal experience since graduation from law school:

- (a) Aiken County Public Defender, 12/15/93-1/15/95
Special Grant Attorney
Assigned to the representation of juveniles in Family Court adjudications.
- (b) Solicitor's Office, Second Judicial Circuit, 1/15/95-1/5/97

THURSDAY, JANUARY 16, 2020

Assistant Solicitor

Assigned to full caseload throughout counties in the circuit, in addition to prosecution of juvenile delinquency adjunctions in the Family Court.

- (c) Office of the Governor, 1/6/97-1/5/99

Legal Counsel to the Governor

Served as executive counsel to the Governor including staffing proposed legislation, extraditions, capital case reviews, liaison work with the South Carolina Congressional Delegation and federal agencies associated with the Savannah River Site complex, in addition to representing the State on a number of environmental boards and commissions.

-Low-Level Nuclear Waste Forum -Hazardous Waste Management Select Oversight Committee -South Carolina Natural Resource Trustee -South Carolina Aquatic Plant Management Council -South Carolina Geological Mapping Advisory Committee

-South Carolina Procurement Review Panel

- (d) Montgomery, Patterson, Potts & Willard, LLP, 1/15/99-1/15/01

Partner

General practice law firm with a primary focus on domestic relations, personal injury and corporate litigation.

- (e) Solicitor's Office, Ninth Judicial Circuit, 1/15/01-8/15/04

Assistant Managing Solicitor

Assigned to administration of two (2) county office within circuit, including personnel, budget, grant development and oversight, and department liaison work. Also assigned a caseload for prosecution through trial, diversion and negotiated pleas.

- (f) Novak and Novak, LLC, 8/15/04-9/1/05

Associate

General practice law firm with a primary focus on municipal representation, real estate, domestic relations and civil litigation.

- (g) Vaux & Marscher, P.A., 9/1/05-6/15/09

Senior Litigator

General practice law firm with a primary focus on criminal defense, civil litigation and domestic relations. In addition,

THURSDAY, JANUARY 16, 2020

assigned management of firm litigation team and support staff.

- (h) The Novak Law Group, LLC, 7/15/09-present
Attorney
General practice law firm with a primary focus on domestic relations, guardian ad litem work, and extensive practice as a Certified Family Court Mediator. Practice includes the management and oversight of general operating and client trust accounts.
- (i) Beaufort County Magistrate Court, 7/2/12-present
Magistrate
Associate Chief Magistrate, 6/25/18-present
Part-time county Magistrate handling civil and criminal matters (jury and non-jury matters), evictions, restraining orders and bond hearings. In addition, staffed with management of judicial clerks, case/hearing scheduling, roster meetings, processing continuance requests and orders of protection, scheduling trials, and civil/criminal docket management.

Judge Novak reported the frequency of his court appearances prior to his service on the bench as follows:

- (a) Federal: N/A
- (b) State: Two – Three times / month as a practicing Attorney
Three – Four times / week as a Magistrate

Judge Novak reported the percentage of his practice involving civil, criminal, domestic and other matters prior to his service on the bench as follows:

- (a) Civil: 5%
- (b) Criminal: 0%;
- (c) Domestic: 95%;
- (d) Other: 0%.

Judge Novak reported the percentage of his practice in trial court prior to his service on the bench as follows:

- (a) Jury: 0%
- (b) Non-jury: 100%.

THURSDAY, JANUARY 16, 2020

Judge Novak provided that during the past five years prior to his service on the bench he most often served as sole counsel.

The following is Judge Novak's account of his five most significant litigated matters:

(a) Walls v. Kitto (2017, Beaufort County Family Court)

I was appointed by the Family Court to serve as the guardian ad litem in this case for two (2) minor children. The parties were previously divorced with the Mother retaining primary custody of the minor children in South Carolina, and the Father having secured visitation with his new family in the State of New Jersey. The action was filed by the Father to secure out-of-state custody of the minor children based on developments in the children's life in South Carolina and alleged interference with his relationship with them. The case was particularly significant in that one of the two minor children is processing significant gender identity issues and the parents were at odds over how to handle and support the minor child through the process. Further complicating the case was the fact that the Father was not the natural father of the minor child facing the personal issues and this fact was unknown to the minor child. While the case is not yet settled with finality, it appears that a great deal of investigations, out-of-state home visits, work with the parents, counselors, extended family and school officials has successfully addressed what developed as a very real crisis, and the parties have found an avenue to productively co-parent the minor children.

(b) Heditiniemi v. Heditiniemi (2011, Beaufort County Family Court)

I was appointed to serve as the guardian ad litem in this case for three (3) minor children. The parties were previously separated with the Mother retaining primary custody of the minor children in South Carolina, while the Father was employed and residing in the District of Columbia. The action was filed by the Father for a divorce and for custody of the minor children alleging abuse and neglect. The case was significant in that the

THURSDAY, JANUARY 16, 2020

Father was seeking to have the Family Court remove the minor children from the admitted primary custodial parent and allow them to be relocated to another jurisdiction. The case required extensive investigation, work with school officials, law enforcement, counselors and testimony at the multi-day trial of the issues before the Family Court. Based on the investigation and testimony provided to the Court, the Judge determined the best interest of the children were best served by awarding custody to the Father and allowing for the relocation of all three (3) minor children out of the State of South Carolina.

- (c) Evans v. Moses (2010, Beaufort County Family Court)
I was retained to represent the interest of the Mother of two (2) minor children who had been previously divorced in the State of Louisiana, and wherein the Father had been named the primary domiciliary parent, subject to my client's visitation rights. Several years later the parties orally agreed to amend the original determination and the minor children began living with her on a full-time basis in South Carolina where the Mother had relocated. Once the Mother had inquired of the Father regarding the formalization of the custody arrangement the parties became entangled in a custody battle where each demanded the minor children reside with them in South Carolina or Louisiana respectively. The case was significant in that simultaneously with my filing of an action with the South Carolina Family Court to confirm the parties' custody arrangement, the Father filed an action in the Louisiana Family Court to enforce the previously issued (original) Order of custody and visitation. The case required extensive research and utilization of the Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA) to initially successfully litigate and secure jurisdiction, and then the eventual negotiation with Louisiana counsel to mediate a mutually acceptable settlement agreement and dismissal of the Louisiana action.
- (d) Johnathon Lilly v. Home Depot USA (2009, United States District Court, District of South Carolina)

THURSDAY, JANUARY 16, 2020

I served as lead counsel in this personal injury action that was originally filed in the South Carolina Court of Common Pleas seeking damages for injuries sustained by a firm client while conducting business within a local Home Depot store. Home Depot quickly moved to have the case transferred to federal court and the case was litigated and tried in that forum. The case was significant in that it required a high level of technical development through medical forensics and treatment documentation to establish the accident, resulting injury and the ultimate amortization of damages. The case was further complicated by a countervailing allegation of drug use and illicit criminal activity. In addition, the case was presented to a federal jury and included the development of a claim for the client's spouse for a loss of consortium. This claim was attacked by the Defendant with an assault on the basis of the validity of the common law marriage which required extensive research and litigation over the application of South Carolina legal authority within the trial of the overall personal injury case.

- (e) State of South Carolina v. Johnny Philipp Sweat (2001, South Carolina Court of General Sessions)

I served as the assigned Solicitor for the prosecution of this case on behalf of the state. The Defendant was charged with a number of crimes for home invasion involving his estranged family and independent victims. The case was complicated by the fact that the estranged wife of the Defendant was terrified to testify against him and had her own criminal background to contend with once confronted with cross examination on the stand. Likewise, the independent witness/victims in the home during the crime had a criminal history that the defense called into question in attempting to impugn their credibility on the witness stand. The case was significant in that the Defendant and his estranged wife's three (3) minor children were also in the home during the invasion and resulting assault. The state had to establish a basis for the minor children's testimony, extensively prepare them for the actual live testimony and navigate the presentation of the evidence to the jury

THURSDAY, JANUARY 16, 2020

in front of the Defendant/Father. The jury ultimately returned a guilty verdict and the Defendant was sentenced to twenty (20) years in the state department of corrections for Assault and Battery with Intent to Kill, two (2) counts of Assault and Battery of a High and Aggravated Nature, and Burglary First Degree.

The following is Judge Novak's account of two civil appeals he has personally handled:

- (a) Brown v. Stewart, South Carolina Court of Appeals, November 19, 2001
- (b) Brown v. Stewart, 348 S.C. 557, 557 S.E.2d 676 (S.C. App. 2001)

Judge Novak reported that he has not personally handled any criminal appeals.

Judge Novak reported that he has held the following judicial office(s):

- (a) Beaufort County Magistrate (part-time), 7/2/12-present
- (b) Appointed by the Governor / Advice and consent of the South Carolina Senate
- (c) Criminal: Up to \$500.00, and/or up to thirty (30) days in jail
Civil: Up to \$7,500.00 in controversy
- (d) Beaufort County Associate Chief Magistrate, 6/25/18-present
- (e) Appointed by Chief Justice Donald W. Beatty, South Carolina Supreme Court

Judge Novak reported the following regarding his employment while serving as a judge:

- (a) Private practice of law while serving as a part-time Magistrate.

(9) Judicial Temperament:

The Commission believes that Judge Novak's temperament has been, and would continue to be, excellent.

THURSDAY, JANUARY 16, 2020

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications found Judge Novak to be “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and “Qualified” in the evaluative criteria of constitutional qualifications, physical health and mental stability. The report also stated, “Very well qualified, very personable, projects well, caring, energetic, PLUS experience as a judge--super candidate.”

Judge Novak is married to Erin K. O’Donnell. He has one child.

Judge Novak reported that he was a member of the following bar and professional associations:

- (a) South Carolina Bar Association
- (b) Beaufort County Bar Association
- (c) Hilton Head Island Bar Association

Judge Novak provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Southern Beaufort County Corridor Beautification Committee, Chairman
 - (b) Port Royal Historic Review Commission
 - (c) St. Gregory the Great Pastoral Council
 - (d) St. Vincent’s Academy Grounds Beautification Commission
 - (e) The Gamecock Club
 - (f) RBC Heritage Golf Tournament, Practice Are Marshall, Co-Chairman
 - (g) South Carolina Bar, Fourteenth Circuit, Pro-Bono Board
 - (h) South Carolina Bar, Mock Trial Competition, Judge
 - (i) South Carolina Bar, Beaufort County, Fee Arbitration Board
-
- (a) The Order of the Palmetto
 - (b) Eagle Scout, Boy Scouts of America
 - (c) Certified Family Court Mediator
 - (d) Finalist for “Best Law Firm” (The Sun Today, 2019)
 - (e) Bluffton’s “Best Attorney” (Bluffton Today, 2012), nominee 2012-present

THURSDAY, JANUARY 16, 2020

(f) Beaufort's "Favorite Attorney" (The Island News, 2010)

Judge Novak further reported:

I am a firm believer that every individual is a creature of his or her own experiences. In that respect, I think both the breadth and depth of my personal and professional experience will provide me with the necessary tools to effectively serve our state on the Family Court Bench. My career to date has included a great deal of direct experience in the Family Courts of this state from the defense and prosecution of juvenile adjudications, to the more traditional representation of adult clients in divorce, division of property and custody actions. For the past many years, I have also had the opportunity to serve as a guardian ad litem on a regular basis, and to mediate hundreds of cases within the Family Court system. I firmly believe all of these experiences will provide an excellent foundation for the rigors and technical experience required of the Family Court Bench.

At the same time, I have had the opportunity to serve at the highest levels of state government, practiced law in both the firm and solo settings, and have been presiding over criminal and civil cases in the Beaufort County Magistrate Court for the past seven (7) years. On the personal side, I have been married for twenty-four (24) years and have a twenty-one (21) year old daughter who has just graduated Magna Cum Laude with Leadership Distinction from the University of South Carolina. I believe all of this 'experience', both professional and personal, ground me as a person, guide me as an Attorney, and will continue to inspire me as a Judge.

(11) Commission Members' Comments:

The Commission commented that Judge Novak is well regarded among his peers, especially in his capacity as a magistrate judge, and is a very active mediator in the area of family law. They noted that his experience and his demeanor would serve him well should he be elected to the bench.

THURSDAY, JANUARY 16, 2020

- (12) Conclusion:
The Commission found Judge Novak qualified, and nominated him for election to Family Court, Fourteenth Judicial Circuit, Seat 2.

The Honorable Ronald R. Norton
Family Court, Fifteenth Judicial Circuit, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Norton meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Norton was born in 1952. He is 67 years old and a resident of Murrells Inlet, South Carolina. Judge Norton provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1977.

- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Norton.

Judge Norton demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Norton reported that he has not made any campaign expenditures.

Judge Norton testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

THURSDAY, JANUARY 16, 2020

Judge Norton testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

- (3) Professional and Academic Ability:
The Commission found Judge Norton to be intelligent and knowledgeable.

Judge Norton reported that he has taught the following law-related courses:

- (a) Lectured at the annual Horry County Bar Association Seminar on family court rules and the rules of civil procedure which are applicable to the family court. 2008 to the present.
- (b) New Family Court Judges Orientation School - I spoke to the newly elected judges on the experiences of a first year judge. April, 2009.
- (c) New Family Court Judges Orientation School - I spoke to the newly elected judges on substantive and procedural issues in 2018 and served as chairman elect. I serve as chairman of the three day orientation in 2019. I plan to continue to serve as chairman of the New Family Court Judges Orientation School.
- (d) South Carolina Association for Justice - I lectured at the Family Court seminar on how to practice in family court. August, 2009.
- (e) Family Court Bench Bar Seminar - I lectured on procedures for mediating cases. December, 2011.
- (f) Judicial Observation and Experience Program - I have law students sit with me for two weeks each summer to observe family court cases.
- (g) I taught paralegal classes on family law at Horry Georgetown Technical College prior to being elected to the Family Court bench.

Judge Norton reported that he has not published any books or articles.

THURSDAY, JANUARY 16, 2020

(4) Character:

The Commission's investigation of Judge Norton did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Norton did not indicate any evidence of a troubled financial status. Judge Norton has handled his financial affairs responsibly.

The Commission also noted that Judge Norton was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Judge Norton reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV.

Judge Norton reported that he has not served in the military.

Judge Norton reported that he has never held public office other than judicial office.

(6) Physical Health:

Judge Norton appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Norton appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Judge Norton was admitted to the South Carolina Bar in 1977.

He gave the following account of his legal experience since graduation from law school:

- (a) Upon graduating from law school in 1977, I began my legal career with the law firm of Harvey, Battey, Macloskie & Bethea, P.A. I was employed at their satellite office located on Hilton Head Island. Their main location was Beaufort, South Carolina. The practice was a general practice with the Hilton

THURSDAY, JANUARY 16, 2020

Head Island office concentrating on real estate transactions as well as contract and construction litigation. As an associate, I assisted the partners in these areas. Approximately one year after becoming employed with this firm, the offices split with the Hilton Head Island office becoming the law firm of Bethea, Jordan & Griffin, P.A. This firm continued to focus and concentrate on legal matters as mentioned above. I became a partner in the firm in 1983 with my practice focusing primarily in contract and construction litigation. I began developing a family law practice at this time.

- (b) In 1985 I relocated to Garden City, South Carolina and formed a partnership with Robert J. Barber. The firm was known as Barber and Norton, P.A. Mr. Barber handled real estate transactions for the firm and I handled litigation.
- (c) In 1986 I joined the firm of Cross, Singleton & Burroughs, P.A. in Conway, South Carolina. The firm became known as Cross, Singleton, Burroughs & Norton, P.A. Here I continued to deal with real estate issues but also focused on civil litigation and began to direct my focus primarily on family law.
- (d) In 1994 I joined the firm to be known as Walker, Brehm & Norton, P.A. where I was a partner. In this office I dealt primarily with family court matters although I assisted the other partners in real estate and civil litigation.
- (e) In 1997 I decided to leave the firm and become a sole practitioner. The law firm was known as The Law Firm of Ronald R. Norton, LLC. My office concentrated on family law issues with approximately 80% of the practice directed to that area. The firm did not engage in the practice of criminal law other than representing juveniles. In 2005 I took a position as a part-time assistant prosecutor with the city of Myrtle Beach. This was in addition to maintaining my law practice. As a part-time prosecutor I prosecuted traffic and misdemeanor cases.
- (f) In 2008 I was elected to the Family Court and have been serving as a Family Court Judge since.

Judge Norton provided that during the past five years prior to his service on the bench he most often served as sole counsel.

Judge Norton reported that he has held the following judicial office(s): In 2008 I was elected to the Family Court, Fifteenth

THURSDAY, JANUARY 16, 2020

Judicial Circuit, Seat 3. I have been serving from 2008 to the present.

Judge Norton provided the following list of his most significant orders or opinions:

- (a) Brown vs. Baby Girl Harper, 410 S.C. 446, 766 S.E.2nd 375 (2014). This was an adoption case. The South Carolina Supreme Court affirmed holding substantial compliance statute requiring birth mother's consent to adoption could not cure failure to comply with the execution requirements, and transfer of custody from adoptive mother to birth mother was in the child's best interest.
- (b) Leverne Bazen and Pansy Bazen vs. Tammie Bazen, 2016-DR-26-1925, Case is on appeal to the South Carolina Supreme Court 2018 – 000337. Paternal grandparents were granted visitation with grandchildren. The biological father was deceased. Mother filed an appeal objecting to the granting of grandparent visitation.
- (c) Vieux vs. Vieux, 2012-UP-425, (Ct.App.2012), 2012 WL 10862436. The Court of Appeals affirmed the family court's order declining to hold the defendant in willful contempt.
- (d) Gordon vs. Gordon, 2017-UP-276, (Ct.App.2017), Appellate Case No. 2015-002222, 2017 WL 4786431. The Court of Appeals affirmed the family court's equitable division of the marital estate.
- (e) Militano-Catanzaro vs. Catanzaro, 2016-UP-018, (Ct.App.2016), Appellate Case No. 2011-197967, 2016 WL 245058. The Court of Appeals affirmed the family court's ruling that the plaintiff was not entitled to alimony, attorney's fees and guardian ad litem fees and was not entitled to a change in the method of the child support award.

Judge Norton has reported no other employment while serving as a judge.

Judge Norton further reported the following regarding unsuccessful candidacies:

Prior to being elected to the Family Court, I offered as a candidate for the Board of Trustees for Coastal Carolina

THURSDAY, JANUARY 16, 2020

University. I withdrew my candidacy when it became obvious I could not receive enough votes to be elected.

(9) Judicial Temperament:

The Commission believes that Judge Norton's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Judge Norton to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional, and academic ability, character, reputation, experience, and judicial temperament. The Committee stated in summary, "Judge Norton has the reputation of a hard-working, kind, good-hearted judge who loves his job."

Judge Norton is married to Sarah Lane Dowling Norton. He has two children.

Judge Norton reported that he was a member of the following bar and professional associations:

- (a) South Carolina Bar Association - 1977 to present
- (b) Horry County Bar Association - 1985 to present
- (c) Coastal Inn of Court - Master

Judge Norton provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
Coastal Inn of Court - Master

Judge Norton further reported:

I am honored to have been appointed to serve on the committees listed below. It is humbling to know those who have placed me in the position of being a member and chairman believe I have the ability to serve. I will work hard to gain and maintain their trust.

- (a) Chairman South Carolina Family Court Advisory Committee
- (b) Chairman South Carolina Family Court New Judges Orientation School

THURSDAY, JANUARY 16, 2020

- (c) Chairman South Carolina Family Court Bench Bar Committee
- (d) Co-chairperson Supreme Court Docket Management Committee, Family Court
- (e) Past President, South Carolina Conference of Family Court Judges
- (f) Member Alternate Dispute Resolution Committee
- (g) Member - Coastal Inn of Court - Master

It is an honor to serve as a Family Court Judge. I have always tried to be fair, honest, professional and compassionate. I appreciate the difficulties facing those appearing before me. I am committed to the position and will continue to work hard.

(11) Commission Members' Comments:

The Commission commented that Judge Norton enjoys a great reputation among parties and attorneys who regularly appear in front of him. They commended him on his temperament and work ethic, which have ably served him in discharging his responsibilities on the Family Court bench.

(12) Conclusion:

The Commission found Judge Norton qualified, and nominated him for re-election to Family Court, Fifteenth Judicial Circuit, Seat 3.

**Kimaka (Kim) Nichols-Graham
Family Court, At-Large, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Nichols-Graham meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Nichols-Graham was born in 1972. She is 47 years old and a resident of Greenville, South Carolina. Ms. Nichols-Graham provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1998.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Nichols-Graham.

Ms. Nichols-Graham demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Nichols-Graham reported that she has not made any campaign expenditures.

Ms. Nichols-Graham testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Nichols-Graham testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Nichols-Graham to be intelligent and knowledgeable.

Ms. Nichols-Graham reported that she has taught the following law-related courses:

- (a) I presented a session on representing low income students and parents in school law to legal services agencies for South Carolina Appleseed Legal Justice Center on October 11, 2001.
- (b) I presented a session on representing low income families in school law at the South Eastern Project Directors Association for directors of legal service agencies on July 15, 2002.

THURSDAY, JANUARY 16, 2020

- (c) I presented a session on monitoring re-segregation and protecting the poor for legal service lawyers at the National Legal Aid and Public Defender Substantive Law Conference on July 25, 2002.
- (d) I presented a session on the overview of a school law practice to legal services and pro bono attorneys for South Carolina Appleseed Legal Justice Center on August 12, 2004.
- (e) I presented a session on DSS Court Appointments and Defense Pointers to lawyers at the South Carolina Black Lawyers Association Retreat on October 22, 2004.
- (f) I presented a session on parent rights in school discipline procedures to legal services and pro bono attorneys for South Carolina Appleseed Legal Justice Center on February 24, 2006.
- (g) I presented a session on school discipline and special education discipline to lawyers in the Nelson Mullins Riley & Scarborough Education Pro Bono Project Training on August 10, 2006.
- (h) I presented a session on students still having due process rights to school administrators, professors, and attorneys at the Education Law Association's Annual Conference on October 22, 2009.
- (i) I have presented several sessions to attorneys and staff on education law at SC Legal Services' Statewide Meetings and in-house education task force meetings.
- (j) I presented a session on working with students experiencing bullying to attorneys at the South Carolina Appleseed Legal Justice Center's Education Law Training on March 9, 2012.
- (k) I presented a session called balancing the scales of justice on representing students in education law cases for the South Carolina Bar on August 8, 2014
- (l) I presented a session called expulsion case pointers to provide practice tips for South Carolina Appleseed Legal Justice Center in October of 2014.
- (m) I presented a session on school discipline law at the South Carolina Bar Convention on January 24, 2015.
- (n) I presented a legal education session on adding school law to your private law practice at the South Carolina

THURSDAY, JANUARY 16, 2020

Black Lawyers Association Conference on September 18, 2015.

- (o) I presented a session on education law updates and developments at the South Carolina Legal Services Conference on November 19, 2015.
- (p) I presented a session to the juvenile public defenders in South Carolina on the school to prison pipeline at the South Carolina Public Defender Association on November 23, 2015.
- (q) I presented a session on forming partnerships to achieve equal educational opportunities for the South Carolina Appleseed Legal Justice Center on January 15, 2016.
- (r) I presented a session at the South Carolina Bar Convention on the rights of single fathers in adoption cases on January 23, 2016.
- (s) I presented a session on victim's rights in education at the Victim's Rights Conference on April 20, 2016.
- (t) I co-presented a session on practical legal issues at the School to Prison Pipeline: Children with Disabilities seminar on June 24, 2016.
- (u) I co-presented a session on how legal services can partner with public schools at the SC School Board Association's Summer Conference on August 20, 2017 in Myrtle Beach, South Carolina.
- (v) I presented a session on children with special needs in family court at the Greenville Bar Annual CLE in February 2018.
- (w) I presented a lecture on special education law and section 504 accommodation plans to school based mental health workers to increase school safety in Sumter on May 11, 2018.
- (x) I presented a course on family and school law to guidance counselors for the USC School of Law Children's Law Office in Columbia, SC on June 11, 2018.
- (aa) I presented a session at the SC BAR Convention on January 19, 2019 on school safety as it relates to the Dangers and Disruptions: Critical Issues Facing South Carolina Youth.
- (bb) I have presented several law related courses on divorce to self-represented litigants in Greenville, Pickens,

THURSDAY, JANUARY 16, 2020

Anderson, and Oconee counties, the last of which was presented on July 13, 2019 in Oconee County.

Ms Nichols-Graham states that she completed this list to the best of her ability and has provided numerous law related education courses to the public and for in-house legal education training sessions.

(4) Character:

The Commission's investigation of Ms. Nichols-Graham did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Nichols-Graham did not indicate any evidence of a troubled financial status. Ms. Nichols-Graham has handled her financial affairs responsibly.

The Commission also noted that Ms. Nichols-Graham was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Nichols-Graham reported that she is not rated by any legal rating organization.

Ms. Nichols-Graham reported that she has not served in the military.

Ms. Nichols-Graham reported that she has never held public office.

(6) Physical Health:

Ms. Nichols-Graham appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Nichols-Graham appears to be mentally capable of performing the duties of the office she seeks.

THURSDAY, JANUARY 16, 2020

(8) Experience:

Ms. Nichols-Graham was admitted to the South Carolina Bar in 1998.

She gave the following account of her legal experience since graduation from law school:

The Legal Services Agency of Western Carolina was a regional legal services agency that merged with other regional providers of civil legal services for low income families in South Carolina to create a statewide law firm named The South Carolina Centers for Equal Justices Legal Services on December 31, 2001. Years later the corporate name changed to South Carolina Legal Services. I was hired by the Legal Services Agency of Western Carolina on November 16, 1998 and it had three offices in Greenville, Anderson, and Greenwood with less than ten attorneys. I am currently employed by South Carolina Legal Services, a statewide law firm with nine offices across the state with at least fifty attorneys.

Legal Services Agency of Western Carolina, Inc. (LSAWC).
Greenville, South Carolina.

(a) Staff Attorney. Provided general law practice and community education in housing, probate, and family law cases. My caseload was ninety percent family law. The office served Greenville and Pickens Counties. November 1998 to September 1999.

(b) Children's Law Attorney. I practiced law for low income families but tried to focus primarily on adoptions, termination of parental rights, children's social security cases and on developing a practice in special education advocacy and school discipline cases. During this time, my case load was primarily divorce, custody, child support, and other cases that involved disputes or legal issues pertaining to children. LSAWC had offices located in Greenville, Anderson, and Greenwood serving clients in Greenville, Pickens, Anderson, Oconee, Greenwood, Edgefield, and McCormick Counties. I monitored the adoption and termination of adoptions files that attorneys were

THURSDAY, JANUARY 16, 2020

working on in each of these offices, created a step by step guide for how to do these cases without missing procedural or substantial steps in the process, shared sample pleadings, and provided reports to the Executive Director on the cost and status of every open adoption and termination of parental rights case at LSAWC. September 1999 until December 31, 2001.

South Carolina Legal Services. Greenville, South Carolina.

- (a) Staff Attorney II. I provided civil legal services to low income individuals and families through direct client representation and by providing community education seminars. I primarily practiced family law in Greenville and Pickens Counties until the Anderson Office closed. My cases included divorce, custody, school discipline, special education, special needs relative adoptions, bankruptcy, credit card defense, and children social security appeals. I appeared before school boards, in Magistrate's Court, in Family Court, the Court of Common Pleas, Court of Appeals, and in the U. S. Bankruptcy Court. I served as a staff attorney except for brief periods of time when I was the Acting Managing Attorney until I was promoted to the Managing Attorney position. Permanent Full Time Position. January 1, 2002 to April 2013.

i. Forms and Standardization Committee. 2000-2001, 2005-2006.

Appointed by the Executive Director of a regional legal services program to travel to Columbia and meet with attorneys from other legal service programs in South Carolina to develop standard forms that could be used shortly after we began centralized intake. Continued to serve on this committee when it resumed operations after the regional legal services programs merged. The result is the comprehensive standardization book with intake questionnaires, letters, and administrative forms.

ii. Employee Evaluation Committee. 2005.

THURSDAY, JANUARY 16, 2020

Appointed by the Executive Director to serve on a committee for the Director of Human Resources to create employee evaluations. Traveled to Columbia to meet with staff members from across the state to determine which positions needed an evaluation and developed the core performance evaluation that South Carolina Legal Services still uses.

iii. New Attorney Training Protocol Committee. 2007.

Appointed by the Executive Director to a committee to develop a protocol for new attorneys to provide support and retain attorneys hired during their first year of practice. Served as a staff attorney with considerable experience. Traveled to Columbia for the committee meetings to develop the protocol.

(b) Education Unit Head. Leads the education unit, seeks local funding when possible, trains legal service attorneys across the state in representing students in the public education system, teaches parents how to advocate for children, responds to requests for training from community groups, and operated the Greenville County United Way's Securing Public-School Opportunities Program. Education cases included special education, school discipline, 504 accommodation plans, school enrollment, and homeless student education cases throughout South Carolina providing representation before local hearing officers, School Boards, the South Carolina Department of Education, the United States Department of Education, the Court of Common Pleas, and the South Carolina Court of Appeals. This is an additional leadership position. March 2003 to present.

(c) Acting Managing Attorney. Supervised six attorneys, two paralegals, and three support staff. Assigned cases, supervised legal work, handled personnel issues, and participated on management team while the Managing Attorney was on extended leave. I assisted in setting up and staffing a satellite office in Anderson. Included

THURSDAY, JANUARY 16, 2020

supervising petty cash and trust accounts and monthly account reconciliations. September 24, 2007 through December 31, 2007.

- (d) Acting Managing Attorney. Supervised five full time attorneys, three contract attorneys, one volunteer attorney, three support staff employees, and a satellite office. Reviewed emergency intakes, assigned cases, supervised legal work, handled personnel issues, and provided other managerial duties while the Managing Attorney was on extended leave. Included supervising petty cash and trust accounts and monthly account reconciliations. August 26, 2009 through November 24, 2009.
- (e) Managing Attorney (Greenville). Responsible for the provision of civil legal services in Anderson, Greenville, Pickens, and Oconee counties, the quality of legal services provided, and maintaining connections with the community and private bar. Ensures the efficient operation of the Greenville Office and maintains a caseload. Reviews applications for legal services. Assigns cases and provides case load management. Provides employee evaluations for support staff and attorneys. Provides human resource management and addresses grievances. Provides guidance and training. Manages client trust and petty cash accounts. Assures compliance with grants, policies, and procedures. Maintains a case load in the service area. Participates in grant writing. Includes supervising petty cash and trust accounts and monthly account reconciliations. Temporary position April 1, 2013 until May 31, 2013. Permanent Position from June 1, 2013 to present.
- (f) Managing Attorney for the Low-Income Taxpayer Clinic. Supervise and manage the Clinic Director, paralegal, and attorneys that assist with tax cases for South Carolina Legal Services in all counties. Provides case load management, monitors the quality of legal services provided, facilitates assigning cases, denies applicants, provides human resource management, and reviews grant applications and reports. January 2015 to present.

THURSDAY, JANUARY 16, 2020

Ms. Nichols-Graham reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: Less 1%. Occasional to cover a hearing in bankruptcy court;
- (b) State: 99%. There were significant variances. Sometimes I appeared as much as twice a week not including appearances before administrative agencies.

Ms. Nichols-Graham reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 47%;
- (b) Criminal: 0%;
- (c) Domestic: 53%;
- (d) Other: 0%.

Ms. Nichols-Graham reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 9%;
- (b) Non-jury: 100%.

Ms. Nichols-Graham provided that during the past five years she most often served as sole counsel.

The following is Ms. Nichols-Graham's account of her five most significant litigated matters:

- (a) (Sealed File). John Row, et al. vs. John Doe, et al., This case was significant because a single father registered on the responsible father registry before his child was placed with an out of state couple for adoption. We reviewed adoption practices and were able to prevail by using the due process provisions already codified but often overlooked in practice. The litigation strategy was shared at a few legal education trainings. ABC Nightline News also aired a follow up story with the single father regarding the responsible father registry while protecting the identity of the Plaintiffs.
- (b) Jane Doe, A High School Student in Richland County School District Two and her Parent, Mary Doe, vs.

THURSDAY, JANUARY 16, 2020

Richland County School District Two. Case Number: 2006-CP-40-6545. This case is significant to the practice of education law in South Carolina because it is the first appellate case with a ruling on the issue of substantial evidence. This case was significant to me because I represented a student that was expelled from school and accused of committing sexual offenses without any evidence. The parent unsuccessfully appealed to the board after simply stating persuasive legal grounds, but she needed legal services to appeal to the court system. We prevailed in circuit court, but the school district appealed the decision to the court of appeals. This case is evidence that things do not always work themselves out and there are times that the indigent need civil legal services to secure basic opportunities. The student prevailed on appeal to the Court of Appeals. Decided March 25, 2009. 382 S.C. 656; 677 S.E.2d 610.

- (c) Darla Yates vs. Eddie Crooks. Case Number: 2005-DR-39-418. This case was significant because I represented a client in a visitation Rule to Show Cause that resulted in a trial. There was an allegation of a history of abuse in a prior case that prevented my client from being able to represent herself.
- (d) Martha Sue Payne vs. Mary Patterson. Case Number: 2006-DR-23-4112. This case was significant to me because I was unsuccessful in appealing a visitation contempt case after representing the client in a contested trial to the SC Court of Appeals. The visitation contempt and appeal cases were after I represented the same third party in a contested DSS abuse and neglect case, and a contested change of custody case that was resolved after a contested trial. It is important for people to have access to the legal system, but the legal system should not be involved in every dispute.
- (e) Jane Doe vs. John Doe. Case Number: 2019-DR-04-262. This case was significant because with very little notice I was able to represent a person that filed for protection without legal representation. The hearing was a trial that involved testimony from three witnesses, proffering evidence, and closing statements. There was

THURSDAY, JANUARY 16, 2020

one issue related to the rights of a minor child, so I did not use the names to provide some privacy from internet word searches.

The following is Ms. Nichols-Graham's account of two civil appeals she has personally handled:

- (a) Jane Doe, A High School Student in Richland County School District Two and her Parent, Mary Doe, vs. Richland County School District Two. South Carolina Court of Appeals. Decided March 25, 2009. 382 S.C. 656; 677 S.E.2d 610.
- (b) Unpublished Opinion. Martha Sue Payne vs. Mary Patterson. South Carolina Court of Appeals. Decided April 26, 2010.

Ms. Nichols-Graham reported she has not personally handled any criminal appeals.

Ms. Nichols-Graham further reported the following regarding unsuccessful candidacies:

I applied for Family Court Judge, At Large, Seat 4, in Fall 2012. I was found qualified, but I did not receive a nomination.

I applied for Family Court Judge, Thirteenth Judicial Circuit, Seat 5, in Fall 2013. I was found qualified, but I did not receive a nomination.

I applied for Family Court Judge, Thirteenth Judicial Circuit, Seat 3 in Spring 2016. I was found qualified, but I did not receive a nomination.

I applied for Family Court Judge, At Large, Seat 7, in Fall 2016. I was found qualified, but I did not receive a nomination.

I applied for Family Court Judge, Thirteenth Judicial Circuit, Seat 6 in Fall 2018. I was found qualified and nominated. I lost the election by a vote of 88 to 75.

THURSDAY, JANUARY 16, 2020

- (9) Judicial Temperament:
The Commission believes that Ms. Nichols-Graham's temperament would be excellent.
- (10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualifications found Ms. Nichols-Graham to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee also noted, "The committee has rated this candidate 'well qualified' in the past and continues to believe she is 'well qualified.'"

Ms. Nichols-Graham is married to Hakim R. Graham. She has one child.

Ms. Nichols-Graham reported that she was a member of the following bar and professional associations:

- (a) South Carolina Bar, Young Lawyers Division, Executive Council 2002-2003.
- (b) South Carolina Bar, Children's Law Committee
- (c) South Carolina Supreme Court CLE & Specialization Commissioner, June 2003-July 2009.
- (d) Council of Parent Attorneys and Advocates
- (e) South Carolina Black Lawyers Association.
Assistant Secretary. 2013-2017.
Secretary 2018 to present.
- (f) Greenville County Bar Association
- (g) Donald James Sampson Bar Association.
- (h) South Carolina Bar, Education Law Committee, Chair Public Information Sub-Committee, 2014-2015.
- (i) South Carolina Children's Justice Act Task Force.
- (j) South Carolina Supreme Court Family Court Docket Committee

Ms. Nichols-Graham provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

THURSDAY, JANUARY 16, 2020

- (a) The Ellen Hines Smith Legal Services Attorney of the Year 2015. Awarded by the Access to Justice Commission and the South Carolina Supreme Court.
- (b) Young Lawyer of the Year Award. Awarded by the South Carolina Bar. 2001-2002.
- (c) The School District of Greenville County Salute for Teaching Above and Beyond the Call of Duty at the Center for Educational Equity's Saturday Success School. 2000-2001, 2004-2005
- (d) Center for Educational Equity, Advisory Board of Directors (2001 to present) Parent Reconnect Program Coordinator (2001 to 2008).
- (e) Protection and Advocacy for People with Disabilities, Board of Directors, Grievance Committee (2008-2011), Chair of the Personnel Committee (2011-2013).
- (f) United Way of Greenville County. Graduate Greenville Student Enrichment Committee. (2006-2007).
- (g) Bethlehem Baptist Church. Summer Bible Institute Instructor. June 2011.
- (h) Delta Sigma Theta Sorority Incorporated. Greenville (SC) Alumnae Chapter. Co-Chair of Social Action Committee 2016-2017, 2017-2018.
- (i) Springfield Baptist Church. Unsung Heroine Award. March 24, 2013.
- (j) Pro Parents of South Carolina. Board of Directors, 2013-2016. Secretary, 2014-2016
- (k) The Riley Institute Diversity Leadership. Furman University. Fall 2015. Upstate Class XX.
- (l) Greenville Branch of the NAACP. 2017-2018.

Ms. Nichols-Graham further reported:

I am a member of the South Carolina Supreme Court Family Court Docket Committee. Serving on that committee allows me to receive information and provide input on many issues that affect the efficient operation of family court dockets across the state, issues regarding the legal profession and other professions involved in family court cases, and provide feedback regarding how decisions the committee makes could impact members of the public struggling to access the court system or struggling to participate in the administration of justice in the court system.

THURSDAY, JANUARY 16, 2020

I also serve on the South Carolina Children's Justice Act Task Force for the University of South Carolina, School of Law's Children Law Center. Serving on this task force allows me to study policies and assist with designing programs relating to the SC Department of Social Services (DSS) Child Protection Services (CPS) Division in an effort "to improve the handling of child abuse and neglect cases, the handling of suspected maltreatment related fatalities, and the investigation and prosecution of child abuse and neglect." I worked on the disability subcommittee to assist with strengthening procedures regarding children with special needs. I worked on a subcommittee that assisted with updating mandated reporter training to provide an awareness for mandated reporters regarding issues impacting children with disabilities and special needs. Currently I serve on a sub-committee working to assist children by reviewing the procedures related to teams organized by child advocacy centers to assist with investigations of allegations of abuse and neglect and the investigation of fatalities involving minor children. The director of DSS periodically provides updates to the task force and answers questions.

I have always had an interest in and curiosity for family and school law. Family relationships and educational experiences play an important role in everyone's development. My formal education was driven by a curiosity and desire to learn more about these relationships and to help others with these relationships and experiences. Like justice, I blindly pursued a legal career to help and to serve the public. Values like sound character, integrity, honesty, fairness, respect, and a dedication to public service are characteristics of many of my family members. As a child, my family attended Nazarene Baptist Church in Mullins, South Carolina and everyone in my family was actively involved in our church. I quickly learned the difference between good and evil and right and wrong. I just happen to be the only lawyer in my family. I am certain that I had the temperament, morals and character that we expect of judges before I went to college.

THURSDAY, JANUARY 16, 2020

Ironically, while I was in college, I volunteered for the local battered women's shelter on the domestic violence hotline and to helping with Order of Protection packets. This experience gave me insight into part of the pro se process in family court. At the time, I did not know who those experiences would connect with my career.

A family court courtroom was the first courtroom I observed and the first court I appeared in as an attorney licensed to practice law. Judge Timothy Pogue allowed me to volunteer in his law firm because I wanted to go to law school but had not met a practicing lawyer. I had a friend in law school whose father went to law school, but he was running an agency when we met. Judge Pogue had the juvenile defender contract, he was the Marion County DSS attorney, and he had a private practice, so I learned a lot about family court before I went to law school. While in law school I clerked for about six months at the Richland County Guardian ad Litem office, so I learned a lot about the role of a Guardian in abuse and neglect and termination of parental rights cases, assisted with guardian ad litem reports, and had the opportunity to observe many hearings and trials. Then I was fortunate to be in Jim Stuckey's family law class while I was interning for Dale Stuckey at the SC Department of Education. The Martial Litigation manual is the most comprehensive law book for family lawyers in South Carolina and the material for his class was a draft or an outline of that book which he published shortly thereafter. Then, I secured a position at Legal Services of Western Carolina. At that time, most of our case load was family law, and I found myself in family court multiple times a week representing clients on either side of any kind of issue before the court for many years. The first day I walked into a courtroom to represent a client as a member of the Bar, I was in a family court courtroom in a DSS vulnerable adult case before Judge Robert Jenkins.

I have represented many individuals in family court matters. I have also had the privilege of consulting with many legal service attorneys in numerous cases, court appearances, and appellate work. At this point in my career, I work primarily with access to justice issues as a Managing Attorney weighing when limited

THURSDAY, JANUARY 16, 2020

resources can be used and measuring the quality of legal services provided to each client.

I believe my personal and professional experiences will continue to serve the public well if I am a successful candidate for Family Court.

At this time, I respectfully request your vote for a nomination to run for Family Court Judge, Thirteenth Judicial Circuit, Seat 6. I went to law school to help people. I did not go to law school to be a judge. I have helped thousands of people over the span of almost two decades of practicing law, and I have always been an active and productive member of the SC Bar. I have also assisted in developing the practice of education law in South Carolina. I believe that I can help many more families if I can serve as a family court judge.

- (11) Commission Members' Comments:
The Commission determined that Ms. Nichols-Graham was an impressive candidate with notable experience in family law.
- (12) Conclusion:
The Commission found Ms. Nichols-Graham qualified, and nominated her for election to Family Court, At-Large, Seat 1.

**Martha M. Rivers Davisson
Family Court, At-Large, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Ms. Rivers Davisson meets the qualifications prescribed by law for judicial service as a Family Court Judge.

Ms. Rivers Davisson was born in 1972. She is 48 years old and a resident of Aiken, South Carolina. Ms. Rivers Davisson provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1996.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Rivers Davisson.

Ms. Rivers Davisson demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Rivers Davisson reported that she has not made any campaign expenditures.

Ms. Rivers Davisson testified that she has not:

- (a) Sought or received the pledge of any legislator prior to screening;
- (b) Sought or been offered a conditional pledge of support by a legislator;
- (c) Asked third persons to contact members of the General Assembly prior to screening.

Ms. Rivers Davisson testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Rivers Davisson to be intelligent and knowledgeable.

Ms. Rivers Davisson reported that she has taught the following law-related course:

In April 2019, I presented the Law School for Non-Lawyers class sponsored by the South Carolina Bar in Aiken, South Carolina on the topic of Child Protection Hearings. This series of lectures is designed to provide an overview of the judicial system and its impact on citizens.

Ms. Rivers Davisson reported that she has published the following books and/or articles:

THURSDAY, JANUARY 16, 2020

“The Leaner and Meaner Youthful Offender Act,” South Carolina Lawyer, Volume 9, Number 3, November/December 1997.

(4) Character:

The Commission’s investigation of Ms. Rivers Davisson did not reveal evidence of any founded grievances of criminal allegations made against her.

The Commission’s investigation of Ms. Rivers Davisson did not indicate any evidence of a troubled financial status. Ms. Rivers Davisson has handled her financial affairs responsibly.

The Commission also noted that Ms. Rivers Davisson was punctual and attentive in her dealings with the Commission, and the Commission’s investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Rivers Davisson reported that she is rated by the following legal rating organization:
Distinguished, Martindale-Hubbell 4.4/5.0

Ms. Rivers Davisson reported that she has not served in the military.

Ms. Rivers Davisson reported that she has never held public office.

(6) Physical Health:

Ms. Rivers Davisson appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Rivers Davisson appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Rivers Davisson was admitted to the South Carolina Bar in 1996.

THURSDAY, JANUARY 16, 2020

She gave the following account of her legal experiences since graduation from law school:

After graduation from the USC School of Law in 1996, I clerked for one year for the Honorable Thomas L. Hughston, Jr. of the Eighth Judicial Circuit. I then became an associate attorney at Bedingfield & Williams in Barnwell, SC. From 1997 to 2000, I assisted the partners, Daniel W. Williams and Walter Bedingfield, in the general practice of law. I developed my own caseload of predominantly domestic cases. I also learned the procedures for real estate closings and litigated criminal cases with Mr. Bedingfield. I developed a civil litigation caseload as well. From my initial days as a litigating attorney, I handled divorces involving equitable division, alimony, child support and custody issues. I was assigned a paralegal but had no management duties for the firm or its finances.

In 1999, my husband entered what was then known as the Masters in International Business (MIB) program at the Darla Moore School of Business at USC. In August 2000, I left Bedingfield & Williams to live with Doug in Zurich, Switzerland, during a portion of his required international internship. We returned in December 2000. I then began my practice as a sole practitioner in January 2001 in Williston, South Carolina. My practice developed much like my associate work. As a sole practitioner, I established and managed the trust accounts and operating accounts. I hired a part time assistant to help with the financial management. Until this year, we managed two trust accounts and an operating account. One trust account was strictly for real estate transactions, an area I no longer practice. In 2018, my solo practice was converted to a limited liability corporation, Rivers Law LLC.

My office has consistently had staff of one to three persons. I am the administrative manager as well as the financial manager.

In 2018, I ended my real estate practice and now focus on criminal defense, Family Court, and civil litigation. I have been a 608 (appointed defense attorney) in criminal and Family Court abuse and neglect cases for several years. I continue to serve as a guardian ad litem in private cases. I have also volunteered as a guardian ad litem in abuse and neglect cases involving DSS.

THURSDAY, JANUARY 16, 2020

Ms. Rivers Davisson further reported regarding her experience with the Family Court practice area:

I have practiced family law for twenty-two years. In that time, I have appeared as counsel in all of the practice areas mentioned above. I have handled multiple divorces involving equitable division of property, contested child custody and visitation issues. As the sole practitioner, I am the attorney for these cases. My case experience ranges from a division of cast iron pans for a family with no real property to division of significant assets saved over a twenty-year marriage. I have been involved in a myriad of custody and visitation issues as a practitioner and as a guardian ad litem.

I have represented adoptive parents on several occasions. The cases have been DSS related and non-DSS related. Early in my career, I handled the adoption for a couple and the adoptive mother later came to work with me. It was a pleasure to know how I had assisted that family and to watch the child, who was an infant on that day in court, grow up with his family.

I am regularly in Family Court as a defense attorney in cases brought to court by the SC Department of Social Services (DSS). These cases involve either allegations of abuse or neglect of a child or allegations that an adult is vulnerable to exploitation or harm. There are a number of ways I am involved in these cases as I may be assisting the alleged vulnerable adult, representing the person accused of harming a child, or representing another person in the child's life. I have also been appointed guardian ad litem for defendants when there are issues of mental illness or intellectual disability. Mental health, poverty and education, and drug addiction issues are often involved in DSS cases. I have visited the homes of defendants and discussed their personal issues with them in detail. I have advised parents regarding termination of their parental rights and stood by mothers and fathers as each loses legal authority over their children.

In matters of equitable distribution, it is my common practice to verify property valuations, provide proof of valuations in cases as feasible, and to require my clients to produce documentation to me regarding the values of property. This helps my client make an

THURSDAY, JANUARY 16, 2020

informed decision during an emotional process. It helps me to explain the division of assets to my client and in negotiating with the opposing attorney. Another key element in representing clients in divorce actions is to identify all assets. Parties often do not think of retirement assets or know how to differentiate between pre-marital and marital assets.

As a guardian ad litem, I conduct home visits and interview relatives and friends regarding custody and visitation issues. I believe this work has given me invaluable experience that I can bring to the judiciary. As a guardian, I am not advocating for either parent. I am reviewing the evidence presented by both parents. My guardian work has made my legal practice stronger. Parents share with guardians very practical barriers they do not always relay to their attorneys. I have been able to apply this knowledge to my legal practice in advocating for parents.

I have appeared in court for defendant children in juvenile justice actions. The matters involving these children can overlap with DSS court and private Family Court litigation. My experience in General Sessions court has given me a general knowledge of criminal law. Juvenile justice differs in the status offenses applicable to minors and the pre-trial procedure. Once, I represented a juvenile charged with armed robbery. I saw no logical reason a young man like him should be in the juvenile justice system as much as he had been. He was intelligent, had a caring family, and had the opportunity to excel in school. For the armed robbery charge, we reached a reasonable plea deal given the severity of the crime and the evidence presented. In this case, I saw how the juvenile justice system tries to rehabilitate juveniles to avoid adult criminal activity.

Finally, I am a certified Family Court mediator. I have found this work to be very rewarding because I have used my experience as a practitioner to help craft resolutions that are family specific.

I appear in Family Court several times a month. My experience has taught me that well intentioned and expedient rulings do not always lend positive results. As a Family Court judge, I want to craft a solution to the problem presented before me rather than creating future problems. I believe I have the life experience and

THURSDAY, JANUARY 16, 2020

professional experience to understand the financial and emotional impact of Family Court. I hope to give each case its due time and rule in a respectful manner designed to prevent repeat trips to the courthouse steps.

Ms. Rivers Davisson reported the percentage of her practice including civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 10%;
- (b) Criminal: 20%;
- (c) Domestic: 50%;
- (d) Other: 20%.

Ms. Rivers Davisson reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 10%;
- (b) Non-Jury: 90%.

Ms. Rivers Davisson provided that during the percentage of her practice in trial court during the past five years she most often served as sole counsel.

The following is Ms. Rivers Davisson's account of her five most significant litigated matters:

- (a) DSS v. Hiers (2017) & DSS v. Roberts (2017) I have listed these cases together because I represented each defendant father in the same year and with the same issue. Each father had been acknowledged by the biological mother to be the biological father of the minor children being removed from their mother's care. Each father had been involved in his child's life prior to removal and regularly visited and cared for his children. Each promptly contacted DSS upon learning of the investigation and removal; and each was denied access to their child until having an additional hearing in court. During the delay, each child was in a foster care placement or placement of the alleged perpetrator's choosing other than the child's biological parent. I was successful in assisting each father who ended up with an order of custody and placing that child in a familiar, safe, and loving home environment.
- (b) Baltzegar v. Baltzegar (2004). This case involved the separation and divorce of a thirty-six year old marriage. Although

THURSDAY, JANUARY 16, 2020

the property division was important, the significance of the case was that Ms. Baltzegar had medical conditions that were potentially very serious in the future. The uncertainty of her medical needs made health insurance imperative for her. Mr. Baltzegar had medical issues as well, making retirement seem more appealing. Neither party was close to social security age at the time of the litigation and all non-employer based health insurance was not financially possible due to the wife's medical condition. Both parties wanted a divorce. This case demonstrated that the most important asset may not be a physical asset held by either party. Furthermore, the court is often limited in how it can assist. A settlement was reached with an attempt to address the health insurance issue. Ten years later the matter came up again and was resolved with finality. The Family Court is a court where litigated matters are not final in all circumstances. It is important to be thoughtful and purposeful in these matters as the issues may continue for many years.

(c) Pennicuff v. Pennicuff (2005). I served as the guardian ad litem for two minor children who were in the physical custody of their mother. The mother moved from Georgia to Ohio without making provisions for father's visitation. The father brought an action for change in custody or to address his visitation. During the investigation, questions arose regarding the stability of the children in mother's custody. With the assistance of an attorney in Ohio, we were able to present a full and accurate report of the status of these children to the South Carolina court which led to a change in custody. As the guardian, I pushed for court time to bring this matter to a hearing and brought out issues that neither attorney addressed for the mental and physical health of the children. The parties were limited financially and the docket was very limited. This case demonstrated the need for a guardian advocate for the minor children to move the case forward for the benefit and protection of the children. The attorneys are representing their individual clients and may have other issues to consider. This year, the father visited my office unexpectedly. He thanked me for my work and showed me pictures of his children who are now adults.

(d) Thomas v. Thomas (2004) I represented the plaintiff/wife in this action for divorce. The parties were married in 1971. Defendant/husband had been employed and managed the family farm. There were allegations of psychological and physical

THURSDAY, JANUARY 16, 2020

spousal abuse by the defendant who appeared in court claiming to have several physical disabilities. With the help of local law enforcement, we were able to prove that defendant's physical condition did not prevent the stalking and harassment that plaintiff continued to allege. This was essential in reaching a favorable settlement that involved support and a marital property settlement. I believe my client's physical safety was seriously threatened. The defendant/husband was presenting himself to the court and his attorney as unable to accomplish the acts he was accused of. Thankfully, my client remained physically safe during the time it took to prove her husband's deceit to the court.

(e) State v. David M. McClure, Jr., SC Opinion No. 25193, 537 SE 2d 273 (2000). While I was an associate at Bedingfield & Williams, Walter Bedingfield was appointed lead defense counsel for the first death penalty trial in Barnwell County. As his associate, I assisted in all pre-trial matters, met with expert witnesses, met with the client, conducted research, and assisted in trial preparations. Even though I was not a named attorney on this case, I cannot think of a more significant case in my career. The defendant was a young man convicted of killing his father and his father's girlfriend. As a litigator, this case was significant for me in learning the preparation required for such a case and the voluminous legal issues presented. Mr. McClure had confessed and was convicted by the jury. During the death penalty phase, he was sentenced to death. As an associate, I attended all client meetings, conducted research, prepared motions, attended all hearings, and assisted at trial. I met with experts and reviewed all evidence in this case. The penalty verdict was later overturned for improper comment upon the defendant's right to remain silent. Several years later, the appeal was resolved with Mr. McClure sentenced to life without parole. I did not work on the appeal in any manner. After practicing for twenty years, there are a number of Family Court cases or other criminal defense cases I could list as my fifth case, but this experience was unlike anything else I will encounter in my career. I cannot list my significant trials or litigation without mentioning this case.

Ms. Rivers Davisson reported that she has not personally handled any civil appeals.

THURSDAY, JANUARY 16, 2020

Ms. Rivers Davisson reported that she has not personally handled any criminal appeals.

Ms. Rivers Davisson reported the following unsuccessful candidacies:

I was a nominated candidate for SC Family Court At Large #5 in January 2013 following the Fall 2012 judicial screening. I withdrew as a candidate. The seat went to an election between the Hon. Melissa Buckhannon and Hon. Randall E. McGee. Judge McGee still holds that seat.

I ran for the South Carolina House of Representatives District 91 seat in the special election held in April 1999. I lost to the Honorable Lonnie Hosey, who still serves in that seat. In 2014, I ran for Barnwell School District #29 school board and was defeated by Ms. Ferlecia Cuthbertson.

(9) Judicial Temperament:

The Commission believes that Ms. Rivers Davisson's temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Ms. Rivers Davisson "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, and character; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, mental stability, reputation, experience, and judicial temperament. The Committee had no related comments.

Ms. Rivers Davisson is married to Douglas Raymond Davisson. She has three children.

Ms. Rivers Davisson provided that she is a member of the following bar associations and professional associations:

- (a) SC Bar – newly elected to the House of Delegates.
- (b) Aiken County Bar.
- (c) Barnwell County Bar.
- (d) SC Women's Law Association.

THURSDAY, JANUARY 16, 2020

Ms. Rivers Davisson provided that she is a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Williston United Methodist Church, Board of Trustees
- (b) Aiken Civic Ballet Board Member
- (c) Williston-Elko School District Facilities community board

Ms. Rivers Davisson further reported:

Regardless of your background, Family Court is a place where many litigants lack foresight into his/her situation and succumb to the emotional nature of the litigation. I hope to present a calm and friendly demeanor to each litigant who comes into court.

For almost twenty years, I have maintained a general practice law firm in rural South Carolina. Although this is not a unique practice in our state, it has been an interesting perspective on life in South Carolina. I have advised families with their child or grandchild facing charges through juvenile justice. I have represented children before the local school board, and participated in DSS hearings as an advocate for a parent accused of abuse or neglect and as a volunteer guardian ad litem. Many of my clients live in poverty conditions and have provided me insight into the struggles of raising families on such limited incomes. When I have represented clients of more fortunate means, I find their issues in Family Court are not widely divergent. Each person wants to raise their children, wants their children safe, and wants to prosper as best he or she can after the devastation of the events that brought them to court. In the past few years, I have watched the effects of the opioid crisis in South Carolina compound all of these issues and require more intervention to protect children touched by this crisis. Most litigants fear the judicial system and have many misconceptions as to the workings of the court. My Family Court experience will aid me in serving the litigants who come before me, and I will strive to be both respectful and fair in all of my actions.

During my career, I have watched the Family Court docket increase steadily. As a judge, I would strive to respect the law and provide pragmatic solutions to the family disputes presented

THURSDAY, JANUARY 16, 2020

to me. My law practice has given me insight into problems faced by families in South Carolina and the limits of the court system in protecting children and helping families. I hope to become part of the solution and address the needs of South Carolinians in Family Court.

(11) Commission Members Comments:

The Commission commented that Ms. Rivers Davisson is a well-rounded and experienced candidate. The Commission further noted that Ms. Rivers Davisson has the right temperament to be a Family Court Judge.

(12) Conclusion:

The Commission found Ms. Rivers Davisson qualified, and nominated her for election to Family Court, At-Large, Seat 1.

**R. Chadwick (Chad) Smith
Family Court, At-Large, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Smith meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Smith was born in 1971. He is 48 years old and a resident of Rock Hill, South Carolina. Mr. Smith provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2000.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Smith.

Mr. Smith demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

THURSDAY, JANUARY 16, 2020

Mr. Smith reported that he has not made any campaign expenditures.

Mr. Smith testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Smith testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Smith to be intelligent and knowledgeable.

Mr. Smith reported that he has taught the following law-related courses:

- (a) Law School for Non-Lawyers, York Technical College, Rock Hill, South Carolina. I taught the course section on Child Abuse/ Neglect and Child Protection on March 28, 2017 for students enrolled in the South Carolina Bar's Law School for Non-Lawyers course.
- (b) Winthrop University, Rock Hill, South Carolina. On March 7, 2017, I presented an overview of child protection proceedings to Dr. Kori Bloomquist's Social Work 533 course at Winthrop University.
- (c) 2017 Old English Consortium Professional Development Conference. On October 9, 2017, I presented a session entitled "Overview of Child Protection Proceedings in South Carolina" for elementary and secondary educators who work in school districts within the north-central region of South Carolina.
- (d) 2016 Old English Consortium Professional Development Conference. On October 12, 2016, I presented a session entitled "SCDSS Information: Beyond Mandatory Reporting" for elementary and secondary educators who

THURSDAY, JANUARY 16, 2020

work in school districts within the north-central region of South Carolina.

- (e) Rock Hill School District Caregiver/ Guardian Forum. I was a panelist at a Caregiver/ Guardian Forum on May 19, 2016 hosted by the Rock Hill School District. The forum was conducted to provide guidance to those who are serving as alternative caregivers or guardians for children enrolled in the Rock Hill School District.
- (f) Rock Hill School District Secondary School Counselor's Forum. I was a speaker in October 2015 for a forum for secondary school counselors in the Rock Hill School District. I discussed statutory child abuse/ neglect reporting requirements; various child custody arrangements; the scope and effect of safety plans implemented by SCDSS; and different court actions and the potential consequences of each action on child's custody status.
- (g) Law School for Non-Lawyers, York Technical College, Rock Hill, South Carolina. I taught the course section on Child Abuse/ Neglect and Child Protection on September 16, 2014 for students enrolled in the South Carolina Bar's Law School for Non-Lawyers course.

Mr. Smith reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Smith did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Smith did not indicate any evidence of a troubled financial status. Mr. Smith has handled his financial affairs responsibly.

The Commission also noted that Mr. Smith was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

THURSDAY, JANUARY 16, 2020

- (5) Reputation:
Mr. Smith reported that he is not rated by any legal rating organization.
- Mr. Smith reported that he has not served in the military.
- Mr. Smith reported that he has never held public office.
- (6) Physical Health:
Mr. Smith appears to be physically capable of performing the duties of the office he seeks.
- (7) Mental Stability:
Mr. Smith appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Mr. Smith was admitted to the South Carolina Bar in 2000.

He gave the following account of his legal experience since graduation from law school:

- (a) The Honorable John C. Hayes, III, Sixteenth Circuit Court of South Carolina, York, South Carolina. From August 1999 to August 2000, I served as law clerk to The Honorable John C. Hayes, III. During my tenure as Judge Hayes' law clerk, I researched case and statutory law; drafted bench memoranda; drafted proposed orders; prepared civil and criminal jury charges; and acted as liaison between the court, attorneys, and court personnel.
- (b) Sixteenth Judicial Circuit Solicitor's Office, York, South Carolina. From August 2000 to July 2001, I served as an assistant solicitor for Solicitor Thomas E. "Tommy" Pope. As an assistant solicitor, I evaluated law enforcement reports; researched statutory law, case law, the South Carolina Rules of Criminal Procedure, and the South Carolina Rules of Evidence; drafted indictments; interviewed and prepared witnesses for trial; and prepared and prosecuted cases in General Sessions, Transfer and Magistrate courts.
- (c) Harrelson, Hayes and Guyton, LLC, Rock Hill, South Carolina. From July 2001 to February 2004, I practiced as

THURSDAY, JANUARY 16, 2020

an associate attorney with the law firm Harrelson, Hayes and Guyton, along with firm partners Hugh L. Harrelson, Sr., Senator Robert W. Hayes, Jr., and David G. Guyton. I engaged in a general practice and represented clients of the firm in a variety of matters, including adoptions, child custody, divorce, equitable division of property and debts, separation and property settlement agreements, and child visitation; general civil litigation; criminal defense; residential real estate; and probate. The firm was dissolved when David G. Guyton was elected Judge of the Family Court, Sixteenth Judicial Circuit, Seat 2. As an associate attorney, I was not involved with the administrative and financial management of the firm.

- (d) R. Chadwick Smith, Attorney at Law, LLC, Rock Hill, South Carolina. From February 2004 to May 2013, I operated my own law office and practiced family law exclusively. I represented clients in a wide array of family law matters, involving abuse and neglect of children; adoptions; alimony and separate maintenance and support; child custody, child support; divorce; domestic violence, including petitions seeking orders of protection; equitable division of property and debts; mediation; minor and adult name changes; non-compliance of a court order; premarital agreements; separation and property settlement agreements; termination of parental rights; and child visitation. I served as guardian ad litem representing numerous children subject to custody disputes brought as part of divorce actions; modification of custody cases; visitation cases; adoption actions; and abuse and neglect cases filed by the South Carolina Department of Social Services. In 2009, I completed the South Carolina Bar's Family Court Mediation Certification Training Program and became a Certified Family Court Mediator. I mediated successfully numerous cases involving complex marital litigation; child custody; child and spousal support; property and debt division; and child visitation. I was involved with the daily administrative and financial management of my office, including management of my trust account.
- (e) South Carolina Department of Social Services ("SCDSS"), Rock Hill, South Carolina. I joined the South Carolina Department of Social Services as a staff attorney in May

THURSDAY, JANUARY 16, 2020

2013, and I am currently employed with SCDSS. I represent SCDSS before the family court in York and Union counties in cases regarding alleged abuse and neglect of children and vulnerable adults. I advise SCDSS county directors, supervisors, and caseworkers regarding the status of cases and legal matters; research case and statutory law; draft pleadings for ex parte removal, removal, and intervention actions; prepare cases for court by conducting and responding to discovery, interviewing and preparing fact and expert witnesses for hearings and trial; review SCDSS documentation and reports; represent SCDSS at probable cause, merits, judicial review, permanency planning, and termination of parental rights hearings; represent SCDSS in private actions in which SCDSS has been named as a defendant; draft proposed orders for the family court; assure that SCDSS complies with state and federal law, and agency policies; represent SCDSS at Multi-Disciplinary Team Meetings at Carolinas Medical Center-Levine Children's Hospital, Charlotte, North Carolina, and Piedmont Medical Center, Rock Hill, South Carolina; utilize Legal Case Management System; and provide legal training for SCDSS staff.

Mr. Smith reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: I have not appeared in Federal Court in the past five years.
- (b) State: I appear before the Family Court on a weekly basis in an average of six hearings. I often appear before the Family Court two to three days each week.

Mr. Smith reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 0%
- (b) Criminal: 0%
- (c) Domestic: 100%
- (d) Other: 0%

THURSDAY, JANUARY 16, 2020

Mr. Smith reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 0%
- (b) Non-jury: 100%

Mr. Smith provided that during the past five years he most often served as sole counsel.

The following is Mr. Smith's account of his five most significant litigated matters:

- (a) S.C. Dep't of Soc. Servs. v. Mother and Father, Case Number 2013-DR-46-1420. I represented SCDSS at a contested merits hearing, based upon an intervention action involving the four children of Mother and Father. SCDSS sought, in relevant part, an order of the Family Court finding Child A was sexually abused by Father and placing Father's name on the Central Registry of Child Abuse and Neglect. Father denied all allegations of sexual abuse as to Child A. Child A was a child with Autism who had limited communication skills and low cognitive ability. Child A was fifteen years old. Child A potentially functioned cognitively, adaptively, or developmentally under the age of twelve at the time of the merits hearing, and I considered arguing that her out-of-court statements concerning Father's sexual abuse should be admitted pursuant to the applicable provisions of S.C. Code 19-1-180. Child A communicated clearly, however, with her counselor, guardian ad litem, and me her desire to "tell her story" to the Family Court. Child A was the first witness I called in my case-in-chief. Child A was extremely soft-spoken, but was ultimately able to testify in detail regarding Father's acts of sexual abuse. Child A was subject to cross examination and never wavered. The Family Court ruled that Father sexually abused Child A and that Father's name should be entered in the Central Registry of Child Abuse and Neglect. Father was charged criminally with Criminal Sexual Conduct with a Minor. I was inspired that despite Child A's many challenges, she was able to find the strength and courage to face her Father directly and "tell her story" in the Family Court. Child A's testimony led to her siblings and other children being protected from potential sexual abuse by Father.

THURSDAY, JANUARY 16, 2020

- (b) S.C. Dep't of Soc. Servs. v. Mother, Father, et. al., Case Number 2013-DR-46-2447. I represented SCDSS at a contested merits hearing, based upon an ex parte removal action involving four children of Mother and Father. The Family Court issued an ex parte order granting emergency custody of the four children to SCDSS. SCDSS sought, in relevant part, an order of the Family Court finding that Mother physically neglected Child A, Child B, Child C, and Child D. I called Mother as my first witness in my case-in-chief. Mother testified during direct examination that she drove a Lexus in which her children were passengers; that the Lexus she drove belonged to someone who she could not identify; that she and her children were involved in a single-vehicle crash; that, at the time of the crash, none of her children were restrained by car seats or safety belts; that around the time of the accident she regularly used marijuana, including marijuana laced with cocaine; that, as a result of the crash, she and her children sustained injuries; that she sustained a broken neck, broken collar bone, and broken shoulder blade; that Child A developed fluid on the brain and sustained a broken shoulder, which required hospitalization in intensive care for over one week; and that Child B sustained a broken jaw, which required surgery. The Family Court ruled that Child A, Child B, Child C, and Child D were physically harmed by the neglect of Mother and that Mother's name should be entered in the Central Registry of Child Abuse and Neglect. Mother filed an appeal alleging that the Family Court erred in finding that her conduct which led to her children being physically harmed constituted neglect and that her name should not have been entered in the Central Registry of Child Abuse and Neglect. The Court of Appeals' opinion confirmed, in toto, the Family Court's merits hearing order.
- (c) S.B.H. v. W.B.H., Case Number 2010-DR-46-968. I represented S.B.H. ("Wife") in a divorce action from W.B.H. ("Husband"). At the time marital litigation was commenced, Husband and Wife had been married for fifteen years. Husband and Wife were the parents of two children and were well-educated professionals in the community. Wife sought a divorce from Husband based upon the grounds of Husband's habitual intoxication, custody of the parties' children, child support, equitable apportionment of property and debts, and

attorney's fees. One of the most significant issues in this case was Wife's assertion that Husband had engaged in a pattern of economic misconduct during the parties' marriage which adversely affected the economic circumstances of the marital partnership and that, as a result of Husband's economic misconduct, the Family Court should consider Husband's economic misconduct when equitably apportioning property and debts. The case came before the Family Court for a highly contested final hearing. The Family Court ruled, in relevant part, that Wife was entitled to a divorce from Husband; that Wife would have sole custody of the parties' children; and that any visitation Husband may exercise with the parties' children would be strictly supervised. In relevant part of the issue of Husband's economic misconduct, the Family Court ruled that Wife was entitled to exclusive use and ownership of the parties' former marital home valued at approximately \$450,000.00 and that Wife would receive sole ownership of her retirement account valued at approximately \$100,000.00, despite Wife's retirement account being marital property subject to equitable apportionment.

- (d) T.J. v. H.J., Case Number 2009-DR-46-2148. I represented H.J. ("Wife") in a divorce action filed by T.J. ("Husband"). At the time marital litigation was commenced, Husband and Wife had been married for six years. Husband and Wife were parents of two children. Husband sought a divorce from Wife based upon the grounds of Wife's Adultery, custody of the parties' children, child support, equitable apportionment of marital property and debts, and attorney's fees. Wife filed an answer and counterclaim. Wife sought a decree of separate support and maintenance, child custody, child support, alimony, equitable apportionment of marital property and debts, and attorney's fees. The most significant issue in this case was Wife's assertion that she should be entitled to relocate to New Mexico with the parties' children. Husband vehemently opposed Wife's proposed out-of-state relocation. The case came before the Family Court for a contested final hearing. Wife was able to satisfy the requirements for a proposed out-of-state relocation, as articulated by the South Carolina Supreme Court in *Latimer v. Farmer*, 360 S.C. 375, 602 S.E.2d 32 (2004). Wife presented evidence of the potential advantages of the proposed move; the likelihood that

THURSDAY, JANUARY 16, 2020

the move would improve substantially the life of Wife and the parties' children and was not a random decision to relocate; the integrity of Wife's motives to relocate; and the availability of realistic substitute visitation arrangements to foster an ongoing relationship between the parties' children and Husband. The Family Court ruled, in relevant part, that Husband and Wife were entitled to a divorce based upon the grounds of the parties having lived separate and apart for a period in excess of one year; that Wife was granted custody of the parties' children; and that Wife was allowed to relocate to New Mexico with the parties' children.

- (e) R.R. v. J.S., et. al., Case Number 2008-DR-46-2090. I represented R.R. ("Psychological Father") in a custody action, based upon the psychological parent doctrine. Psychological Father and the natural mother of Child A were never married to each other but resided together for over four years at the time litigation was commenced. Child A was five years old. Psychological Father was the only father Child A had ever known. The natural father of Child A allegedly resided in California, but his location in California was not known. Child A's father had never been involved in Child A's life. The natural mother of Child A died tragically, and at the time of the mother's death, she and Psychological Father resided together with Child A. Psychological Father sought an order of the Family Court granting him emergency custody of Child A. The significant issue presented by this case was the psychological parent doctrine. The South Carolina Court of Appeals' opinion in Middleton v. Johnson, 369 S.C. 585, 633 S.E.2d 162 (Ct. App. 2006), was issued on June 28, 2006, and adopted the psychological parent doctrine. Psychological Father commenced his action seeking custody of Child A on July 31, 2006. Psychological Father presented compelling evidence that Child A's natural mother consented to and fostered Psychological Father's establishment of a parent-like relationship with Child A; that Psychological Father and Child A had lived together in the same household; that Psychological Father assumed parental obligations by taking significant responsibility for Child 's care; and that Psychological Father had been in a parental role sufficient to have established a bonded, dependent relationship with Child A. I represented Psychological Father in an action seeking to

THURSDAY, JANUARY 16, 2020

terminate the parental rights of Child A's natural father and to adopt Child A. In 2011, Psychological Father became simply "Father" when he successfully adopted Child A.

The following is Mr. Smith's account of four civil appeals he has personally handled:

- (a) S.C. Dep't of Soc. Servs. v. Patricia Carter, Terry Barrow, and Gary James, Defendants, of Whom Patricia Carter is the Appellant, Unpublished Opinion No. 2018-UP-290. The Court of Appeals issued an unpublished opinion on June 27, 2018 which affirmed the Family Court's finding that Appellant had physically neglected her child, based upon the circumstances of the death of her youngest child. The Court of Appeals stated that, under the specific circumstances of the case, Appellant's act of maintaining an unsecured, loaded, chambered firearm that was accessible to Appellant's child at the time of the death of her youngest child constituted an act or omission that presented a substantial risk of physical injury to a child.
- (b) S.C. Dep't of Soc. Servs. v. Kimberly Bolin and Angela Gibson, Defendants, of Whom Kimberly Bolin is the Appellant, Unpublished Opinion No. 2016-UP-016. The Court of Appeals issued an unpublished opinion on January 13, 2016 which affirmed the Family Court's findings from trial that Appellant willfully or recklessly neglected her children, as a result of Appellant and her children being injured in an automobile accident during which the children were not restrained properly in car seats or seatbelts, as required by statute, and during a period of time Appellant admitted she used marijuana regularly. The Court of Appeals further affirmed the family court's finding that Appellant's name should be entered on the Central Registry of Abuse and Neglect.
- (c) Amanda Lake v. Jonathan Lake, Unpublished Opinion No. 2014-UP-099. The Court of Appeals issued an unpublished opinion on March 5, 2014 which affirmed in part, reversed in part the Family Court's order, and remanded for further proceedings. The Court of Appeals' opinion reversed Wife's award of permanent periodic alimony; remanded the issue of Wife's award of attorney's fees; affirmed the family court's equitable apportionment of marital property; and affirmed the

THURSDAY, JANUARY 16, 2020

parties' visitation schedule with their children ordered by the family court.

- (d) Kevin McCrowey v. The Zoning Bd. of Adjustment of the City of Rock Hill, South Carolina, 360 S.C. 301, 599 S.E.2d 617 (Ct. App. 2004). The Court of Appeals issued an opinion on July 12, 2004 which held that because landowner's property violated a zoning ordinance, the zoning administrator exceed his authority when he approved landowner's parking plan, and because the zoning administrator's initial action approving landowner's parking plan was in error, the doctrine of equitable estoppel could not be applied to estop the Zoning Board of Adjustment from finding the property in violation of a zoning ordinance.

Mr. Smith reported that he has not personally handled any criminal appeals.

Mr. Smith further reported the following regarding unsuccessful candidacies:

I was an unsuccessful candidate for Family Court Judge, At-Large, Seat 8. On December 1, 2016, I withdrew as a candidate for Family Court Judge, At-Large, Seat 8.

- (9) Judicial Temperament:
The Commission believes that Mr. Smith's temperament would be excellent.
- (10) Miscellaneous:
The Piedmont Citizens Committee on Judicial Qualifications found Mr. Smith to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional, and academic ability, character, reputation, experience, and judicial temperament. The Committee also stated, "The committee was impressed by Mr. Smith's diligence, thoughtfulness, and determination to provide a fair forum to all litigants in Family Court. We believe that he would bring a balanced perspective and empathy to the bench, enhanced by over 15 years of experience in family court matters."

THURSDAY, JANUARY 16, 2020

Mr. Smith is married to April Edwards Smith. He has two children.

Mr. Smith reported that he was a member of the following bar and professional associations:

- (a) South Carolina Bar Association, Member.
- (b) Resolution of Fee Disputes Board for the Sixteenth Judicial Circuit. I have been a member of the Resolution of Fee Disputes Board since January 2018, and I am currently a member.
- (c) South Carolina Bar's Law Related Education Committee, Member, July 1, 2014 to present. I have participated as a scoring judge in numerous middle school and high school mock trial competitions.
- (d) South Carolina Bar's Children's Law Committee, Member, July 1, 2014 to June 30, 2015, July 1, 2016 to June 30, 2017.
- (e) York County Bar Association, Member, Secretary (2003), Treasurer (2004).

Mr. Smith provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) First Associate Reformed Presbyterian Church, Rock Hill, South Carolina. My wife and I are active members of First Associate Reformed Presbyterian Church. On January 11, 2015, I was ordained and installed as a deacon, and served as a deacon for a three-year term. I served on the Board of Deacons, the Christian Education/ Preschool Committee, and the Transportation and Insurance Committee. Since 2013, my wife and I have served as Sunday School teachers for three, four, and five-year-old children.
- (b) Kiwanis Club of Rock Hill, South Carolina. I am a member of the Kiwanis Club, and have been a member for approximately ten years. I am an active volunteer with the Terrific Kids Program, which is a student-recognition program for elementary school students that promotes character development, self-esteem, and perseverance. I participated in monthly Terrific Kids recognition programs at Ebinport Elementary School and Old Pointe Elementary School in Rock Hill. I have been involved with the Terrific Kids Program for eight years.

THURSDAY, JANUARY 16, 2020

- (c) ROAR Sports League. Since 2016, I have been involved with ROAR Sports League through Westminster Presbyterian Church, Rock Hill, South Carolina. I have served as a volunteer soccer and basketball coach for children in kindergarten and first grade.
- (d) Rock Hill Country Club, Rock Hill, South Carolina. My family and I are members of the Rock Hill Country Club. My children have been members of the club's competitive swim team and my wife has served as an active parent volunteer and timer for swim meets.

Mr. Smith further reported:

As I have practiced law in my community, I have also practiced the habit of giving respect to any client whom I have represented. I have a deep admiration for judges who have earned the respect of practicing attorneys and citizens in their courtrooms, and I have had the privilege to practice before many of South Carolina's outstanding Family Court Judges. I admire greatly those judges who have control of their courtrooms, are well-organized, even tempered, and treat litigants, attorneys, and court personnel fairly, regardless of their social or financial standing. Judges with whom I have contact who have high ethical standards and are admired in the community have become role models for me.

My family and my faith define the purpose of my life. Two of the most important life experiences for me have been my marriage to my best friend and love of my life, April Edwards Smith, who serves our community as a School Psychologist in the Rock Hill School District, and the birth of our sons, Samuel and William. I will have lived a successful life if someday it is said, "Chad was a devoted and loving husband and father; a man of deep faith; and a well-respected Family Court Judge who applied the rule of law equitably."

- (11) Commission Members' Comments:
The Commission commented that Mr. Smith is very experienced in family law and displayed a great demeanor. They found him well qualified to serve as a Family Court judge.
- (12) Conclusion:

THURSDAY, JANUARY 16, 2020

The Commission found Mr. Smith qualified, and nominated him for election to Family Court, At-Large, Seat 1.

**The Honorable Bryan C. Able
Family Court, At-Large, Seat 2**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Able meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Able was born in 1961. He is 58 years old and a resident of Laurens, South Carolina. Judge Able provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1987.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Able.

Judge Able demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Able reported that he has not made any campaign expenditures.

Judge Able testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

THURSDAY, JANUARY 16, 2020

Judge Able testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

- (3) Professional and Academic Ability:
The Commission found Judge Able to be intelligent and knowledgeable.

Judge Able reported that he has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

Judge Able reported that he has not published any books or articles.

- (4) Character:
The Commission's investigation of Judge Able did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Able did not indicate any evidence of a troubled financial status. Judge Able has handled his financial affairs responsibly.

The Commission also noted that Judge Able was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

- (5) Reputation:
Judge Able reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV.

Judge Able reported that he has not served in the military.

Judge Able reported that he has never held public office other than judicial office.

- (6) Physical Health:
Judge Able appears to be physically capable of performing the duties of the office he seeks.

- (7) Mental Stability:
Judge Able appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Judge Able was admitted to the South Carolina Bar in 1987.

He gave the following account of his legal experience since graduation from law school:

- (a) 1987-1991 - Culbertson, Whitesides & Turner – Associate – General Practice
- (b) 1991-1996 - Culbertson, Whitesides, Turner & Able – Partner – General Practice – I was involved daily with the administrative and financial management of the firm including the management of trust accounts.
- (c) 1992 - September 2004 - Contract Attorney for the South Carolina Department of Social Services – I appeared as attorney of record for DSS in Laurens, Greenwood, Abbeville and Newberry Counties handling all abuse and neglect cases involving children and vulnerable adults.
- (d) 1996-1999 - Turner & Able, L.L.P. – Partner – General Practice – I was involved daily with the administrative and financial management of the firm including the management of trust accounts.
- (e) 2000-2001 - Turner, Able and Burney L.L.P. – Partner – General Practice – I was involved daily with the administrative and financial management of the firm including the management of trust accounts.
- (f) 2001 to present - Bryan C. Able, Attorney at Law – General Practice – I am a sole practitioner. I am involved daily with the administration and financial management of my firm including the management of my trust account.
- (g) 2005 – 2006 - Assistant Laurens County Public Defender – I handled appointed criminal cases before the Court of General Sessions.
- (h) 2013 - 2016 - Contract Criminal Attorney for South Carolina Commission of Indigent Defense – I handled appointed criminal cases before the Court of General Sessions in Laurens County.

THURSDAY, JANUARY 16, 2020

- (i) June 2013 - present – Associate Judge of Probate, Laurens, SC - I am responsible for hearing and adjudicating all contested hearings concerning all aspects of the courts' jurisdiction under Section 62-1-302; decedents' estates, trust and Article 5 protective proceedings. During my tenure as judge, I have presided over numerous cases not only in Laurens County but from other counties as well. I have had the honor of being appointed by the Supreme Court to hear and preside over cases in other counties.
- (j) July 2014 – present – Family Court Mediator

Judge Able reported the frequency of his court appearances prior to his service on the bench as follows:

- (a) Federal: 0%;
- (b) State: 100%.

Judge Able reported the percentage of his practice involving civil, criminal, domestic and other matters prior to his service on the bench as follows:

- (a) Civil: 5%;
- (b) Criminal: 10%;
- (c) Domestic: 85%;
- (d) Other: 0%.

Judge Able reported the percentage of his practice in trial court prior to his service on the bench as follows:

- (a) Jury: 5%;
- (b) Non-jury: 95%.

Judge Able provided that during the past five years prior to his service on the bench he most often served as sole counsel.

The following is Judge Able's account of his five most significant litigated matters:

- (a) State of South Carolina v. Ashley N. Hepburn, Appellate Case No. 2011-190695
Tried in Laurens County; Court of General Sessions
February 22 to March 3, 2011

I represented Ms. Hepburn at trial. Ms. Hepburn was charged with homicide by child abuse. On the evening of October 13, 2009, Ms. Hepburn's sixteen-month-old

THURSDAY, JANUARY 16, 2020

daughter (the victim) became unresponsive and was admitted to the hospital in Greenwood, South Carolina. She eventually died in a Greenville hospital on October 17, 2009. No one, including Ms. Hepburn, disputed that the victim died from child abuse. There were only two people that could have killed the victim, either Ms. Hepburn or her boyfriend, as they were home with the victim on the night she sustained her fatal injuries.

At the close of the States evidence, I moved for a directed verdict pursuant to Rule 19 SCRCrP claiming the State had fail to present substantial circumstantial evidence that Ms. Hepburn committed the crime charged. I argued the State's evidence merely rose to a suspicion that Ms. Hepburn committed the crime, and this mere suspicion was insufficient to survive a directed verdict motion, in that the State had only proven that Ms. Hepburn was in the home when the victim sustained the fatal injuries. I conceded that the State had proven that the child died from homicide by child abuse, but argued that the State had not proven that the child abuse was inflicted by Ms. Hepburn.

The Court denied my motion for a directed verdict. The jury found Ms. Hepburn guilty of homicide by child abuse and she was sentenced to 45 years imprisonment.

I did not handle the appeal, however the Supreme Court directed a verdict of acquittal finding the trial court erred in refusing to grant my mid-trial motion for directed verdict. The Supreme Court held in reversing the trial courts refusal to direct a verdict of acquittal that the State did not put forward sufficient direct or substantial circumstantial evidence of Ms. Hepburn's guilt.

(b) South Carolina Department of Social Services v Robert David Johnston Jr. and Christy Dawn Johnston

Tried in Laurens County Family Court; December 13, 14,15, 17,20, 21, and 22, 2010

2007-DR-30-648

2007-DR-30-775

This was a child abuse case. I represented Mr. Johnston. DSS sought an Order of the Court to make an affirmative determination that Mr. Johnson did sexually and physically abuse his four (4) children and ordering that Mr. Johnston's

THURSDAY, JANUARY 16, 2020

name be listed in the Statewide Central Registry for Child Abuse and Neglect. The case involved the testimony of many medical experts and one of the children. After seven (7) days of trial the Court found that DSS had failed to prove by a preponderance of the evidence that Mr. Johnston sexually or physically abused his children and ordered the case dismissed.

(c) Belinda Godfrey v William R. Godfrey

Tried in The Laurens County Family Court; December 3-4, 2007
06-DR-30-485

This was a divorce case. I represented Ms. Godfrey. Prior to trial the parties reached an agreement on all issues raised in the pleading with the exception of whether or not the lake lot inherited by Mr. Godfrey had been transmuted to marital property and if so transmuted, how was it to be divided between the parties.

The court found that the evidence and testimony presented clearly showed it was the intent of Mr. Godfrey to transmute the lot on Lake Greenwood into marital property. The court ordered that Ms. Godfrey and the parties minor child could remain in the marital home upon the Lake Greenwood lot until the minor child graduated from high school and at that time the property would be listed for sale and the net proceeds divided equally between the parties.

(d) James H. Holliday v Tiffany M. Holliday

Tried in the Laurens County Family Court; June 13-14, 2005
04-DR-30-519

This was a child custody and relocation case. I represented Ms. Holliday. Mr. Holliday brought the action seeking full custody of the parties minor child based on a substantial change of circumstances. By prior Order of the Court dated August 9, 2001 the parties had been granted joint custody of the minor child “with the child living with the mother on a final and permanent basis.” By subsequent divorce order dated June 12, 2003 all provisions concerning custody and visitation contained within the previous Order dated August 9, 2001 were to “remain in full force and effect.” Subsequent to the parties divorce Ms. Holliday

THURSDAY, JANUARY 16, 2020

relocated with the minor child from Laurens County, SC to Greencove Springs, Florida. Ms. Holliday's move to Florida was alleged by Mr. Holliday to be a substantial change of circumstances.

The court found that a substantial change of circumstances that would warrant a change in custody or that would warrant changing the minor child living with his mother and having visitation with his father had not occurred. The Court ordered that the parties would have joint custody of the minor child being defined as the child living with mother and mother making the day-to-day decision concerning the child and father having visitation.

- (e) Derry Julian Bundrick v Melissa Ann Darnell Bundrick
Tried in the Laurens County Family Court; April 24, 2012
2010-DR-30-316

This was a divorce case. I represented Ms. Bundrick. The issues to be decided by the court were equitable division of a considerable marital estate, alimony, restraining orders and attorney's fees.

The parties had been married for 40 years at the time of the pleadings being filed.

After a day of trial, the Court divided the marital estate equally between the parties with Ms. Bundrick being awarded the marital home and ordered Mr. Bundrick to pay Ms. Bundrick permanent periodic alimony together with Ms. Bundrick's attorney's fees.

The following is Judge Able's account of five civil appeals he has personally handled:

- (a) Johnny Lee Johnson v. Phillip Flaughner – SC Supreme Court
(b) Jennifer Satterfield by her Guardian Ad Litem, Pam Satterfield v. Dillard Department Store – SC Court of Appeals
(c) South Carolina Department of Social Services v. Jason Ihnatiuk et al. - SC Court of Appeals
(d) South Carolina Department of Social Services v. Jacqueline D. Sims et al. - SC Court of Appeals

THURSDAY, JANUARY 16, 2020

- (e) South Carolina Department of Social Services v. Grace Williams, Robert Williams, Jr. and Briana J. A. W. and Justin L. W. - SC Court of Appeals

The following is Judge Able's account of the criminal appeal he has personally handled:

Municipality of Fountain Inn v Monique Tucker

Greenville County Court of Common Pleas

August 11, 2014

(Municipal Court appeal to Court of Common Pleas)

Judge Able reported that he has held the following judicial office(s):

- (a) Appointed City of Laurens, SC - Laurens City Judge March 1991 – 1994
Criminal jurisdiction up to limit of the statutory fine or thirty (30) days in jail.
- (b) Appointed Laurens County, SC - Associate Judge of Probate February 2013 – Present
Jurisdiction pursuant to Section 62-1-302

Judge Able provided the following list of his most significant orders or opinions:

- (a) Deborah Parsons, Personal Representative of the Estate of William Edward Carr v. Darlene Brashwell, Ralph L. Braswell, Jr., Tammy Foster and Melissa Glass
2011-ES-30-0081 (Tried February 2, 2016)

- (b) Ralph Wayne Ramsey and Marshall E Ramsey v. Roger Dean Ramsey and Janet Ramsey
2007-ES-30-408 (Tried May 19, 2015)
Appealed to Laurens County Court of Common Pleas. 2015-CP-30-727. By order of Jean Hoefler Toal, Presiding Judge of the Court of Common Pleas it was ordered that the Orders of the Probate Court (2007-ES-30-0408), including the order dated September 9, 2015, "are final and subject to immediate enforcement."

- (c) Bianca Jackson v Angela Brunside
In the matter of: the Estate of Willie C. Jackson 2014-ES-30-0222 (Tried May 12, 2015)

THURSDAY, JANUARY 16, 2020

(d) In the matter of: The Estate of Stanley W. Davis
Victoria Laura Bishop v Eugene M. Griffin, Lonnie Griffin,
Mary E. Raines, Joan G. Rook and Betty G. Tollison
2016-ES-30-146 (Tried July 19, 2016)

(e) Nancy Valdivia v Ann Kelly
2016-GC-30-18 (Tried October 27, 2016)

Judge Able reported the following regarding his employment while serving as a judge:

- (a) 2001 to present - Bryan C. Able, Attorney at Law – General Practice
- (b) 2013 - 2016 - Contract Criminal Attorney for South Carolina Commission of Indigent Defense – I handled appointed criminal cases before the Court of General Sessions in Laurens County. Supervisor: Jana Nelson

Judge Able further reported the following regarding unsuccessful candidacies:

Family Court, Eighth Circuit, Seat 1 - 2017
Circuit Court, Eighth Circuit, Seat 1 - 2009
Circuit Court, Eighth Circuit, Seat 2 - 2008
Solicitor, Eighth Judicial Circuit - 2004

(9) Judicial Temperament:

The Commission believes that Judge Able’s temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualifications reported that Judge Able was “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and “Qualified in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee also stated, “Judge Able has served as a part-time Associate Judge of Probate in Laurens County since 2013 and as a general practitioner specializing in family law issues for three decades. The committee believes that this breadth of experience has given him the skills, subject matter expertise, and

THURSDAY, JANUARY 16, 2020

judicial temperament that would make for a well-qualified and capable Family Court Judge.”

Judge Able is married to Esther Ruth Myers Able. He has three children.

Judge Able reported that he was a member of the following bar and professional associations:

- (a) South Carolina Bar Association
- (b) South Carolina Association of Probate Judges

Judge Able provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Laurens County Exchange Club
- (b) Laurens County Fair Association

Judge Able further reported:

Over the past 32 years, I have met many different kinds of people while practicing law in the Family Court. I have represented and worked with people of great wealth and high levels of education. I have also represented and worked with people who have been very poor and could not read or write. I often can be at the courthouse talking with a judge and a group of lawyers between hearings about everyday topics like family or sports but then stop to speak to the custodians or sheriffs deputy in the hall to ask about his or her family or their plans for the weekend. I was raised to believe that a person is not judged by his station in life or how much money or education he or she has, but what that person is doing with their life.

I want everyone who appears in front of me as a judge to leave my courtroom believing that they had been treated fairly by someone who is patient, understanding, compassionate and willing to listen. No matter their station in life or their resources I want everyone to know that they appeared in front of a courteous, ethical and honorable judge.

(11) Commission Members' Comments:

The Commission commented that Judge Able is an exceptional candidate, and they appreciate his dedication to the legal profession.

THURSDAY, JANUARY 16, 2020

- (12) Conclusion:
The Commission found Judge Able qualified, and nominated him for election to Family Court, At-Large, Seat 2.

Timothy E. Madden
Family Court, At-Large, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Mr. Madden meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Madden was born in 1963. He is 56 years old and a resident of Greenville, South Carolina. Mr. Madden provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1988.

- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Madden.

Mr. Madden demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Madden reported that he has made a total of \$298.76 in campaign expenditures for Federal Express, postage and printing charges.

Mr. Madden testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

THURSDAY, JANUARY 16, 2020

Mr. Madden testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Madden to be intelligent and knowledgeable.

Mr. Madden reported that he has taught the following law-related courses:

- (a) National Family Law Trial Institute, Houston, Texas. (2010-2019). This program is an 8-day intensive trial skills course open to and attended by practicing attorneys from various states who seek to improve courtroom presence in divorce-related litigation. As a volunteer member of the faculty, every other year as part of this program I co-teach an advanced course focused on the issue of business valuation in divorce cases. I normally present a lecture called "Business Valuations – Lawyer to Lawyer", and participate in a demonstration of cross examination of a business valuation expert. As part of the program I critique students on presentations. Periodically I serve as one of the faculty members responsible for a small group (about six) participants for the entirety of the program. On the last day of the program there is a mock trial and I have served as judge in the mock trial.
- (b) Institute for Associates, American Academy of Matrimonial Lawyers, Chicago, Illinois. (2016-2018). This program is a three day program which serves lawyers from various states who are new to the area of family law. As a volunteer member of the faculty I was responsible for mentoring a small group of lawyers throughout the program, and lectured in both the regular and advanced courses. The lecture topics were business valuation for lawyers, deposing the expert witness, direct examination of the expert witness, and cross examination of the expert witness. In the 2018 advanced course I delivered some of these lectures using a case-study approach based on the Moore vs. Moore case.
- (c) Southwest Divorce Conference, Advanced Financial Topics, Presented by Arizona Chapter of the American Academy of Matrimonial Lawyers, 2017. This program is a

THURSDAY, JANUARY 16, 2020

multi-day continuing education conference. At the invitation of the organizers, I served with a nationally-known expert in the role of keynote speakers. I lectured and presented multiple times during the course of the seminar on topics related to business valuation and expert testimony.

- (d) Greenville County Bar, 2017. This program was the end-of-the-year annual continuing education seminar. I participated in a panel discussion during the family law segment. The panel consisted of experienced and less-experienced practitioners. The focus of the discussion centered on maintaining and managing a successful family law practice.
- (e) South Carolina Bar, various years in various seminars. Below I describe these to the best of my recollection.
 - (1) “Hot Tips for Family Law”. For several years I presented at the annual “Hot Tips” JCLE seminar presented by the Family Law Section and made presentations on different issues such as the use of requests for admission in Family Court, service of subpoenas on out of state witnesses, and other topics.
 - (2) Fall Seminar Presented by Family Law Section, Grove Park Inn, Asheville, NC. (about 2012). Along with another lawyer and some financial experts, this was a workshop seminar at which I presented on financial topics over the course of several sessions.
 - (3) Workshop Seminar Presented by Family Law Section, Greenville, SC (about 2009). With a CPA, I led a multi-hour workshop focused on reading and understanding tax returns, and using the data from tax returns in Family Court.
 - (4) JCLE for Family Court Judges (about 2007). I presented on the topic of pleadings in Family Court.
 - (5) At one seminar (I do not recall the specific one or date), I presented on the topic of representing foreign nationals in Family Court.
 - (6) Video CLE led by former Family Court Judge Leslie Riddle called “Whipping Up Some Justice” on the topic of pleadings and temporary hearings in Family Court.

THURSDAY, JANUARY 16, 2020

- (f) SC Association of Public Accountants Seminar (about 2011). I served on panel focused on business valuations in Family Court.
- (g) New Judge Orientation School (about 2002). I presented on the topic of equitable apportionment at this school for new Family Court Judges in South Carolina.
- (h) Greenville Technical College, Paralegal Program. In the early 1990's I taught a few courses to paralegal students. To the best of my recollection the courses I taught were family law and real property.

Mr. Madden reported that he has published the following:

South Carolina Practice Manual (Howard/Moise ed. 2000), author of chapter titled "Marital Dissolution and Child Custody"

I also served on the Editorial Board for the Third Edition of Marital Litigation in South Carolina: Substantive Law, Roy T. Stuckey (SC Bar CLE, first published in 1991, subsequent editions published through 2010 with annual supplements).

(4) Character:

The Commission's investigation of Mr. Madden did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Madden did not indicate any evidence of a troubled financial status. Mr. Madden has handled his financial affairs responsibly.

The Commission also noted that Mr. Madden was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Madden reported that his rating by a legal rating organization, Martin-Hubbell, is AV; he has been recognized as Lawyer of the Year in Greenville in family law (2012 and 2020) by Best Lawyers in America; his rating by Greenville Business Magazine, is Legal Elite; and his rating by Super Lawyers, in

THURSDAY, JANUARY 16, 2020

Family Law, is one of the “Top 25” in the state in two non-consecutive years.

Mr. Madden reported that he has not served in the military.

Mr. Madden reported that he has held the following public offices:

(a) South Carolina Education Lottery Commission. 2001 to 2016. Chair (2006-2016), Vice Chair (2001-2006). Appointed.

(b) South Carolina Transportation Infrastructure Bank Board. 1997 to 2001. Vice Chair. Appointed.

(c) Greenville County Transportation Committee. 1993 to 1997. Elected by Greenville County Legislative Delegation.

(6) Physical Health:

Mr. Madden appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Madden appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Madden was admitted to the South Carolina Bar in 1988.

He gave the following account of his legal experience since graduation from law school:

(a) August, 1988 until about January, 1993. Associate Attorney in private practice (small firm)

Employer: Wilkins, Nelson, Kittredge & Simmons, P.A. (later Wilkins, Nelson and Kittredge, P.A., and then Wilkins & Nelson, P.A.)

Practice: family law (80%+), civil litigation (10%), real estate (5%), appeals (5%)

(b) January, 1993, until February, 2006. Partner in private practice (small firm)

Firm: Initially Wilkins & Nelson, P.A., later renamed Wilkins & Madden, P.A.

Practice: family law and related appeals (85-90%), civil litigation (about 10%), real estate (small percentage)

THURSDAY, JANUARY 16, 2020

Other: Managing Partner (1993-2006). Responsibilities included financial management (including trust accounts), day-to-day administrative management, human resources, supervision and mentoring of less experienced lawyers

(c) February, 2006, to present. Partner in private practice (large firm)

Firm: Nelson Mullins Riley & Scarborough, LLP

Practice: family law and related appeals (90%), civil litigation (10%)

Other: Office Managing Partner (2011-present), Partner Development Committee (2009-present), Marketing Committee (2007-2012), Strategic Planning Committee (2007-2008). Responsibilities include supervision and mentoring of attorneys in family law practice area, serving as liaison for the office's 42 lawyers and 40-45 staff with the firm's Executive Committee, general management responsibilities, and administration of the office marketing budget

Mr. Madden reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: About twice in the last five years (estimate);
- (b) State: About 30 appearances per year.

Mr. Madden reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 5% to 10% (varying each year);
- (b) Criminal: a small percentage (in my role as a volunteer prosecutor for domestic violence cases);
- (c) Domestic: 90 to 95%;
- (d) Other: nominal.

Mr. Madden reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: nominal;
- (b) Non-jury: at least 90% (the only family law matters which are not responsive to this question are the premarital agreements)

THURSDAY, JANUARY 16, 2020

Mr. Madden provided that during the past five years he most often served as chief counsel, with assistance from younger partners or associates.

The following is Mr. Madden's account of his five most significant litigated matters:

- (a) Moore v. Moore, 414 S.C. 490, 779 S.E.2d 533 (2015), and subsequent appeal, Moore v. Moore, Op. No. 2019-UP-208, 2019 WL 2372477 (S.C. Ct. App. June 5, 2019). This case was significant because it involved an issue of first impression, and because we were able to turn a loss at trial into a victory on appeal. In addition to making new law, the case is instructive on the complexities of equitable apportionment cases (specifically those involving closely-held businesses), the value of developing a detailed evidentiary record, and the importance of presenting credible expert testimony.
- (b) Reyes v. Jeffcoat, No. CA 3:12-298-JFA, 2012 WL 4009641 (D.S.C. Sept. 12, 2012), and Fourth Circuit, Reyes v. Jeffcoat, 548 F. App'x 887 (4th Cir. 2013). This case was significant because it involved concurrent litigation in state and federal court, and the outcome of the federal court trial was critical to my client having an opportunity for a fair resolution of his divorce and related issues in South Carolina, as opposed to Venezuela. The federal court litigation focused on the application of the Hague Convention on the Civil Aspects of International Child Abduction because the family lived in South Carolina and Venezuela. It included a five-day trial and appeal. The federal court (including the Fourth Circuit Court of Appeals) agreed with our position. As a result our client resolved the divorce-related litigation in the South Carolina Family Court. Had the result from the federal court been different, our client would likely have been deprived of parenting time with his children and substantial marital assets.
- (c) Minor Child "R" Matter. This case was significant because the outcome determined whether an orphaned three-year old child would have the opportunity of

THURSDAY, JANUARY 16, 2020

normal childhood and upbringing as opposed to one which would be less stable. The child's father died unexpectedly when the child was two, and while the biological parents were living separately. The child's mother attempted to kill the child by shooting him with a handgun, which she then immediately turned on herself and committed suicide. Using all the available law and a career of experience, in intensely contested litigation, we were able to secure emergency and temporary custody of the child with a stable, loving family member, and thereafter temporary custody and ultimately adoption by the biological father's brother and sister-in-law. In this particular case, I know the family and we are members of the same church. I routinely see the child and know that he is a happy, normal and well-adjusted child.

- (d) Latham vs. Latham. This case was the most contentious divorce in which I was ever involved, and the only one, to my knowledge, where the adverse party hired someone to try to murder my client. Before the murder-for-hire plot became known, the case included extreme discovery and motions hearings, and was headed for a week-long trial. On the eve of trial the would-be killer was arrested on other charges and divulged the plans to law enforcement. My client and her children were taken into protective custody. Ultimately the opposing party and his girlfriend were charged by federal authorities with the relevant crimes. Both of them are now in federal prison after a criminal trial in which I testified. The case was featured on the television program "Dateline" and in another docu-drama on the Investigation Discovery channel.
- (e) Dickert v. Dickert, 387 S.C. 1, 691 S.E.2d 448 (2010). This divorce case was significant because of some of the unique financial issues involved, and because it is now routinely cited in negotiations and by trial judges as a guide for the appropriate amount of alimony. The business valuation issues in this case, and the Supreme Court's decision on them, gave me an important background for the preparation, trial and appeal of the Moore case (see above). While the alimony decision in

THURSDAY, JANUARY 16, 2020

this case does not create a formula as some lawyers believe, the Supreme Court's opinion seems to be used by many as creating helpful guidelines which are useful in settlement negotiations.

The following is Mr. Madden's account of five civil appeals he has personally handled:

- (a) *Brasington Tile Co. v. Worley*, 327 S.C. 280, 491 S.E.2d 244 (1997)
- (b) *First Baptist Church of Mauldin v. City of Mauldin*, 308 S.C. 226, 417 S.E.2d 592 (1992)
- (c) *B.P. Staff v. Gurantee Insurance Company*, 391 S.C. 308 (2009 WL 9529179)
- (d) *Hull v. Spartanburg Cty. Assessor*, 372 S.C. 420, 641 S.E.2d 909 (Ct. App. 2007)
- (e) *Keowee Inv. Grp., LLC v. Pickens Cty., S.C. Dep't of Transp., Op. No. 2004-UP-459*, 2004 WL 6331837 (S.C. Ct. App. Aug. 30, 2004)

Mr. Madden reported that he has not personally handled any criminal appeals.

- (9) Judicial Temperament:
The Commission believes that Mr. Madden's temperament would be excellent.
- (10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualifications found Mr. Madden to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee also stated, "Mr. Madden has an extensive amount of experience in private cases, including all types of divorce, equitable division, custody, child support, etc. and is well respected by members of the bar and the community. However, he has had little to no experience with DJJ cases. While he has experience with DSS cases, it is also limited."

THURSDAY, JANUARY 16, 2020

Mr. Madden is married to Cami Leigh Madden. He has two children.

Mr. Madden reported that he was a member of the following bar and professional associations:

- (a) South Carolina Bar. Member, House of Delegates (1990-2004)
- (b) Greenville County Bar Association
- (c) American Academy of Matrimonial Lawyers. Board of Governors (2014-2016), South Carolina Chapter President (2010-2012), Chapter Vice President (2008-2010), Chapter Secretary (2006-2008), and Chapter Treasurer (2004-2006)
- (d) American Bar Association

Mr. Madden provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Compleat Lawyer Award, University of South Carolina Law School Alumni Association
- (b) Distinguished Service Award, Wofford College Alumni Association
- (c) Liberty Fellow
- (d) Westminster Presbyterian Church, Greenville, South Carolina. Previous service as Elder and Chair, Weekday School Committee.
- (e) Welvista, Columbia, South Carolina. Board of Directors, 2008-2014.
- (f) Upcountry History Museum, Greenville, South Carolina. Board of Directors, 2010-2013.
- (g) South Carolina Student Loan Corporation, Board of Directors, 2004-2007
- (h) Greenville Country Club

Mr. Madden further reported:

- (a) As referenced in response to question number 11 above, in my family law practice I represent clients in trials and appeals. This experience provides additional benefits which will be beneficial as a Family Court Judge. Some of these cases involved unique legal issues, including at least one case of first impression. By practicing at both levels of the court system I believe I developed a deeper

THURSDAY, JANUARY 16, 2020

understanding of how to build a proper record at the trial level, and the importance of properly drafted orders. The significant family law appeals in which I served as counsel of record are:

- (1) Conits v. Conits, 417 S.C. 127, 789 S.E.2d 51 (Ct. App. 2016), cert. granted, decision rev'd, 421 S.C. 391, 807 S.E.2d 695 (2017), opinion withdrawn and superseded on denial of reh'g, 422 S.C. 74, 810 S.E.2d 253 (2018), and cert. granted, decision rev'd, 422 S.C. 74, 810 S.E.2d 253 (2018), and Op. No. 2018-UP-185, 2018 WL 2058196 (S.C. Ct. App. May 2, 2018)
- (2) Moore v. Moore, 414 S.C. 490, 779 S.E.2d 533 (2015), and subsequent appeal, Moore v. Moore, Op. No. 2019-UP-208, 2019 WL 2372477 (S.C. Ct. App. June 5, 2019)
- (3) Wilburn v. Wilburn, 403 S.C. 372, 743 S.E.2d 734 (2013).
- (4) Dickert v. Dickert, 387 S.C. 1, 691 S.E.2d 448 (2010)
- (5) Gilfillin v. Gilfillin, 334 S.C. 213, 512 S.E.2d 534 (Ct. App. 1999), rev'd, 344 S.C. 407, 544 S.E.2d 829 (2001).
- (6) Gaffney v. Gaffney, 401 S.C. 216, 736 S.E.2d 683 (Ct. App. 2012)
- (7) Myers v. Myers, 391 S.C. 308, 705 S.E.2d 86 (Ct. App. 2011)
- (8) LaFrance v. LaFrance, 370 S.C. 622, 636 S.E.2d 3 (Ct. App. 2006)
- (9) Powell v. Powell, Op. No. 2005-UP-595, 2005 WL 7084864 (S.C. Ct. App. Nov. 21, 2005), rev'd, Op. No. 2008-MO-038, 2008 WL 9881746 (S.C. Sept. 8, 2008)
- (10) Greene v. Greene, 351 S.C. 329, 569 S.E.2d 393 (Ct. App. 2002) (I was not trial counsel)
- (11) Kisling v. Allison, 343 S.C. 674, 541 S.E.2d 273 (Ct. App. 2001)
- (12) Wheeler v. Gill, 307 S.C. 94, 413 S.E.2d 860 (Ct. App. 1992)
- (13) Pirkle v. Pirkle, 303 S.C. 266, 399 S.E.2d 797 (Ct. App. 1990)

THURSDAY, JANUARY 16, 2020

- (b) My work in a small firm and a large firm gives me appreciation for the demands and stressors placed on all lawyers. I understand what is required of a solo practitioner and small firm lawyer to meet overhead and make a payroll, and manage the daily stress of client relationships. I appreciate the pressure on lawyers in larger firms to be a producer and meet firm-required goals. This background will help me be patient and understanding in addressing administrative issues.
- (c) For a few years, I served as a volunteer prosecutor of domestic violence crimes in a program created by the South Carolina Attorney General. In addition to refreshing my knowledge of some aspects of criminal law, this role provided insight into the challenges faced by law enforcement in domestic disturbances.
- (d) From time to time, in addition to my law practice, I took financial risks by investing in a few closely-held businesses (none of which remain active today). I gained an appreciation for the challenges faced by those who open and operate a business. Although I rarely made any money from these ventures, being a part of them helps me understand and appreciate the same struggles and benefits experienced by many Family Court litigants who operate small businesses.
- (e) As one of the original members of the South Carolina Education Lottery Commission, and as Chair of this Commission for ten years, I gained a working knowledge of a billion-dollar a year business from its infancy to successful maturity. I learned both how to organize and launch a large-scale business enterprise, and how to set and guide policy for this organization, all within the confines of the statutory authority created by the General Assembly. The business aspects of this experience will be valuable in understanding issues presented in the Family Court. The policy and administrative aspects of this experience will be beneficial in working with Court Administration and the transition from the private sector to government service.
- (f) Every year I gave a part of my time and experience to those who could not afford to pay me. By spending time with those who do not have the resources to fight, I was

THURSDAY, JANUARY 16, 2020

constantly reminded of the tremendous impact any case – but particularly one in Family Court – has on the litigants. As a result of this pro bono work, I will always bear in mind that no matter the legal significance (or lack thereof) of the issue which is in dispute in any given case, the practical and personal importance of the issue, and the day in court to those litigants is paramount.

(11) Commission Members' Comments:

The Commission commented that Mr. Madden's keen interest in public service and exceptional wealth of experience and knowledge make him eminently qualified to serve on the bench.

(12) Conclusion:

The Commission found Mr. Madden qualified, and nominated him for election to Family Court, At-Large, Seat 2.

**Rebecca West
Family Court, At-Large, Seat 2**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. West meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. West was born in 1975. She is 44 years old and a resident of Lexington, South Carolina. Ms. West provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2000.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. West.

Ms. West demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

THURSDAY, JANUARY 16, 2020

Ms. West reported that she has not made any campaign expenditures.

Ms. West testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. West testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. West to be intelligent and knowledgeable.

Ms. West reported that she has taught the following law-related courses:

- (a) Family Law Essentials, Effective Use of Discovery and Subpoenas in Domestic Litigation; Temporary Hearings: Meeting Your Client to Prepare, Sample Hearing, Q&A Session with Attorneys and Judge
August 11, 2017
SC Bar CLE
Presented materials and participated in mock Family Court temporary hearing.
- (b) Family Law Essentials, Organizing and Presenting Your Case
March 21, 2014
SC Bar CLE
Authored and presented materials
- (c) Family Law Seminar, Just When You Thought It Was Over: Appellate Practice in South Carolina
August 4, 2016
South Carolina Association for Justice Annual Convention
Authored and presented materials

THURSDAY, JANUARY 16, 2020

- (d) Hot Tips for the Coolest Domestic Law Practitioners,
Grandparent Visitation
September 16, 2011
SC Bar CLE
Authored and presented materials
- (e) Non-parent Rights to Children
March 2011
SC Bar CLE—Distance Learning
Authored materials and presented
- (f) “What is your Expert Giving You?” Deposing Psychiatric and Psychological Professionals
March 2007
SC Bar CLE
Authored and presented materials

(4) Character:

The Commission’s investigation of Ms. West did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission’s investigation of Ms. West did not indicate any evidence of a troubled financial status. Ms. West has handled her financial affairs responsibly.

The Commission also noted that Ms. West was punctual and attentive in her dealings with the Commission, and the Commission’s investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. West reported that her rating by a legal rating organization, Super Lawyers, is Top Rated.

Ms. West reported that she has not served in the military.

Ms. West reported that she has never held public office.

(6) Physical Health:

Ms. West appears to be physically capable of performing the duties of the office she seeks.

THURSDAY, JANUARY 16, 2020

- (7) Mental Stability:
Ms. West appears to be mentally capable of performing the duties of the office she seeks.
- (8) Experience:
Ms. West was admitted to the South Carolina Bar in 2000.

She gave the following account of her legal experience since graduation from law school:

- (a) Oswald Law Firm, LLC
West Columbia, South Carolina
November 2000-May 2004
I worked as a law clerk for this general practice firm during my final year of law school and joined the firm after graduation. I represented clients in personal injury actions, workers' compensation claims, Family Court actions, Probate Court and the Federal Bankruptcy Court. I was sole trial counsel in many cases in the Court Of Common Pleas, Magistrate's Court and Family Court. I also regularly represented claimants before the South Carolina Workers' Compensation Commission. I was not involved with the administrative or financial management of this firm.
- (b) Masella Law Firm, P.A.
Columbia, South Carolina
June 2004-June 2009
I was initially hired as an associate and became a partner in the firm in approximately 2008. Upon joining the firm, I immediately focused my practice on family law and transitioned away from my common pleas and bankruptcy practice. I ended my association with the firm upon receiving an offer to practice family law in Lexington, South Carolina. I was not involved with the administrative or financial management of this firm.
- (c) Law Office of Richard Breibart, LLC
Lexington, South Carolina
July 1, 2009-May 31, 2012
I practiced solely in the Family Court during my time with the firm. During my time with this firm I began handling Family Court appeals and practicing in the South Carolina Court of Appeals. I served as the family law group supervising attorney and was an employee of this firm. I

THURSDAY, JANUARY 16, 2020

supervised as many as three family law attorneys and three staff members. I resigned my position upon learning of Mr. Breibart's criminal activities. The firm dissolved upon Mr. Breibart's suspension from the practice on June 1, 2012. I was not involved with the administrative or financial management of this firm.

- (d) Rebecca West, Attorney at Law, P.A.

Lexington, South Carolina

Formed May 31, 2012; Dissolved April 5, 2013

I formed this entity immediately upon resigning from the Breibart firm. I practiced for approximately one week under this firm name. I stopped practicing under this firm name upon becoming partners with Jonathan Harling and forming my current firm, Harling & West, LLC. I was the sole administrative and financial manager of this firm and I managed and oversaw the trust account.

- (e) Harling & West, LLC

Lexington, South Carolina

June 7, 2012-present

My practice is dedicated solely to family law. I primarily represent Family Court litigants and I continue to practice in the South Carolina appellate courts. I also have a family law mediation practice and I currently mediate several times each month. My partner is Jonathan Harling. I am the administrative and financial manager of our firm and I manage and oversee the family law trust account.

Ms. West reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: None.
(b) State: I typically appear in Family Court more than five times each month and I have done so for the past five years.

Ms. West reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 0%
(b) Criminal: 0%
(c) Domestic: 100%
(d) Other: 0%

THURSDAY, JANUARY 16, 2020

Ms. West reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 0%
- (b) Non-jury: 100%

Ms. West provided that during the past five years she most often served as sole counsel.

The following is Ms. West's account of her five most significant litigated matters:

- (a) McComb v. Conard
394 S.C.416, 715 S.E.2d 662 (Ct.App. 2011)

The successful trial of this case was a significant accomplishment in my legal career. I was sole trial counsel for an un-wed mother who sought to relocate to Florida with her child over the father's objection. Both parents were college students when they had their daughter. They chose not to marry, but shared in the child's upbringing. Father eventually moved near Charlotte for work, but maintained a home in Columbia. Neither party filed for custody until Mother indicated that she wanted to move to Florida upon graduation. Mother prevailed at trial and was permitted to relocate to Florida with the child. The South Carolina Court of Appeals upheld the Family Court's award of joint custody and permission for my client to relocate with the child. This was one of the first cases where the appellate court applied the Latimer relocation factors to an initial custody determination. Father benefitted from a trust valued in excess of \$1,000,000.00. This case was significant for me for several reasons. The parties had a substantial income disparity and we were forced to build our case using modest resources. This case involved a psychological expert, extensive discovery, an experienced opposing attorney and a multi-day trial.

- (b) Sanderson v. Sanderson
391 S.C. 249, 705 S.E.2d 65 (Ct.App. 2010)

I was appellate counsel for Mr. Sanderson. I was not involved in the trial of the underlying case. Mr. Sanderson lost his job due to a force reduction during divorce litigation. The trial court imputed substantial income to Mr. Sanderson and set alimony and child support based on the imputed wage. I successfully challenged the amount of the imputed wage. The South Carolina

THURSDAY, JANUARY 16, 2020

Court of Appeals reversed and remanded the case to the Family Court. I continued my representation on remand and was successful in reducing the imputed annual wage from \$64,000.00 to \$15,072.00. I did not have the advantage of having tried the divorce case and several issues had not been preserved for appeal by trial counsel. This case was significant because, despite the significant limitations of the record, I was able to obtain substantial financial relief for my client.

(c) Montgomery v. Montgomery

Op. No. 2019 MO 027 (S.C.Sup.Ct. filed May 29, 2019)

I am appellate counsel for Mrs. Montgomery. My client is the Respondent in Mr. Montgomery's appeal of a Family Court temporary order. My role in this case began when Mr. Montgomery filed a Petition for Writ of Supersedeas seeking a stay of the Family Court's temporary order requiring him to submit to a specific psychological test. Mr. Montgomery argued that the Family Court's temporary order was unconstitutional. The Writ was granted over my client's objection and portions of the temporary order were stayed pending appeal. Soon after the Writ was granted by the South Carolina Court of Appeals, the case was certified for review by the South Carolina Supreme Court. I was solely responsible for drafting the lengthy brief, drafting responses to two highly contested motions filed by the Appellant, arguing the case before the South Carolina Supreme Court and filing a post-hearing motion. I succeeded in defeating the two motions filed by the Appellant. My representation of Mrs. Montgomery was successful and Mr. Montgomery's appeal was dismissed. The case was remanded to the Family Court with specific instructions from the Supreme Court. This case was significant because it involved a highly contested issue of great importance to Family Court practitioners. I found the issues involved in this case to be difficult and interesting. The subject of the appeal required me to expand my understanding of an area of the law that is not typically contested in divorce litigation.

(d) Mrs. W v. Mr. W

In 2011, I was retained by a wife who suspected that her husband was committing adultery. Husband operated a successful government contract procurement business and the couple had a net worth of more than \$7,000,000.00. I was able to prove adultery after a lengthy out-of-state investigation. Late in the

THURSDAY, JANUARY 16, 2020

litigation, husband challenged the tax treatment of the support payments he was making to wife and I successfully defended the motion which confirmed that the payments were non-taxable to my client. I employed a certified public accountant and certified valuation analyst to value husband's business and analyze wife's need for alimony. A consulting CPA attended mediation to assist me in analyzing the tax consequences of property division scenarios and support arrangements. This case was significant because of the size of the marital estate, the tax issues and the business valuation. In addition to the property division, I negotiated an alimony award of \$8,500.00 per month for my client and full reimbursement of her attorney fees and costs.

(e) Mrs B v. Mr. B

I represented Mrs. B in a highly contested divorce that involved a fault ground of divorce, an initial custody determination, my client's request to relocate with the child to her home state of California and whether certain assets and debt was marital or non-marital in nature. I was sole trial counsel for Mrs. B. Discovery was extensive and I took more than twelve depositions of lay and expert witnesses. A guardian ad litem conducted an extensive investigation. After a four day trial where seventeen witnesses testified, three of whom were experts, I succeeded in achieving my client's goal of obtaining sole custody and relocating to California where her extended family lived. I also prevailed on the property issues and my client received a substantial fee award. This case is significant because of the volume of discovery involved and the wide range of issues I had to be prepared to successfully litigate.

The following is Ms. West's account of five civil appeals she has personally handled:

- (a) McComb v. Conard, 394 S.C. 416, 715 S.E.2d 662 (Ct. App. 2011)
- (b) Sanderson v. Sanderson, 391 S.C. 249, 705 S.E. 2d 65 (Ct. App. 2010)
- (c) Montgomery v. Montgomery, Op. No. 2019 MO 027 (S.C.Sup.Ct. filed May 29, 2019)
- (d) Gordon v. Gordon, Op. No. 2017 UP 276 (Ct.App. filed July 5, 2017)
- (e) Boyce v. Nelson, Op. No. 2015 UP 420 (Ct.App. filed August 12, 2015)

Ms. West reported that she has not personally handled any criminal appeals.

Ms. West further reported the following regarding unsuccessful candidacies:

Yes. I was a candidate for Family Court Judge, Eleventh Judicial Circuit, Seat 1 in the Spring of 2014. I was found qualified and nominated. I withdrew from the race on May 15, 2014.

(9) Judicial Temperament:

The Commission believes that Ms. West's temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Ms. West to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional, and academic ability, character, reputation, experience, and judicial temperament. The Committee also stated, "Lots of experience with excellent qualifications."

Ms. West is married to Matthew Timothy Page. She has two children.

Ms. West reported that she was a member of the following bar and professional associations:

- (a) South Carolina Bar Association (2000-present);
- (b) Fellow, American Academy of Matrimonial Lawyers (2015-present);
- (c) Certified Family Court Mediator (2006-present);
- (d) South Carolina Bar Continuing Education Committee (2007-2008);
- (e) Lexington County Bar Association (Member 2012-present; President 2014);
- (f) South Carolina Association for Justice (2014-present);
- (g) American Bar Association, Family Law Section (2012-present);

THURSDAY, JANUARY 16, 2020

- (h) South Carolina Woman Lawyers Association (2012-present); and
- (i) South Carolina Bar House of Delegates (Delegate, Eleventh Judicial Circuit 2018-present).

Ms. West provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) School Improvement Council, River Bluff High School (2018-present);
- (b) Secretary, River Bluff High School Choral Booster Club (2018-2019); and
- (c) The Leukemia & Lymphoma Society Man & Woman of the Year Campaign Leadership Committee (Chair 2018-2019; Member 2017-2018).

Ms. West further reported:

The sudden loss of my mother to injuries sustained in an automobile accident was an event that shaped my temperament and personality. When I was six years old, my father began raising my younger brother and me on his own. We were taught to be independent and to persevere. My father managed to provide us with stability despite the devastation we all experienced. When my father remarried, we formed a new family that proved to be as loving and stable as my first family. I have never considered my mother a “step” mother, but rather my “second” mother. She raised me as her own and modeled for me an exceptional work ethic. She taught me how to have a successful career and simultaneously provide a nurturing home for my children.

Because of these experiences, I developed the desire to work hard and I learned how to be calm and resilient when faced with difficult circumstances. These personality traits have served me well in my law practice and will undoubtedly be an asset to me if I am elected to serve in the judiciary.

(11) Commission Members’ Comments:

The Commission commented that Mrs. West has vast experience in the Family Court, and is well regarded by her peers.

THURSDAY, JANUARY 16, 2020

- (12) Conclusion:
The Commission found Ms. West qualified, and nominated her for election to Family Court, At-Large, Seat 2.

**ADMINISTRATIVE LAW COURT
QUALIFIED AND NOMINATED**

**The Honorable Harold W. (Bill) Funderburk
Administrative Law Court, Seat 3**

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Funderburk meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Judge Funderburk was born in 1949. He is 70 years old and a resident of Camden, South Carolina. Judge Funderburk provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1985.

- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Funderburk.

Judge Funderburk demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Funderburk reported that he has not made any campaign expenditures.

Judge Funderburk testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;

THURSDAY, JANUARY 16, 2020

- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Funderburk testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

- (3) Professional and Academic Ability:
The Commission found Judge Funderburk to be intelligent and knowledgeable.

Judge Funderburk reported that he has taught the following law-related courses:

- (a) I have presented on the ethical dangers of social media to the National Association of Unemployment Appellate Boards Annual Conference, 2010.
- (b) I have made presentations on South Carolina Unemployment Law and Practice at various CLE seminars and to employer groups.
- (c) I have participated in and led panels on employee/independent contractor issues and law at annual conferences of the National Association of Unemployment Appellate Boards.
- (d) Recently I have taught classes in fiction for the University of South Carolina in which I chose literature dealing with the idea of justice and the operation of law in society.

Judge Funderburk reported that he has published the following:

“Independent Contractors, Temporary Workers: More Myth than Reality,” South Carolina Lawyer, 11 (January/February 2000): 15–19.

"Dracula and Vlad Tepes: Fictional and Historical Discontinuities in Character," 1 Journal of American Romanian Christian Literary Studies 116 (1980).

Ambition and Monomania: A Study of Moral Degeneration in the Plays of Christopher Marlowe, Dissertation: University of South Carolina, 1978.

(4) Character:

The Commission's investigation of Judge Funderburk did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Funderburk did not indicate any evidence of a troubled financial status. Judge Funderburk has handled his financial affairs responsibly.

The Commission also noted that Judge Funderburk was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Judge Funderburk reported that his last available rating by a legal rating organization, Martin-Hubbell, was BV Distinguished. 4.4 out of 5.

Judge Funderburk reported the following military service: Commissioned June 6, 1970; Active Duty, Sept. 1973-Dec. 1973, US. Army, Captain; Honorable Discharge, 21 August 1985 (Discharge Certificate Attached; DD214 not available.)

Judge Funderburk reported that he has never held public office other than judicial office.

(6) Physical Health:

Judge Funderburk appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Funderburk appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Judge Funderburk was admitted to the South Carolina Bar in 1985.

THURSDAY, JANUARY 16, 2020

He gave the following account of his legal experience since graduation from law school:

1985-1987 Staff Attorney, S.C. Supreme Court
1987-1988 Associate Attorney, Harvey and Battey, P.A.,
Beaufort, S.C.
1988-1995 Staff Attorney, S.C. Employment Security
Commission
1995-2010 General Counsel, S.C. Employment Security
Commission, Dept. of Employment and Workforce
2012-2014 Semi-Retired, Represented guardians for GAL
Office in Kershaw County
2014-2015 Municipal Judge, Camden, S.C.
2015-Current Judge, S.C. Administrative Law Court

Judge Funderburk provided that during the past five years prior to his service on the bench he most often served as co-counsel.

Judge Funderburk reported that he has held the following judicial office(s):

2014-2015 Municipal Judge (Elected by City Council) The court's jurisdiction was limited to Criminal Misdemeanors in the City limits.

2015- Judge (Elected by Legislature) The general jurisdiction is civil cases arising from State Agency decisions. Some are contested cases; others are appeals, depending on the decision process in the agency involved.

Judge Funderburk reported no other employment while serving as a judge:

- (9) Judicial Temperament:
The Commission believes that Judge Funderburk's temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Judge Funderburk to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and

THURSDAY, JANUARY 16, 2020

“Qualified” in the evaluative criteria of constitutional qualifications, physical health and mental stability. The Committee also stated, “Very intelligent - Excellent qualifications!”

Judge Funderburk is married to Laurie Slade Funderburk. He has four children.

Judge Funderburk reported that he was a member of the following bar and professional associations:

South Carolina Bar (Served on Publications sub-committee 1992-94).

Judge Funderburk provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Lyttleton Street United Methodist Church, Finance Committee, 2018-Present
- (b) Kershaw County Library Board of Trustees, 2011–2019, Secretary. I received a plaque, as did two others, when our terms ended.
- (c) Kershaw County Historical Society, Board of Trustees, 2006-2018
- (d) Congaree Land Trust, Board of Trustees, 2013-2018

Judge Funderburk further reported:

The variety of what I have done and the jobs I have held brought me into contact with all kinds of people. These experiences have made me sensitive to the struggles people have and the difficulty some have in communicating with others. I have also been fortunate to have learned from some very bright teachers and to have worked with individuals who cared deeply about their jobs, the organizations that employed us and the people they served. I hope to continue to bring the skills I have learned and the insights as well as the examples of dedication and professionalism to which I have been exposed to my work. I understand the value of hard work and diligence. It is also important to be an active listener and to treat those who come into a courtroom with civility and respect. The best judges I have seen combine those characteristics with a humanity so genuine

THURSDAY, JANUARY 16, 2020

that even those ruled against know that they have been heard and understood. My goal is to earn that respect for both myself and the court system I represent.

- (11) Commission Members' Comments:
The Commission commented that Judge Funderburk's tenure at the Administrative Law Court has been exemplary, and that his continued service on the bench will be an asset to the state.
- (12) Conclusion:
The Commission found Judge Funderburk qualified, and nominated him for re-election to Administrative Law Court, Seat 3.

**The Honorable Deborah Brooks Durden
Administrative Law Court, Seat 4**

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Durden meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Judge Durden was born in 1961. She is 58 years old and a resident of Columbia, South Carolina. Judge Durden provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1992. She was also admitted to the Alaska Bar in 1993.

- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Durden.

Judge Durden demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

THURSDAY, JANUARY 16, 2020

Judge Durden reported that she has not made any campaign expenditures.

Judge Durden testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Durden testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Durden to be intelligent and knowledgeable.

Judge Durden reported that she has taught the following law-related courses:

- (a) I lectured at the SC Bar "Bridge the Gap" programs for new lawyers giving an overview of practice before the Administrative Law Court from 2011-2016.
- (b) I made presentations on the topics of accommodation taxes and bankruptcy sales in property valuation to judges attending the 2012 National Conference of State Tax Judges.
- (c) I made a presentation on the topic of personal property valuation litigation to the 2010 Academy for County Auditors, Treasurers and Tax Collectors.
- (d) I taught training sessions for SCDOT staff on the effect of S.C. Act 114 of 2007 which restructured the agency.
- (e) I lectured at a SC Bar Government Law Section CLE concerning state legislative action related to eminent domain law.
- (f) I lectured at a CLE hosted by the International Eminent Domain Institute on the topic of relocation assistance benefits, and how newly promulgated federal regulations would affect those benefits in the future.

THURSDAY, JANUARY 16, 2020

- (g) I taught a segment of a CLE for attorneys who handle condemnation cases for SCDOT explaining relocation assistance benefits available for landowners and displacees and the interplay between those benefits and just compensation payments made in condemnation litigation.
- (h) I taught a segment of a CLE for attorneys who handle SCDOT condemnation cases for SCDOT on the subject of FOIA and Discovery Requests and strategies for avoiding surprise at trial.

Judge Durden reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Durden did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Durden did not indicate any evidence of a troubled financial status. Judge Durden has handled her financial affairs responsibly.

The Commission also noted that Judge Durden was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Judge Durden reported that she is not rated by any legal rating organization.

Judge Durden reported that she has not served in the military.

Judge Durden reported that she has never held public office other than judicial office.

(6) Physical Health:

Judge Durden appears to be physically capable of performing the duties of the office she seeks.

THURSDAY, JANUARY 16, 2020

- (7) Mental Stability:
Judge Durden appears to be mentally capable of performing the duties of the office she seeks.
- (8) Experience:
Judge Durden was admitted to the South Carolina Bar in 1992.

She gave the following account of her legal experience since graduation from law school:

(a) 1991-1992 -- Judicial Law Clerk

After graduation from USC law school and sitting for the South Carolina bar exam, I moved to Anchorage, Alaska where I served as law clerk to Alaska Superior Court Judge Karen Hunt from August 1991 to September 1992. Judge Hunt handled complex civil litigation and I performed legal research related to those cases and wrote memoranda of law and proposed orders on all motions to dismiss and motions for summary judgment. I also evaluated motions for injunctive relief filed with the court.

I served as law clerk to Alaska Superior Court Judge John Reese from December 1992 to April 1993 handling family court matters. I reviewed motions filed with the court and recommended action on those motions. During this time I studied for the Alaska Bar exam and took that exam in January, 1993.

(b) 1993-1997 -- Private Practice

In April 1993 I became an associate at Faulkner, Banfield, Doogan and Holmes' Anchorage office. Faulkner Banfield was a large firm with offices in Juneau, Fairbanks and Anchorage, Alaska representing primarily business clients. During my association with the firm I worked on Workers Compensation matters, professional liability cases, and tort cases. Approximately 50% of the cases I worked on were in the Federal District Court. I also successfully argued an appeal of a constitutional issue before the Alaska Supreme Court.

In 1994 my husband's service commitment to the U.S. Air Force ended and I left Faulkner Banfield so that he and I could move to South Carolina. I became an Associate at Gergel, Nickles &

THURSDAY, JANUARY 16, 2020

Grant. During my association with the firm from 1994 to 1997, I represented teachers and other employees in employment matters and worked on motions and discovery in tort claims cases, Fair Labor Standards Act cases, and other civil litigation.

(c) 1997-2009 -- Government Service

In August, 1997 I accepted a position as Assistant Chief Counsel at the South Carolina Department of Transportation. While at SCDOT I handled a wide variety of legal matters including condemnation cases, contract matters, legislative issues, environmental matters, and administrative law. I handled contested cases at the Administrative Law Court for the department concerning environmental permits, the payment of relocation assistance benefits, and the certification of Disadvantaged Business Enterprises. I drafted and promulgated agency regulations. I counseled agency staff and associate counsel on condemnation and real estate law. My responsibilities at SCDOT also involved reviewing and analyzing legislation pending at the state legislature, drafting proposed legislation and amendments, and providing testimony before legislative subcommittees.

(d) 2009-Present -- Administrative Law Judge

Since February 2009 I have served as a judge on the South Carolina Administrative Law Court.

Judge Durden reported she has not personally handled any civil or criminal appeals.

Judge Durden reported that she has held the following judicial office(s):

From February 2009 to the present I have served as a Judge on the South Carolina Administrative Law Court. The Administrative Law Court has jurisdiction over contested cases, appeals of administrative agency decisions, regulation hearings, and certain petitions for injunctive relief. The jurisdiction of the Court is created by South Carolina statutes, most notably the Administrative Procedures Act. Judges are elected by the South Carolina General Assembly. The Court's jurisdiction is limited to those matters delineated by statute. The Court may consider

THURSDAY, JANUARY 16, 2020

the constitutionality of a statute or regulation only with respect to how that statute or regulation was applied in the matter at hand.

Judge Durden provided the following list of her most significant orders or opinions:

- (a) Emerson Electric Co. and Affiliates v. S.C. Department of Revenue, (Docket No. 08-ALJ-71-0351) not reported; affirmed by S.C. Supreme Court at 395 S.C. 481, 719 SE 2d 650 (2011). Held allocation statute applies to nonresident corporation for interest expense deductions where no taxable dividend income was earned, and rejected as-applied constitutional claims.
- (b) Carolina Walk LLC and Serrus Carolina Walk, LLC v. Richland County Assessor, reported at 2012 WL 529413; affirmed in unpublished opinion of the S. C. Supreme Court at 2014 WL 2575405. Held purchase price was not an arms-length sale that could be used to establish fair market value of real property. More contemporaneous sales within the same development were more compelling evidence of the value of the subject properties.
- (c) Cellular Sales of South Carolina, LLC v. S.C. Department of Employment and Workforce, reported at 3013 WL 173705; affirmed in unpublished opinion by S.C. Court of Appeals at 2014 WL 2586885. Held sales representative and others similarly situated were employees and not independent contractors.
- (d) Torrence v. S. C. Department of Corrections (docket No. 12-ALJ-04-0143-AP) not reported; Appeal to Court of Appeals dismissed as interlocutory in unreported decision. 2018 WL 6199185. Held the Department of Corrections must determine the prevailing wage for Prison Industries employment according to data collected by the Department of Employment and Workforce and remit difference in amounts paid to inmate. Held inmate serving a life sentence is entitled to designate persons or entities for distribution of escrowed wages.
- (e) Five Points Roost v. S.C. Department of Revenue reported at 2018 WL 1724696; Denied Liquor by the drink license where proposed business would strain law enforcement

THURSDAY, JANUARY 16, 2020

resources and is not primarily and substantially engaged in the preparation and serving of meals.

Judge Durden has reported no other employment while serving as a judge.

Judge Durden further reported the following regarding unsuccessful candidacies:

I ran, unsuccessfully, for a seat on the Administrative Law Court in 2006. I was found qualified and nominated by the Judicial Merit Selection Commission, but withdrew from the race prior to the election in the General Assembly.

(9) Judicial Temperament:

The Commission believes that Judge Durden's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Judge Durden to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee also stated, "Excellent candidate!"

Judge Durden is married to Wiley Kevin Durden. She has three children.

Judge Durden reported that she was a member of the following bar and professional associations:

- (a) South Carolina Bar Association
- (b) South Carolina Women Lawyers Association
- (c) Richland County Bar Association

Judge Durden provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

Trenholm Road United Methodist Church, Hope Class
President, Youth Core Team

THURSDAY, JANUARY 16, 2020

- (11) Commission Members' Comments:
The Commission noted that Judge Durden has an outstanding reputation as a jurist, and it appreciates her service on the Administrative Law Court.
- (12) Conclusion:
The Commission found Judge Durden qualified, and nominated her for re-election to Administrative Law Court, Seat 4.

QUALIFIED, BUT NOT NOMINATED

**Erin E. Bailey
Circuit Court, At-Large, Seat 13**

**Commission's Findings: QUALIFIED, BUT NOT
NOMINATED**

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Ms. Bailey meets the qualifications prescribed by law for judicial service as a Circuit Court Judge.
- Ms. Bailey was born in 1980. She is 39 years old and a resident of Mt. Pleasant, South Carolina. Ms. Bailey provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2007.
- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Bailey.
- Ms. Bailey demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.
- Ms. Bailey reported that she has not made any campaign expenditures.

THURSDAY, JANUARY 16, 2020

Ms. Bailey testified that she has not:

- (d) Sought or received the pledge of any legislator prior to screening;
- (e) Sought or been offered a conditional pledge of support by a legislator;
- (f) Asked third persons to contact members of the General Assembly prior to screening.

Ms. Bailey testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Bailey to be intelligent and knowledgeable.

Ms. Bailey reported that she has taught the following law-related courses:

- (a) Winter 2012-co-led a small group at the Prosecutors Bootcamp program, sponsored by the South Carolina Commission on Prosecution Coordination.
- (b) February 5, 2016, Panel member for a round table discussion at the Criminal Law 101 seminar sponsored by the South Carolina Association of Criminal Defense Lawyers.
- (c) January 19, 2018, Course planner and moderator for Criminal Law Part 1 section of the South Carolina Bar Convention.
- (d) January 19, 2018, Course planner, moderator, and presenter for Criminal Law Part 2 section of the South Carolina Bar Convention. This section was both a continuing legal and continuing judicial education program. Presented on social media and its potential use and admissibility as evidence in the courtroom.
- (e) August 2018, Presented to the Family Court section of the South Carolina Association for Justice at their Annual Convention on Dealing with Family Court cases when there is a companion criminal case.

THURSDAY, JANUARY 16, 2020

- (f) Volunteer coach of Mock Trial Competition Team at Academic Magnet High School, 2007-2008.
- (g) Volunteer speaker to Mock Trial Competition Team at Georgetown School for Arts and Sciences, 2018.

Ms. Bailey reported that she has not published any books and/or articles.

(4) Character:

The Commission's investigation of Ms. Bailey did not reveal evidence of any founded grievances of criminal allegations made against her.

The Commission's investigation of Ms. Bailey did not indicate any evidence of a troubled financial status. Ms. Bailey has handled her financial affairs responsibly.

The Commission also noted that Ms. Bailey was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Bailey reported that she is rated by the following legal rating organizations:

- (a) Received the AV Preeminent rating from Martindale-Hubbell in 2012, and has maintained it every year since.
- (b) Invited to join the National Trial Lawyers 40 under 40 in the area of Criminal Defense in 2019.

Ms. Bailey reported that she has not served in the military.

Ms. Bailey reported that she has never held public office.

(6) Physical Health:

Ms. Bailey appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

THURSDAY, JANUARY 16, 2020

Ms. Bailey appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Bailey was admitted to the South Carolina Bar in 2007.

She gave the following account of her legal experiences since graduation from law school:

- (a) Temporary Law Clerk, Special Project, Administrative Law Court (September 2007-February 2008). I created materials for the general public describing the function and process of the Administrative law court.
- (b) Law Clerk, The Honorable Larry B. Hyman, Jr. (March 2008-August 2009). I served as Judge Hyman's first law clerk. I drafted jury charges and verdict forms for General Sessions and Common Pleas trials. I performed legal research for Common Pleas non-jury terms and legal issues as they arose in a variety of contexts. I reviewed motions for default judgement for sufficiency in documentation.
- (c) Assistant Solicitor, Fifteenth Circuit, Georgetown office (August 2009-August 2012). Handled a variety of General Sessions cases, including a wide range of issues ranging from DUI to Murder. My case load varied from 200-600 warrants at a time.
- (d) Senior Assistant Solicitor, Fifteenth Circuit, Georgetown office (August 2012-March 2016). Continued to handle a full variety of General Sessions cases, also supervised other lawyers and their caseloads. Handled a variety of other matters for the office including probate commitment proceedings for incompetent defendants, civil forfeiture proceedings, and brief writing (including Horry County) when complex legal issues arose. In 2013, I earned the award for Prosecutor of the Year for the Fifteenth Circuit Solicitor's Office.
- (e) Owner and sole attorney, The Law Office of Erin E. Bailey LLC (March 2016-present). I handle a variety of private pay and appointed criminal cases in the magistrate, municipal, and General Sessions courts. I contract with the South Carolina Commission on Indigent Defense to provide

THURSDAY, JANUARY 16, 2020

conflict representation to indigent clients in Georgetown County. I contract with the Georgetown County Public Defender to provide representation to indigent clients. I contract with the City of Georgetown to provide representation to indigent clients in the municipal court. I represent clients in injury claims including automobile collisions and premises liability. I represent clients in the Court of Common Pleas in civil forfeiture cases and general litigation. I represent clients in small business disputes. I represent a Homeowners Association in filing liens, collecting dues, and updating Covenants and Restrictions. I serve as a guardian ad litem in the Probate Court and have represented clients in involuntary commitment proceedings in the Probate Court. I draft and execute simple wills and other end of life documents. I have litigated an appeal arising out of a civil forfeiture matter. I am currently litigating a criminal appeal. I represent clients in Post-Conviction Relief hearings in the Court of Common Pleas. I recently hired an associate to assist me in all of these matters. I am solely responsible for the administrative and financial management of this firm, including the trust account.

Ms. Bailey further reported regarding her experience with criminal and civil matters:

In General Sessions Court, I have litigated cases from start to finish as both a prosecutor and defense attorney, having handled thousands of warrants, ranging from Driving Under the Influence and property crimes to Murder. I have been sole counsel in twenty-two jury trials in General Sessions and lead counsel in one jury trial in General Sessions Court. I have assisted in over thirty other trials as a Senior Assistant Solicitor. As a prosecutor, I handled fourteen murder charges, three of which required a trial; eleven resulted in a guilty plea. All three murder trials resulted in a conviction. As a Defense Attorney, I have handled three additional murder charges, two of them resulting in a plea, and one of them in a trial, with a not-guilty verdict. I currently have three pending murder cases. I have also litigated nearly

THURSDAY, JANUARY 16, 2020

every type of crime for both sides, including but not limited to: white-collar crimes, felony driving under the influence, sexual assault of both minors and adults, property crimes, armed robbery, home invasions, and embezzlement. As a prosecutor, I appeared before a Circuit Court Judge at least five days every month. As a defense attorney, I appear before a Circuit Judge at least one day every month. I also regularly appear in magistrate and municipal courts in multiple jurisdictions in South Carolina. I have tried six cases before juries in the lower courts.

As Judge Hyman's law clerk, I became well versed in the minimum and maximum sentences under South Carolina law. I also drafted jury charges and verdict forms for thirty-seven terms of General Sessions Court in eight different counties.

In Common Pleas Court, I handled a civil forfeiture on behalf of the Solicitor's office that resulted in a bench trial. I have represented one Defendant in a civil forfeiture action, which is currently pending, and have argued a motion before a Circuit Court Judge in that case. I represented a client who was a Defendant in Common Pleas Court in a Claim and Delivery action, argued motions in that case before a Circuit Court Judge, and represented my clients at a six hour mediation that successfully resolved the case. I represented a client at a Post-Conviction Relief bench trial in Common Pleas Court before a Circuit Court Judge.

I have represented plaintiffs who have been injured as a result of negligent premise owners and automobile collisions in their claims with insurance companies.

I became a Certified Circuit Court mediator in 2016. In that capacity, I mediated one case involving an automobile collision. My practice has grown since that time, and in 2018, I let my certification lapse so that I could focus on my caseload.

As Judge Hyman's law clerk, I assisted with legal research and order preparation for eleven terms of Common Pleas

THURSDAY, JANUARY 16, 2020

Non-Jury Court. I also assisted with legal research, drafted jury charges and verdict forms, and observed fourteen terms of Common Pleas Court, resulting in three jury trials and numerous bench trials and damages hearings.

Ms. Bailey reported the frequency of her court appearances during the last five years as follows:

- (a) Federal: 0%
- (b) State: 100%

Ms. Bailey reported the percentage of her practice involving civil, criminal, domestic and other matters during the last five years as follows:

- (a) Civil: 25%
- (b) Criminal: 70%
- (c) Domestic: 0%
- (d) Other: 5%

Ms. Bailey reported the percentage of her practice in trial court during the last five years as follows:

- (a) Jury: 15%
- (b) Non-jury: 85%

Ms. Bailey provided that she most often served as sole counsel.

The following is Ms. Bailey's account of her five most significant litigated matters:

- (a) State v. Deterris Bellamy, 2015-GS-26-0250, 2016-GS-26-00343 (S.C. Cir. Ct. Feb. 15, 2018). I served as sole counsel for the Defendant at this murder trial in Horry County. The trial lasted 4 days. I successfully argued a Batson Motion, requiring that the jury be re-drawn. I successfully argued a Jackson v. Denmo motion, requiring that portions of my client's statements be excluded. I secured a not guilty verdict for my client.
- (b) State v. Terron Dizzley, 2009-GS-22-00778 (S.C. Cir. Ct. Apr. 3, 2014). I served as sole counsel at this murder trial for the state. The trial lasted 5 days. This was the second murder trial on this charge for Mr. Dizzley. The first trial was handled by the then Deputy Solicitor, and resulted in a

THURSDAY, JANUARY 16, 2020

mistrial due to a hung jury. The Deputy Solicitor was then promoted to Chief Deputy for the Circuit, and I was assigned the case for a re-trial. I started from scratch in my preparation, investigation, and trial strategy. In this second trial, Mr. Dizzley was convicted of Murder. As sole counsel in this case I handled over twenty witnesses and admitted over 350 pieces of evidence. Mr. Dizzley is currently serving a 35 year sentence.

- (c) State v. Rondell Carter, 2009-GS-22-00557, 2009-GS-22-00556, 2009-GS-22-00560, 2009-GS-22-00561, 2011-GS-22-00645 (S.C. Cir. Ct. Jun. 29, 2011), aff'd State v. Rondell Carter, Op. No. 2013-UP-157 (S.C. Ct. App. Filed April 17, 2013). I served as sole counsel for the State in this trial for Armed Robbery, Burglary, Assault with Intent to Kill, and Kidnapping. Mr. Carter, along with three other co-defendants were accused of breaking into an occupied home, shooting a woman in the leg, and holding the residents hostage for over twelve hours. Mr. Carter had a previous conviction for Manslaughter, so as an agent of the state, I sought a sentence of Life Without Parole under out state's "two strikes" law. Mr. Carter was convicted after a 3 day jury trial and is serving a sentence of Life Without Parole.
- (d) State v. Tamar Bryant, 2011-GS-22-00495 (S.C. Cir. Ct. Mar. 13, 2013), aff'd State v. Tamar Bryant, Op. No. 2014-UP-440 (S.C. Ct. App. Filed Dec. 3, 2014). I served as sole counsel for the State in this trial for Murder. Mr. Bryant, along with four co-defendants, was accused of a murder at a nightclub in the Plantersville community of Georgetown County. After a three day trial, Mr. Bryant was convicted of murder, and is currently serving a 35 year sentence.
- (e) State v. Eric Perry, 2017-GS-22-01104, 2017-GS-22-01105 (S.C. Cir. Ct. July 22, 2019). I served as sole counsel for the Defendant in this Murder and Arson case. This was a very high profile case as it involved the live streaming of a boat chase in Murrels Inlet, and the murder of the owner of a popular bait and tackle shop. Mr. Perry was accused of murdering his ex-wife and the mother of his children and attempting to burn down the bait and tackle shop. The

THURSDAY, JANUARY 16, 2020

details of the case were such that the State considered seeking the death penalty. I negotiated a sentence of 45 years on the charges of Arson and Murder for this client.

The following is Ms. Bailey's account of a civil appeal that she has personally handled:

Jimmy Richardson v. Michael Hatten, 2018-UP-316 (S.C. Ct. App. July, 11, 2018).

The following is Ms. Bailey's account of a criminal appeal that she has personally handled:

The State v. Daemon M. Crim, 2018-001915 (S.C. Ct. App. Pending).

(9) Judicial Temperament:

The Commission believes that Ms. Bailey's temperament would be excellent.

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications reported that Ms. Bailey is "Well Qualified" in the evaluative criteria of ethical fitness, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, professional and academic ability, physical health, and mental stability. The committee also stated, "Qualified-could benefit from more civil experience."

Ms. Bailey is married to David Hoyle. She has three children.

Ms. Bailey provided that she was a member of the following bar associations and professional associations:

- (a) South Carolina Bar Association, Member (2007-present); Member, House of Delegates, representing the Fifteenth Circuit (2010); Secretary, Criminal Law Council (2014-2015), Vice-Chair, Criminal Law Council (2015-2016), Chair-Elect, Criminal Law Council (2016-2017), Chair, Criminal Law Council (2017-2018), Immediate Past Chair, Criminal Law Council (2018-2019).
- (b) Georgetown County Bar Association, Member (2009-present).

THURSDAY, JANUARY 16, 2020

- (c) South Carolina Association of Criminal Defense Lawyers, Member (2016-present).
- (d) South Carolina Association for Justice, Member (2016-present).
- (e) South Carolina Women Lawyers Association, Member (2009-present).
- (f) Council of Parent Attorneys and Advocates, Member (2016-Present).

Ms. Bailey provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) St. Stephen's Episcopal Church. Member, 2008-present. Chair, Rector Search Committee, 2016-2017. Vestry Member, 2009-2011.
- (b) The Episcopal Church in South Carolina. Member, Standing Committee, 2013-2016. Member, Constitutions and Cannons Committee, 2018-Present.

Ms. Bailey further reported:

While I live in North Mount Pleasant, my intention is to keep this At-Large seat in the Fifteenth Circuit, if elected. The Fifteenth Circuit, which contains the Grand Strand, needs to have three Judges available to continue to meet the needs of two very busy courthouses. If elected, I would maintain my chambers in the Fifteenth Circuit, which is where I have practiced my entire career.

I grew up middle class. I worked and borrowed my way through my undergraduate degree and law school. I have held a job since I was 16 years old. Every bit of success I have achieved in my career I owe to hard work and my deep, abiding faith in God.

I spent my formative intellectual years as a competitive debater. In fact, after debating for all four years of high school, and winning the North Carolina state championship in policy debate, I was recruited to debate for the University of South Carolina, and awarded a scholarship. While an undergraduate at the University of South Carolina, I fell in love with this beautiful state, and knew it would be my home. For three years, I

THURSDAY, JANUARY 16, 2020

represented the Gamecocks at intercollegiate debate tournaments all over the country. The format used for competitive debate required that in alternating rounds, debaters advocate for the opposite side of the same topic. Practicing this intellectual exercise for seven years gave me a unique ability that has served me well as a practicing lawyer. I am able to see beyond my own advocacy to consider both sides of the issues. These abilities will serve me well if I am elected.

As I have spent my days in busy courtrooms for the last 12 years, I have noticed that court personnel, including solicitors, public defenders, private bar lawyers, bailiffs, judges, and all those who report there for work every day, often forget the sanctity and solemnity of the courtroom. Each person who works in court every day is concerned with efficiency and outcome of the courtroom proceedings. But to the average person in this state - - the victim whose home was burglarized, the claimant injured in an automobile collision, the mother of a murder victim, the debtor whose manufactured home is being repossessed, the young offender who made a terrible choice -- court is formal, frightening, and foreign. This will likely be the only time in their entire life that these citizens appear in a courtroom. As important as it is for Judges to efficiently dispense with the caseload before them, the highest duty of a Judge is to give every matter the attention to detail and respect it deserves. While some matters may seem insignificant to the Judiciary given the grave matters Judges are asked to undertake each day, every matter is significant to its litigants. If elected, I intend to be a Judge who never forgets that fact, and gives every single matter before the court a full and fair hearing. Faith in the Judiciary and the Judicial system is essential to our functioning Democracy, and adherence to the rule of law.

I am not only a lawyer, but as a small firm lawyer, I am also a small business owner. I understand the pressures placed on the bar by the roster system that expects many lawyers to be in three places at once. If elected, I intend to treat lawyers who are doing their best to diligently represent their clients with dignity and respect, to let them make their record, and argue their case.

THURSDAY, JANUARY 16, 2020

In many cases, the role of a Judge in the courtrooms is that of a referee. The Judge makes the calls in procedural and evidentiary disputes, serves as neutral facilitator of the proceedings, and starts and stops the clock. But it's the lawyers' courtroom, and the litigants' case. The lawyers and litigants are the players on the field. They are the ones that win or lose. They should be able to present their case as they see fit so long as their presentation comports with the rules.

As Chief Justice John Roberts so eloquently said, in his opening statement during his nomination hearings before the United States Senate Judiciary Committee:

Judges and justices are servants of the law, not the other way around. Judges are like umpires. Umpires don't make the rules; they apply them. The role of an umpire and a judge is critical. They make sure everybody plays by the rules. But it is a limited role. Nobody ever went to a ball game to see the umpire. Judges have to have the humility to recognize that they operate within a system of precedent, shaped by other judges equally striving to live up to the judicial oath. And judges have to have the modesty to be open in the decisional process to the considered views of their colleagues on the bench.

Confirmation Hearing on the Nomination of John G. Roberts, Jr. to be Chief Justice of the United States, 109th Cong. 55-56 (2005) (statement of nominee, John G. Roberts, Jr.).

I do not intend to be a Judge who lectures or gives long speeches. I believe that a Judge cedes the floor to the lawyers when they seek election to the other side of the bench.

Finally, if elected, I intend to be a Judge who serves as a neutral arbiter of the cases before me. I would conduct myself, both inside and outside of the courtroom, in a way that gives no appearance of impropriety, both professionally and personally.

THURSDAY, JANUARY 16, 2020

(11) Commission Members Comments:

The Commission commented that Ms. Bailey has a great reputation and noted her very impressive BallotBox responses.

(12) Conclusion:

The Commission found Ms. Bailey qualified, but did not nominate her for election to Circuit Court, At-Large, Seat 13.

**The Honorable Joe M. Crosby
Circuit Court, At-Large, Seat 13**

**Commission's Findings: QUALIFIED, BUT NOT
 NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Crosby meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge Crosby was born in 1969. He is 50 years old and a resident of Pawleys Island, South Carolina. Judge Crosby provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1994.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Crosby.

Judge Crosby demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Crosby reported that he has not made any campaign expenditures.

Judge Crosby testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;

THURSDAY, JANUARY 16, 2020

- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Crosby testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

- (3) Professional and Academic Ability:
The Commission found Judge Crosby to be intelligent and knowledgeable.

Judge Crosby reported that he has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

Judge Crosby reported that he has not published any books or articles.

- (4) Character:
The Commission's investigation of Judge Crosby did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Crosby did not indicate any evidence of a troubled financial status. Judge Crosby has handled his financial affairs responsibly.

The Commission also noted that Judge Crosby was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

- (5) Reputation:
Judge Crosby reported that he is not rated by any legal rating organization.

Judge Crosby reported that he has not served in the military.

THURSDAY, JANUARY 16, 2020

Judge Crosby reported that he has held the following public office:

Georgetown County School Board from 2000 until 2007. He was a member from 2000-2004 and Chairman from 2004 until 2007.

(6) Physical Health:

Judge Crosby appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Crosby appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Judge Crosby was admitted to the South Carolina Bar in 1994.

He gave the following account of his legal experience since graduation from law school:

After graduation I worked as a law clerk for the Honorable David H. Maring, Sr., Circuit Court Judge, 15th Judicial Circuit from 1994-1995. I was married in August of 1995 and moved to Charleston to join my wife who was employed in the 9th Circuit Solicitor's Office. I worked for the Anastopoulos Law Firm in Charleston for seven months in a personal injury practice after which I moved to Smith, Cox and Associates and worked there until November 1996 in a business-focused practice. In November 1996 my wife and I returned to Georgetown, South Carolina. I began work as an Associate for William Stuart Duncan in a plaintiff's practice in which I was referred all Family Court cases. I continued in this capacity until 2000 when we moved the practice and we became Duncan and Crosby, P.A. In 2004 Robert Maring joined as a partner so we became Duncan, Crosby and Maring. LLC. Since 1996 my court practice has expanded. It has changed in that the nature of the family court cases I take are more complex and the criminal cases are more challenging. I have been involved in federal litigation on issues ranging from the Fair Labor Standards Act to, social security to religious freedom. In 2007 my wife

THURSDAY, JANUARY 16, 2020

and I formed the Crosby Law Firm. We have been in a general practice since that time. And we are both responsible for managing our trust account and the practice as a whole. The Crosby Law Firm practices extensively in Circuit Court, Family Court and Magistrate's Court.

Judge Crosby further reported regarding his experience with the Circuit Court practice area:

My criminal representation has been limited to an occasional client that needs assistance got a variety of issues. I have recently represented a client against fraud charges. I have also represented a client in General sessions for illegal substance charges and another General Sessions charge regarding a plea agreement from more substantial charges. These were all General Sessions charges that required me to review documents consider pleas offers and make recommendations regarding potential outcomes to clients. I have numerous appearances for city and magistrate level cases. These are generally DUI cases ranging from Georgetown to Horry County.

My civil trial experience is largely focused by the fact I am a Master-in-Equity and Special Circuit Court Judge and have been for over 10 years. While representing defendants, I have taken a construction case to trial, although it was settled. I have also represented Property Owners' Association in a variety of issues. I secured judgements on behalf of property owners in commercial leases cases and private property owners in boundary disputes. I am also fortunate enough to be able represent injured parties in car accident cases. All of these cases involve procedural maneuvering and discovery is required in all of these cases.

These experiences, in addition to the actual experience on the bench handling trial and post-trial motions, has prepared me for becoming a Circuit Court Judge.

Judge Crosby reported the frequency of his court appearances prior to his service on the bench as follows:

- (a) Federal: 10%
- (b) State: 90%

THURSDAY, JANUARY 16, 2020

Judge Crosby reported the percentage of his practice involving civil, criminal, domestic and other matters prior to his service on the bench as follows:

- (a) Civil: 25%;
- (b) Criminal: 25%;
- (c) Domestic: 40%;
- (d) Other: 10%.

Judge Crosby reported the percentage of his practice in trial court prior to his service on the bench as follows:

- (a) Jury: 25%;
- (b) Non-jury: 75%.

Judge Crosby provided that during the past five years prior to his service on the bench he most often served as sole counsel.

The following is Judge Crosby's account of his five most significant litigated matters:

- (a) Fredrick Herman v. The State of South Carolina; retained PCR. I successfully pursued a post-conviction relief for a client which resulted in a greatly reduced sentence: twenty-five years to four. The Attorney General's Office consented to resentencing.
- (b) McEntire v. Mooregard C/A # 98-CP-22-736; 353 S.C. 629, 578 S.E.2d 746 South Carolina Court of Appeals, March 17, 2003. We were awarded a new trial based on the Thirteenth Juror Doctrine and prevailed on appeal. The case settled after the trial judge was affirmed by the South Carolina Court of Appeals.
- (c) Representing the volunteer Guardian *ad litem* program. Because they involve children, many of my most significant matters are the hundreds of cases I have handled as attorney for the Georgetown Volunteer Guardian *ad litem* program. These cases have involved litigating on behalf of abused and neglected children.
- (d) Dept of Social Services v. Murray; I successfully argued at the trial level case seeking to dismiss a volunteer Guardian *ad litem*. The order was appealed by the dismissed GAL.

THURSDAY, JANUARY 16, 2020

The appeal was ultimately dismissed as moot by the South Carolina Supreme Court in an unpublished decision.

- (e) Haley v. Nationsbank, N.A., 98-CP-22-780. I represented a client seeking to claim part of the Nationsbank \$10,000.00 reward for providing information leading to the arrest of church arsonists in the Manning area. The case settled prior to trial. I had to depose FBI agents, noticed the deposition of the CEO of Bank of America, and prepared the case for trial.

Judge Crosby reported that he has handled the following Civil Appeals:

- (a) Herman v. South Carolina; South Carolina Circuit Court (PCR) Case resolved by consent.
- (b) McEntire v. Mooregard, 353 S.C. 629, 578 S.E.2d 746 South Carolina Court of Appeals, March 17, 2003.
- (c) Barry Holmes v. Jo Anne B. Barnhart; 03-2906-13BC U.S. District Court. The District Court remanded the decision of the Commissioner.
- (d) Anthony Hyman v. Jo Ann B. Barnhart, 05-03168-DCN U.S. District Court. The District Court remanded the decision of the Commissioner.
- (e) John Calhoun v. Jo Ann B. Barnhart, 04 1682 HFF U.S. District Court. The District Court remanded the decision of the Commissioner.

Judge Crosby reported that he has not personally handled any criminal appeals.

Judge Crosby reported that he has held the following judicial office(s):

I am the sitting Master in Equity for Georgetown County from 2007 to present. I am able to hear non-jury issues with the consent of the parties.

Judge Crosby reported the following regarding his employment while serving as a judge:

I am a "part-time" Master in Equity. Therefore, I have continued to practice law in a private practice. I have been a partner in the Crosby Law Firm since 2006.

THURSDAY, JANUARY 16, 2020

Judge Crosby further reported the following regarding unsuccessful candidacies:

I ran for Family Court in 2005 and was unsuccessful.

(9) Judicial Temperament:

The Commission believes that Judge Crosby's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Judge Crosby to be "Well Qualified" in the evaluative criteria of ethical fitness, reputation, and experience; and "Qualified" in the evaluative criteria of constitutional qualifications, professional and academic ability, character, physical health, mental stability, and judicial temperament. The Committee also stated, "Mr. Crosby enjoys a good reputation in the community and has experience as a judge through his work as a part-time Master-in-Equity."

Judge Crosby is married to Elise Crosby. He has 3 children.

Judge Crosby reported that he was a member of the following bar and professional associations:

- (a) Georgetown County Bar Association 1995-present
- (b) President, Georgetown County Bar, 2017.
- (c) 15th Circuit Inn of Court 2017-present

Judge Crosby provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Boy Scouts of America, Scoutmaster 2015-2018
- (b) Winyah Indigo Society
- (c) Prince George Episcopal Church

(11) Commission Members' Comments:

The Commission commented that Judge Crosby maintains an excellent reputation for his work as a Master-in-Equity. He has a wealth of varied experience both as a practicing attorney and as a jurist.

THURSDAY, JANUARY 16, 2020

- (12) Conclusion:
The Commission found Judge Crosby qualified, but did not nominate him for election to Circuit Court, At-Large, Seat 13.

H. Steven DeBerry IV
Circuit Court, At-Large, Seat 13

**Commission's Findings: QUALIFIED, BUT NOT
 NOMINATED**

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Mr. DeBerry meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. DeBerry was born in 1980. He is 39 years old and a resident of Pamplico, South Carolina. Mr. DeBerry provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2006.

- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Mr. DeBerry.

Mr. DeBerry demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. DeBerry reported that he has made \$1.50 in campaign expenditures for postage.

Mr. DeBerry testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

THURSDAY, JANUARY 16, 2020

Mr. DeBerry testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. DeBerry to be intelligent and knowledgeable.

Mr. DeBerry reported that he has taught the following law-related courses:

I taught Business Law for a number of years at Florence Darlington Technical College. The course consisted of basic principles of law and how the law interacts with business.

Mr. DeBerry reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. DeBerry did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. DeBerry did not indicate any evidence of a troubled financial status. Mr. DeBerry has handled his financial affairs responsibly.

The Commission also noted that Mr. DeBerry was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. DeBerry reported that he is not rated by any legal rating organization.

Mr. DeBerry reported that he has not served in the military.

Mr. DeBerry reported that he has held the following public office:

I was elected to Florence County Council in November of 2013. My first term began January 1, 2014 and expired

THURSDAY, JANUARY 16, 2020

December 31, 2018. I was re-elected to a second term in November 2018 and began my second term in January 2019. I currently hold this office. I have timely filed my reports with the State Ethics Commission during the time I have held office.

(6) Physical Health:

Mr. DeBerry appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. DeBerry appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. DeBerry was admitted to the South Carolina Bar in 2006.

He gave the following account of his legal experience since graduation from law school:

- (a) Law Clerk for the Honorable R. Ferrell Cothran, Jr. 2006-2007
- (b) Attorney at The Whisenhunt Law Firm, Florence South Carolina 2007-2008
- (c) Assistant Solicitor for the Twelfth Judicial Circuit 2008-2011
- (d) DeBerry Law Firm, LLC 2011-present

As an attorney at The Whisenhunt Law Firm I handled domestic and criminal cases. I was not in control of any trust accounts there and simply worked as an employee. (2007-2008)

When I began working for Solicitor Ed Clements in the Twelfth Judicial Circuit, I was a DUI prosecutor. At first, I handled primarily DUI cases and other traffic related offenses that were charged by the South Carolina Highway Patrol. Later, I began prosecuting crimes of all levels. (2008-2011)

Upon opening DeBerry Law Firm, LLC, I began handling cases in Magistrate's Court, Family Court, and Circuit Court. I primarily started out handling domestic cases, criminal cases, real estate matters, and personal injury cases. Early on, I stopped handling

THURSDAY, JANUARY 16, 2020

domestic cases and have focused on the remaining practice areas listed.

I am the only attorney that has ever practiced law with DeBerry Law Firm, LLC. I have been in charge of all of the administrative and financial duties of this law firm. DeBerry Law Firm, LLC has two trust accounts, one that holds monies in trust for real estate only matters, and the other for all other matters that require holding monies in trust.

Mr. DeBerry further reported regarding his experience with the Circuit Court practice area:

(a) Criminal Experience:

Since entering private practice as a sole practitioner in September of 2011, I have been retained in approximately 900 criminal matters, many involving multiple warrants and or indictments. The level of charges varies from violent crimes to magistrate level offenses, including pardon representation.

I have also been a contract attorney through South Carolina Indigent Defense. I have been appointed on approximately 96 cases as a result of defendant's having conflicts with the public defender's office. Many of these cases have involved violent crimes. Some of the almost 1000 cases referenced above are still pending.

Some of the above referenced matters have involved juvenile defendant's and as such, adjudication in family court.

Before entering private practice, I worked as an assistant solicitor in the Twelfth Judicial Circuit. I began as a DUI prosecutor and before leaving to enter private practice I had a full case load of all levels of crimes. My case load included violent crimes, including but not limited to armed robberies, assault and batteries, burglaries, and murders.

I have made many pre-trial, during-trial, and post-trial motions on behalf of my clients in all courts including but not limited to issues involving; jury selection, sequestration of witnesses, suppression of evidence, identification, hearsay, rules of evidence, stand your

THURSDAY, JANUARY 16, 2020

ground, motions for directed verdicts, and motions for resentencing subject to Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014).

(b) Civil Experience:

Since entering private practice in September of 2011, I have represented approximately 285 clients involving some type of personal injury. Most of these cases involve car accidents, but others include, but are not limited to; slip and fall, farm accidents, dog bites, premise liability, and workers compensation. Approximately 35 of these cases have been in suit and litigated to various degrees.

I have argued motions on behalf of these cases in many instances involving issues including but not limited to; motions to dismiss, motions for summary judgement, evidentiary motions, motions to change venue, and motions for directed verdicts.

My solo law practice has opened and handled approximately 525 real estate related files since opening in September of 2011. I have dealt with many real estate and property law related issues including but not limited to; the probating of estates in order to achieve clear title to real property, handling liens and encumbrances on real property, litigation of landlord tenant matters, evictions, foreclosures, claims and deliveries in the Circuit and Magistrate level Courts, quit claim, warranty, and other deeds, determination of heirs, litigating division of real property suits, and other real property related issues. My civil experience also includes litigation in Probate and Magistrate Court including matters of law and equity.

My appearance in Circuit Court in the past five years has been extremely frequent. I estimate that on average I appear in Circuit Court about once per week, or about 50 to 55 times per year. These appearances are naturally much more frequent during terms of court in the Twelfth Judicial Circuit, and especially during terms of General Sessions Court. Conversely, during times of holidays and other periods of no court being in session, my appearances are less or not at all.

THURSDAY, JANUARY 16, 2020

Mr. DeBerry reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: None
- (b) State: I have appeared in circuit court, magistrate's court, and administrative law court on average weekly in the past five years.

Mr. DeBerry reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 25%;
- (b) Criminal: 55%;
- (c) Domestic: 0%;
- (d) Other: 20% (Real Estate/Property Law).

Mr. DeBerry reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 80%;
- (b) Non-jury: 20%.

Mr. DeBerry provided that during the past five years he most often served as sole counsel.

The following is Mr. DeBerry's account of his five most significant litigated matters:

- (a) State v. Hill. In this matter my client was indicted for Assault and Battery of a High and Aggravated Nature in connection with an altercation at his job as a night club manager. I was able to obtain a dismissal of his charges pursuant to the "Protection of Persons and Property Act," specifically referencing Section 16-11-440 of the South Carolina Code of Laws, which is commonly referred to as the "Stand Your Ground" law. There was no appeal.
- (b) Johnny A. Stabolitis v. William E. Turner, Bill Haire, National Striped Bass Ass., INC, National Striped Bass Associations of America, INC., and Striped Bass Conservation Coalition, INC. This matter involved complex issues of law regarding corporations and piercing the corporate veil. This matter was tried before a

THURSDAY, JANUARY 16, 2020

jury, and prior to jury deliberation the Honorable Donald Hocker made it known that there was more than sufficient evidence in the record to support a motion to pierce the corporate veil according to the actions of the Defendant's. At that time a favorable settlement was able to be reached on behalf of my client, Mr. Stabolitis.

- (c) Lo Co Manufactured Housing, INC. v. Denise Wells, AKA Denise McCrea, AKA Robin Denise McCrae, AKA Robin Wells. This matter involved legal issues material to the verbiage and legal meaning of a lease, or a lease to own, legal document. Further at issue, was the plaintiff's and defendant's rights of possession of a certain home that was the subject of this lawsuit. Also affected by this action was a third-party property owner who was leasing a lot of land that the home was situated on. I represented the Plaintiff in this matter at trial before the Honorable George McFadden in Clarendon County. I was successful in winning on the position that my client was entitled to possession of the home without the legal necessity of filing a foreclosure action based on the facts of the case. The third-party landowner also received relief in this matter as a result of the ruling.
- (d) State v. Reeves, 414 S.C. 118, 777 S.E.2d 213 (S.C., 2015). In this matter I was working as assistant solicitor in the Twelfth Judicial Circuit when I was assigned this murder case. At the time I was assigned the case, the Defendant had been incarcerated for three years in the Marion County Detention Center without bond. A speedy trial motion was made and the case was called for trial shortly thereafter. During the first trial, it was learned that the lead detective in the matter had evidence in his possession that was not turned over to the State, and therefore not provided through discovery to the Defense. I agreed and consented that a mistrial was proper and the Honorable William Seals declared a mistrial. At the second trial it was determined that many items of evidence were mishandled, misplaced, or otherwise spoiled. There was also an issue of a second, unidentified shooter, evidenced by the fact that the victim was shot by two different guns. There was expert testimony that the fatal shot was fired by a revolver, and that the non-fatal shot was fired by an

THURSDAY, JANUARY 16, 2020

automatic pistol. Despite all of the legal, factual, and evidentiary issues that occurred during this trial, I was able to obtain a guilty verdict for Voluntary Manslaughter against the defendant and he was sentenced to 25 years in prison. This matter survived an appeal to the South Carolina Supreme Court and was upheld as a lawful conviction.

- (e) Mark Severance v. Charles B. Severance, as Personal Representative of the Estate of Elsie L. Severance. At issue in this trial were matters of law and equity. This matter was significant as my client, an heir of his mother's estate, had been given a house on family property that he believed was to be included in his inheritance. Over time, my client spent monies and time in the upkeep and remodeling of the home for use for he and his family. After the death of their mother, the personal representative of her estate sought to include the home in question as a part of the rest, residue and remainder of the estate, and to not treat the home as a specific devise according the Last Will and Testament of the mother. After trial, it was ordered by the Probate Judge that the home was a specific devise and that the Plaintiff in the matter prevailed. There was no appeal.

The following is Mr. DeBerry's account of two criminal appeals he has personally handled:

- (a) State v. Baxley, heard September 21, 2017 by the Honorable D. Craig Brown, in the Twelfth Judicial Circuit. The appeal by the State was denied.
- (b) As an Assistant Solicitor I was in charge of handling Magistrate level criminal appeals that were heard in Circuit Court. I do not have records that include dates and case names.

Mr. DeBerry reported that he has not personally handled any civil appeals.

- (9) Judicial Temperament:

THURSDAY, JANUARY 16, 2020

The Commission believes that Mr. DeBerry's temperament would be excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Mr. DeBerry to be "Qualified" in all evaluative criteria: constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament. The Pee Dee Citizens Committee stated in summary, "Concerns exist in the community regarding this candidate's work ethic and lack of maturity for the seat."

Mr. DeBerry is married to Jessica Lynn White DeBerry. He has two children.

Mr. DeBerry reported that he was a member of the following bar and professional associations:

Florence County Bar Association, I have held no offices.

Mr. DeBerry provided that he was not a member of any civic, charitable, educational, social, or fraternal organization.

Mr. DeBerry further reported:

Fairness, integrity, patience, equality, and impartiality are virtues and attributes that should accompany every judge. I care about our justice system operating as it is designed to do, which is to provide justice for all. Without the best judges possible, the State of South Carolina and our system of justice will not be the best it can be.

When elected, I will make our judiciary better. I will bring my life experiences and virtues of fairness, integrity, patience, equality, and impartiality to the bench with me. I will do so in order to ensure that justice is done, and done above all else, fairly.

During the opening argument of every trial I have ever tried in my legal career, I have always first thanked the jury for their service, and then asked them for a fair and impartial trial for all involved. In many cases I have harped on fairness excessively as it is important for a judge and a jury to understand the significance of an individual's day in court and their right to a fair and impartial

THURSDAY, JANUARY 16, 2020

trial. In my opinion, a fair trial is far more important than any particular verdict or outcome.

Integrity in our judicial system is imperative for fairness and impartiality to strive. My time spent earning my degree from The Citadel instilled in me a sense of integrity that I will never stray from. My time there taught me that doing the right thing, in all circumstances and situations, to the best of my ability, is the honorable and fair thing to do. I live my life by these values every day. I raise my children by these values every day. And when elected, I will carry out my duties as a Circuit Court Judge in the same way.

I have always felt a sense of duty to provide public service. I have served, and currently serve as a member of the Florence County Council. I do so to give back to my community, to represent the people in my district and the people of Florence County, and to provide them with representation that ensures fairness, impartiality, and integrity as it relates to County Government in Florence County. I have enjoyed my service and take pride in what we have been able to accomplish for my district and for Florence County as a whole. I have strived to provide this service solely for the purpose of bringing my constituents a sense of inclusion, and fairness, and not for any personal gain.

I am also a contract attorney with South Carolina Commission on Indigent Defense. I have remained in this capacity for a number of years. Although I am compensated for these cases, the fees paid are minimal in relation to the nature and level of many of the crimes. My time spent on these files varies according to the complexity of the matters, some of these conflict cases have been days and even week long jury trials, where others have been resolved by way of plea or dismissal. I often get questioned by the local bar as to why I remain on the conflict list, subjecting myself to complex cases for a small flat fee. The truth is that I enjoy the challenge, but above all else I feel that my remaining on the list is a form of serving the public. I feel that my experience and expertise can be used to help people that otherwise could not afford equivalent services. It is for the public service aspect, and the ability to help people in need to get a fair and impartial journey through our legal system, that I remain on the conflict list.

THURSDAY, JANUARY 16, 2020

In conclusion, I believe that my life and career experiences make me the best possible candidate for the position that I seek. I come from a family of legal professionals that have helped mold me into the lawyer that I am today. I have vast experience in the court room on both sides of the criminal bar. My civil litigation experience is robust, and I have handled many kinds of civil actions as Plaintiff and Defense counsel, in cases ranging from personal injury to property disputes. My frequent appearances in Circuit Court through out my entire career give me invaluable experience to be a great Circuit Court judge. However, the greatest attributes that I bring as a judicial candidate are my integrity, fairness, equality, and impartiality.

- (11) Commission Members' Comments:
The Commission noted that Mr. DeBerry had a very compelling story and complimented him on his work ethic.
- (12) Conclusion:
The Commission found Mr. DeBerry qualified, but did not nominate him for election to Circuit Court, At-Large, Seat 13.

William Vickery Meetze
Circuit Court, At-Large, Seat 13

Commission's Findings: QUALIFIED, BUT NOT
NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Mr. Meetze meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Meetze was born in 1968. He is 51 years old and a resident of Marion, South Carolina. Mr. Meetze provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1999.

THURSDAY, JANUARY 16, 2020

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Meetze.

Mr. Meetze demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Meetze reported that he has not made any campaign expenditures.

Mr. Meetze testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Meetze testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Meetze to be intelligent and knowledgeable.

Mr. Meetze reported that he has taught the following law-related course:

Law School at Palmetto Boys State for the past 18 years.

Mr. Meetze reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Meetze did not reveal evidence of any founded grievances or criminal allegations made against him.

THURSDAY, JANUARY 16, 2020

The Commission's investigation of Mr. Meetze did not indicate any evidence of a troubled financial status. Mr. Meetze has handled his financial affairs responsibly.

The Commission also noted that Mr. Meetze was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

- (5) Reputation:
Mr. Meetze reported that he is not rated by any legal rating organization.

Mr. Meetze reported that he has not served in the military.

Mr. Meetze reported that he has never held public office.

- (6) Physical Health:
Mr. Meetze appears to be physically capable of performing the duties of the office he seeks.

- (7) Mental Stability:
Mr. Meetze appears to be mentally capable of performing the duties of the office he seeks.

- (8) Experience:
Mr. Meetze was admitted to the South Carolina Bar in 1999.

He gave the following account of his legal experience since graduation from law school:

- (a) Judicial Law Clerk for the Honorable James E. Brogdon, Jr.
During the year that I clerked for Judge Brogdon, he was Chief Administrative Judge in both the Twelfth Judicial Circuit and the Third Judicial Circuit. I was able to research many issues involving both General Sessions and Common Pleas. I was able to see many trials from each branch. Also, Judge Brogdon was assigned two complex litigation civil cases while I clerked for him and that provided valuable experience in dealing with pre-

THURSDAY, JANUARY 16, 2020

trial matters such as discovery issues and summary judgment motions.

- (b) Assistant Solicitor Sixteenth Judicial Circuit
I prosecuted a variety of criminal cases for just under three years. I handled both felony and misdemeanor cases. Began trying cases early on and served as lead attorney from the start.
- (c) Assistant Public Defender Sixteenth Judicial Circuit, York County
I began my career as a criminal defense lawyer in June of 2002. I worked in that office for a little more than four years. In that job I represented criminal defendants charged with all manner of offenses from misdemeanors to murder cases. I served as lead counsel in many cases, and I also helped other lawyers with their cases when necessary. During my time in the Sixteenth Judicial Circuit Public Defender's Office, we were fortunate to have many experienced attorneys to work with and gain experience from.
- (d) Assistant Public Defender Twelfth Judicial Circuit, Florence County
My job responsibilities were the same in the Twelfth Judicial Circuit as they had been in the Sixteenth Judicial Circuit.
- (e) Assistant Public Defender Twelfth Judicial Circuit, Florence & Marion County
In the fall of 2011, my responsibilities expanded to where I worked as a public defender in both counties of the Twelfth Judicial Circuit. That meant more cases, more trials and more time in court, in general. It was at that time, that I was appointed lead counsel on a death penalty case.
- (f) Deputy Public Defender for the Twelfth Judicial Circuit
In August of 2014, I was promoted to Deputy Public Defender for the Twelfth Judicial Circuit. I still have the same kind of case load but have also taken on some administrative duties and working with and advising younger attorneys in our office.

Mr. Meetze further reported regarding his experience with the Circuit Court practice area:

THURSDAY, JANUARY 16, 2020

I have been practicing criminal law in General Sessions Court since August of 1999. I was a prosecutor in the Sixteenth Judicial Circuit for a little under three years and during that time I prosecuted individuals charged with non-drug related criminal offenses that carried a penalty of up to fifteen years in prison. In August of 1999, I began working as an Assistant Public Defender in York County. As an Assistant Public Defender I represent indigent defendants charged with anything from lower level misdemeanors all the way up to armed robbery, burglary first degree and murder. In 2006, I was given an opportunity to come back home and work in the Twelfth Judicial Circuit. I accepted a position in the Florence County Public Defender's Office. In 2011, I expanded my responsibilities by also serving as a public defender for Marion County, and I have served Florence and Marion Counties in that capacity since that time. In 2014, I was promoted to the position of Deputy Public Defender for the Twelfth Judicial Circuit, and I have served continuously in that capacity for the past five years. I have continued defending indigent defendants charged with all types of offenses; however, I have a much larger concentration of A, B, and C felonies at this point. I have defended people in cases involving all levels of criminal activity, including major drug trafficking, criminal sexual conduct and murder.

My civil experience from a practical standpoint has been through my involvement in post-conviction relief matters. As a criminal defense lawyer in a public defender's office I have been involved in a number of those hearings in the past five years. Also, as a trial attorney I am very familiar with the rules of evidence which are applicable to both branches of Circuit Court. Other than that, I have taken two CLE's, one was on E-Discovery and the other was the 2016 Tort Law Update. I have also viewed a civil trial from start to finish and have worked hard studying the Rules of Civil Procedure. I have also served as Co-Dean of the law school at Palmetto Boys State for the past eighteen years where the instruction includes civil court matters.

THURSDAY, JANUARY 16, 2020

Mr. Meetze reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: I have not appeared in Federal Court any during the past five years;
- (b) State: I have appeared in General Sessions Court twenty-six weeks a year for the past five years.

Mr. Meetze reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: zero percent;
- (b) Criminal: greater than ninety-nine percent;
- (c) Domestic: less than one percent;
- (d) Other: zero percent.

Mr. Meetze reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: Five percent;
- (b) Non-jury: Ninety-five percent.

Mr. Meetze provided that during the past five years he most often served as sole counsel.

The following is Mr. Meetze's account of his five most significant litigated matters:

- (a) State v. Syllester D. Taylor (736 S.E. 2d 663, 2013): I handled this case at the trial level. It was trial in absence where I preserved all motions and eventually the conviction was reversed by the Court of Appeals. (694 S.E. 2d 60, 2010) The Supreme Court subsequently reversed the Court of Appeals in the above referenced site. However, even though Mr. Taylor eventually lost his appeal in the Supreme Court by a 3-2 decision, this case is an example of our legal system at work, and even though Mr. Taylor was absent from his trial, he was represented effectively and was not denied any opportunity or due process of law in spite of his absence.
- (b) State v. Tavario Brunson: This was a very high profile case in Florence County that I tried along with another attorney. The evidence against Mr. Brunson was quite

THURSDAY, JANUARY 16, 2020

overwhelming to include a recorded confession and a positive DNA match. Mr. Brunson was convicted of murder and that result was never really in question. I believe this is an important case because it is an example of our Constitution at work. Mr. Brunson exercised his right to a Jury trial and even though the evidence was overwhelming he was provided an excellent defense and to this day I believe it is one of the most well tried cases in which I have had the opportunity to be involved.

- (c) State v. Montez Barker: This is a death penalty case in which I was appointed lead counsel. It is important because of the nature of the offense and the fact that a man's life was literally on the line. Death Penalty cases take an extreme amount of work and dedication. You are working as a team with another attorney that has been appointed as second chair as well as fact and mitigation investigators, not to mention my client's family was heavily involved, as well. We were able to work hard, and in the end were able to spare Mr. Barker's life by negotiating a plea for him where he would not face the death penalty. It takes a lot of work and relationship building to get a capital client to trust you enough to eventually agree that pleading guilty where you will be receiving a life sentence is in his best interest. That is what happened in this case, and it is one of the most satisfying results I have ever had in a case.
- (d) State v. Tyquan Jamar Johnson: This was a case in Florence County that was tried in December of 2018. Mr. Johnson was charged with murder. This was a case where my client maintained his innocence throughout this process. The State had made what I considered a very favorable offer to Mr. Johnson and I advised him that it would be in his best interest to take the offer. He stood his ground and said he didn't do it, and he wouldn't plead guilty to something he didn't do. At trial, another attorney in my office made the opening statement, and I examined all of the witnesses, did the closing argument and made all motions. Mr. Johnson was found not guilty in the face of an eye witness who identified Mr. Johnson as the shooter. Mr. Johnson's

THURSDAY, JANUARY 16, 2020

cell phone was recovered within a few feet of the deceased. I knew that I had worked hard on the case, and that I was prepared and could try a great case; however, in our humbling business that doesn't guarantee a favorable result. There were no lesser included offenses charged to the jury so it was all or nothing once the jury got the case. The jury returned a verdict of not guilty. I believe this case is significant because it is an example why it is the client's decision as to whether or not to plead or go to trial. Had Mr. Johnson taken my advice, he would be in prison for a considerable length of time. Even when I was advising him that he should take his deal, I also made sure I reiterated that it is his decision and not mine. Many times clients don't stand their ground. Mr. Johnson did and it worked in his favor.

- (e) State v. Calvin Jermaine Pompey Unpublished Opinion Number 2015-UP-280: This was a case where Mr. Pompey was charged with murder in a shooting outside of a night club in Marion, SC. There had been an altercation inside the club, and Mr. Pompey and the people he came with left and went to their car. An individual from the club who was involved in the altercation ran towards Mr. Pompey's vehicle and appeared to be reaching under his shirt giving the appearance of reaching for a weapon. Mr. Pompey was sitting in the passenger seat but had not had the opportunity to close the door. The deceased began entering the car to attack Mr. Pompey. Mr. Pompey got a hand gun out of the glove compartment of the car and fired one shot, killing the individual. I made a motion to dismiss based under the Protection of Persons and Property Act. A hearing was held before The Honorable D. Craig Brown and Judge Brown found that Mr. Pompey was justified in his actions, and that the state was barred from prosecuting him pursuant to the act. The state appealed and the Court of Appeals upheld Judge Brown's ruling in the above referenced unpublished opinion.

THURSDAY, JANUARY 16, 2020

Mr. Meetze reported he has not personally handled any civil or criminal appeals.

Mr. Meetze further reported the following regarding unsuccessful candidacies:

(a) Candidate for Twelfth Judicial Circuit Public Defender, January 2008

I was not nominated for the position.

(b) Candidate for Twelfth Judicial Circuit Public Defender, December 2011

I was not nominated for the position

(c) Candidate for Judge, Circuit Court At-Large, Seat 16, fall of 2012

Qualified but not nominated.

(d) Candidate for Judge, Circuit Court At-Large, Seat 9, fall of 2014

Qualified but not nominated.

(e) Candidate for Judge, Circuit Court, At-Large, Seat 10, fall of 2015

Withdrew.

(f) Candidate for Judge, Circuit Court At-Large, Seat 1, fall of 2016

Qualified but not nominated.

(9) Judicial Temperament:

The Commission believes that Mr. Meetze's temperament would be excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Mr. Meetze to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee also stated, "Mr. Meetze is well-known to this committee and we continue to like this candidate. He has the reputation of being a top-notch lawyer, has good presence and would make an excellent judge."

THURSDAY, JANUARY 16, 2020

Mr. Meetze is married to Anna Braddock. He does not have any children.

Mr. Meetze reported that he was a member of the following bar and professional associations:

Public Defender's Association: At-Large Representative 2014-present.

Mr. Meetze provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) President: United Methodist Men, First United Methodist Church, Marion, SC.
- (b) Member: Finance Committee, First United Methodist Church, Marion, SC.

(11) Commission Members' Comments:

The Commission noted that Mr. Meetze is well respected in the community and is an experienced litigator.

(12) Conclusion:

The Commission found Mr. Meetze qualified, but did not nominate him for election to Circuit Court, At-Large, Seat 13.

**Jane H. Merrill
Circuit Court, At-Large, Seat 13**

**Commission's Findings: QUALIFIED, BUT NOT
 NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Merrill meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Ms. Merrill was born in 1980. She is 39 years old and a resident of Greenwood, South Carolina. Ms. Merrill provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2007.

THURSDAY, JANUARY 16, 2020

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Merrill.

Ms. Merrill demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Merrill reported that she has not made any campaign expenditures.

Ms. Merrill testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Merrill testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Merrill to be intelligent and knowledgeable.

Ms. Merrill reported that she has taught the following law-related courses:

- (a) On January 10, 2014, I taught a section of a probate CLE presented by the Greenwood County Bar.
- (b) On November 10, 2014, I taught the Criminal Law section for the SC Bar's program, Legal Lessons: A Series for the Public. After I concluded teaching my section, the scheduled teacher for the section on Torts did not appear, so I taught that section without formal preparation.
- (c) I regularly teach college students in Judicial Process and Civil Rights and Civil Liberties classes in my role as an adjunct professor at Lander University in Greenwood, South Carolina.

Ms. Merrill reported that she has published the following:
Jane Hawthorne Merrill, Comment, Multijurisdictional Practice of Law Under the Revised South Carolina Rules of Professional Conduct, 57 S.C. L. Rev. 549 (2006).

(4) Character:

The Commission's investigation of Ms. Merrill did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Merrill did not indicate any evidence of a troubled financial status. Ms. Merrill has handled her financial affairs responsibly.

The Commission also noted that Ms. Merrill was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Merrill reported that she is not rated by any legal rating organization.

Ms. Merrill reported that she has not served in the military.

Ms. Merrill reported that she has never held public office.

(6) Physical Health:

Ms. Merrill appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Merrill appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Merrill was admitted to the South Carolina Bar in 2007.

She gave the following account of her legal experience since graduation from law school:

THURSDAY, JANUARY 16, 2020

- (a) From November 2007 until December 2007, I served as an Assistant Solicitor in the Eighth Judicial Circuit, in the Greenwood office. I managed all aspects of cases, including case review, theory development, case strategy, plea negotiations, presenting guilty pleas in court, motions hearings, jury selections, and trials.
- (b) From January 2008 to August 2008, I served as a Judicial Law Clerk for The (Late) Honorable Wyatt T. Saunders, Jr., a Circuit Court Judge for the Eighth Judicial Circuit. Being a judicial law clerk provided invaluable experience in developing and honing my legal skills.
- (c) From August 2008 until June 2010, I served as an Assistant Solicitor in the Eighth Judicial Circuit, in the Greenwood office. I managed all aspects of cases, including case review, theory development, case strategy, plea negotiations, presenting guilty pleas in court, motions hearings, jury selections, and trials.
- (d) From July 2010 until February 2013, I worked as an associate attorney on the litigation team at McDonald Patrick Poston Hemphill & Roper, LLC. The majority of my practice involved civil litigation matters, including drafting pleadings, engaging in discovery, preparing motions and memoranda, and trying cases to juries. A small portion of my practice involved domestic and criminal matters. I was not involved in the administrative and financial management at this firm.
- (e) From March 2013 to the present, I have practiced law as a solo practitioner in my own firm, Hawthorne Merrill Law, LLC. I manage all aspects of cases and claims, from intake and case evaluation to resolution, in civil, criminal, domestic, and other matters. I am certified as a Circuit Court Mediator by The South Carolina Board of Arbitrator and Mediator Certification. I was first certified in 2016 and have renewed my certification each year thereafter. I mediate cases that are pending in the circuit court, as well as some family court cases with the consent of the parties. I represent veterans before the Court of Appeals for Veterans Claims. I am solely responsible for the administrative and financial management of the firm. I comply with the rules requiring attorneys to maintain monthly trial balances and reconciliations of client trust accounts.

THURSDAY, JANUARY 16, 2020

- (f) From August to December 2018, I taught Judicial Process as an adjunct professor at Lander University in Greenwood, South Carolina. From January to April 2019, I taught Civil Rights and Civil Liberties at Lander University. I am scheduled to teach Judicial Process for the Fall 2019 semester at Lander University.

Ms. Merrill further reported regarding her experience with the Circuit Court practice area:

I am uniquely qualified to be a Circuit Court judge. I have tried cases to juries as a criminal prosecutor, a criminal defense attorney, and a civil litigator representing both plaintiffs and defendants. The depth, breadth, and variety of my experience in the courtroom provides a strong foundation for the role of Circuit Court Judge.

In addition to my litigation experience, I was honored to serve as a judicial law clerk for The (Late) Honorable Wyatt T. Saunders from January 2008 to August 2008. My clerkship with Circuit Court Judge Saunders offered yet another perspective from which to learn and gain experience. While my primary responsibilities included researching and writing, I also observed numerous criminal and civil court proceedings. A summary of my experience in criminal and civil matters follows.

Criminal Experience

I had the good fortune to begin my legal career as an Assistant Solicitor in the Eighth Judicial Circuit. In that position, I was involved in all aspects of managing my significantly large caseload, including case and discovery review, theory development, case strategy, plea negotiations, presenting guilty pleas in court, motions hearings, jury selections, and trials as lead counsel and second chair. I worked on a variety of misdemeanor and felony charges, including armed robberies, kidnappings, burglaries, drug trafficking, child abuse, and animal abuse. Additionally, I communicated with victims, law enforcement officers, and witnesses. I found working with victims particularly meaningful. Even though each victim of a crime reacts and responds differently to their own experience, every victim needs the chance to be heard. Listening is an important part of being an effective attorney. Being a prosecutor

THURSDAY, JANUARY 16, 2020

provided significant and meaningful opportunities to gain courtroom experience.

Although I found it rewarding to serve as an assistant solicitor, I was interested in learning about other types of law. In July 2010, I began working for a law firm as an associate attorney on the litigation team which primarily focused on civil litigation which will be described in the Civil Experience section below.

In March 2013, I opened Hawthorne Merrill Law, LLC. At various times since opening my firm, I have participated in the Rule 608 Contract program, and represented defendants on both appointed and retained cases. Defending a criminal case presents different challenges than prosecuting one. It is imperative to communicate effectively with your client and earn your client's trust. Discovery is also reviewed from a different perspective as a defense attorney. For example, I analyze reports, warrants, indictments, statements, and evidence to develop issues affecting my client's constitutional rights, such as search and seizure, exigent circumstances, voluntariness of client's statement, Miranda protocol, immunity and privilege, and hearsay.

Over the last five years, I have tried several serious criminal cases to juries, including murder, armed robbery, kidnapping, drug trafficking, and burglary. I tried two murder cases in the last five years, as lead counsel in 2015 when the jury acquitted my client, and as sole counsel in 2016 when the jury convicted my client of the lesser included offense of involuntary manslaughter.

Knowing, understanding, and applying procedural and substantive criminal law is essential to effectively trying criminal cases. Being on both sides of the courtroom provides a unique perspective that would be helpful and informative as a Circuit Court Judge.

Civil Experience

In July 2010, I began working for McDonald Patrick Poston Hemphill & Roper, LLC, as an associate attorney on the litigation team. I litigated civil matters in both state and federal courts, primarily representing defendants. After opening Hawthorne Merrill Law, LLC in March 2013, I've represented

THURSDAY, JANUARY 16, 2020

plaintiffs more often than defendants, and most of my caseload is in state court, though I do some work in federal courts.

As part of my civil litigation duties, I manage complex civil cases from intake and case evaluation to resolution. I draft and answer complaints, engage in discovery, depose parties and witnesses, prepare and argue motions, settle suits through mediation, and try cases to juries. I collaborate effectively with expert witnesses, and assist with the preparation of expert affidavits, reports, and testimony contesting causation. In the past five years, I have tried several civil cases to juries. I also represent veterans, and appear by filings before the United States Court of Appeals for Veterans Claims.

I am certified as a Circuit Court Mediator by The South Carolina Board of Arbitrator and Mediator Certification. I was first certified in 2016, and have renewed my certification each year thereafter. I mediate cases pursuant to court appointments and parties' selection. During mediation, I analyze the facts and law, apply knowledge of wide range of substantive and procedural law, and assist litigating parties during settlement negotiations through the mediation process.

Ms. Merrill reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: I am admitted to the federal bar and appear by way of motions and filings in the District of South Carolina, and in the Court of Appeals for Veterans Claims;
- (b) State: I physically appear in state court at least two times per week. Because the counties in the Eighth Judicial Circuit where I primarily practice do not have court every week of the year, this number is an average. In the past five years, I have tried several cases that lasted four to six full days. .

Ms. Merrill reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 35% (including mediation practice);

THURSDAY, JANUARY 16, 2020

- (b) Criminal: 25%;
- (c) Domestic: 30%;
- (d) Other: 10%.

Ms. Merrill reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 40-45%;
- (b) Non-jury: 55-60%.

Ms. Merrill provided that during the past five years she most often served as sole counsel.

The following is Ms. Merrill's account of her five most significant litigated matters:

- (a) State v. John Gregory Barnes, 2006-GS-24-00153, 2006-GS-24-00154, 2007-GS-24-02020; Circuit Court, General Sessions, Greenwood County (Trial December 2007); I was sworn into the South Carolina Bar on November 13, 2007, and less than a month later I tried this case. My supervising attorney sat with me at trial, but I was lead counsel and presented the opening statement, direct examined all witnesses, and argued the closing. The jury returned a guilty verdict for Unlawful Neglect of a Child and Possession of Methamphetamine. This case was significant because it was the first case I tried, and the defendant's attorney was, and still is, a seasoned and well respected criminal defense attorney.
- (b) State v. Jerome Chisholm, 395 S.C. 259, 717 S.E.2d 614 (Ct. App. 2011); 2005-GS-24-01386; Circuit Court, General Sessions, Greenwood County (Trial June 2009); I tried this case as an Assistant Solicitor. The state indicted the defendant for criminal sexual conduct with a minor. The defendant sexually abused the minor child and infected the minor child with the HIV virus. I assisted in preparing the entire case for trial. I served as second chair for trial, and had the delicate and challenging task of direct examining the minor child victim. I also direct examined the physician who served as the state's expert witness. The jury found the defendant guilty and the court imposed the maximum sentence. I handled the case only at the trial level, but

THURSDAY, JANUARY 16, 2020

on appeal, it was affirmed. This case is significant because it was humbling to meet, interact with, and prepare the minor child for trial. This child's privacy is my paramount concern so I cannot provide more details. However, I will add that working with this child and trying this case significantly impacted and guided how I work on cases with children.

- (c) State v. Zanquirious Hurley, Indictment Nos. 2014-GS-24-0972, 2014-GS-24-0973; Circuit Court, General Sessions, Greenwood County (Trial September 2015); Mr. Hurley, at age 17, was accused of robbing and murdering his father. I represented Mr. Hurley, and served as sole counsel throughout the process except trial. For the trial, I hired another attorney to sit second chair because this was the first murder case I tried as defense counsel. I conducted the opening statement, cross examined all witnesses except one, direct examined all defense witnesses, and presented the closing argument. The jury acquitted Mr. Hurley on all charges. This case was significant because after conducting an extensive investigation, including interviewing numerous witnesses no one else interviewed, I was firmly convinced that my client was falsely accused. As such, the jury's verdict was the proper result. Mr. Hurley and his family appreciated my dedication and diligence in representing him.
- (d) State v. Marcus Manick, 2014-GS-24-0746, 2014-GS-24-0747; Circuit Court, General Sessions, Greenwood County (Trial October 2016); Mr. Manick was charged with murder. The state alleged Mr. Manick murdered a man who was physically attacking Mr. Manick's "sister." Mr. Manick considered this woman his "sister" because they grew up in the same household together, although they were not blood related. I represented Mr. Manick after his public defender discovered a conflict of interest. I was Mr. Manick's sole attorney, and tried the case alone. Throughout the process and during the trial, Mr. Manick did not deny firing the weapon, but I beleived and successfully argued there was no malice to support a murder conviction. The jury acquitted Mr. Manick of murder, and found him guilty of the lesser

THURSDAY, JANUARY 16, 2020

included offense of involuntary manslaughter. The Court dismissed the remaining indictment for Possession of a Weapon During the Commission of a Violent Crime. This case was significant because it was a serious case that I tried alone, the jury returned what I considered the correct verdict, and my client was grateful for the effort and time I invested in his case.

- (e) Richard Wilson, et al. v. Laura B. Willis et al., 426 S.C. 326, 827 S.E.2d 167 (2019); I represented Laurie Williams in Circuit Court (Common Pleas), the Court of Appeals, and the Supreme Court. Ms. Williams was seriously injured in 2012 when she, as a pedestrian, was hit by a SUV. The case has numerous parties and a complicated procedural history, but Ms. Williams became involved in the case when the SUV's driver's insurance company sued Ms. Williams in federal court. The federal case was dismissed, and the insurance company then sued her in state court. Months after filing suit against Ms. Williams in state court, the insurance company moved to compel arbitration based on an arbitration clause in a contract between the insurance company and an insurance agency. The trial court denied the motion to compel, and the insurance company appealed. The Court of Appeals reversed. Wilson v. Willis, 416 S.C. 395, 786 S.E.2d 571 (Ct. App. 2016). The Supreme Court granted certiorari, heard oral arguments (my co-counsel and I argued separately) on December 13, 2018, and reversed the Court of Appeals in its decision issued April 10, 2019. This case is significant personally because it is the first case I argued before the Supreme Court, but it is more significant because it addressed a unique issue related to arbitration and insurance policies that provides guidance for the wider legal community.

The following is Ms. Merrill's account of five civil appeals she has personally handled:

- (a) Singleton v. Shinseki, Vet. App. No. 12-1084, U.S. Court of Appeals for Veterans Claims (2013). After the prebriefing conference, the VA Secretary conceded the Board of Veterans' Appeals erred because it did not provide an adequate statement of reasons or bases to

THURSDAY, JANUARY 16, 2020

support its finding that the Veteran “has not been shown to have a prostate disorder that is related to his military service.” A joint motion for remand was filed, and the Court issued an Order remanding the case to the Board of Veterans’ Appeals.

- (b) Carroll v. Shinseki, Vet. App. No. 12-2696, U.S. Court of Appeals for Veterans Claims (2014). Mr. Carroll was a Vietnam era Veteran who sought service connection for Hepatitis C. By the time I began representing him before the Court, his claim had been pending for twelve years. I represented Mr. Carroll for his entire case before the Court of Appeals for Veterans Claims. The Secretary would not agree to a consent joint remand, so I argued his position in a brief and reply brief. In an unpublished memorandum decision, the Court ruled favorably for Mr. Carroll, and vacated the Board of Veterans’ Appeals decision and remanded the matter for further proceedings consistent with its opinion. About a year later, the Department of Veterans Affairs granted service connection to Mr. Carroll for his Hepatitis C.
- (c) King v. McDonald, Vet. App. No. 15-1983, U.S. Court of Appeals for Veterans Claims (2016). The Court affirmed the decision of the Board of Veterans’ Appeals denying Mr. King’s initial evaluation in excess of 10% for service-connected mechanical low back pain, and for a total disability evaluation based on individual unemployability (TDIU).
- (d) Thompson v. Shulkin, Vet. App. No. 16-3503, U.S. Court of Appeals for Veterans Claims (2018). After the prebriefing conference, the VA Secretary agreed to vacate and remand Mr. Thompson’s case because the VA failed to provide adequate examinations in April 2008, August 2009, December 2010, and January 2015, and the Board of Veterans’ Appeals relied upon the inadequate examinations in its decision. A consent joint motion for remand was filed, and the Court issued its order remanding the matter to the Board of Veterans’ Appeals.
- (e) Wilson v. Willis, 426 S.C. 326, 827 S.E.2d 167 (2019). The Supreme Court’s decision that the insureds were not required to arbitrate their claims was favorable to

THURSDAY, JANUARY 16, 2020

my client. More details about this case are included in the response to Question 15 (e) above.

The following is Ms. Merrill's account of the criminal appeal she has personally handled:

State v. Green, Court of Appeals, May 11, 2016; I represented Mr. Green in this appeal pursuant to an appointment through the Appellate Practice Project. The Court of Appeals affirmed in an unpublished decision filed May 11, 2016.

(9) Judicial Temperament:

The Commission believes that Ms. Merrill's temperament would be excellent.

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualifications found Ms. Merrill to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, mental stability, and physical health. The Piedmont Committee also stated, "Though she has been a lawyer for only 12 years, Ms. Merrill brings an impressive range of experience - as a judicial law clerk, solicitor, criminal defense lawyer, and civil lawyer for both plaintiffs and defendants - to her candidacy. She is deeply involved in her community and has the strong work ethic, diligence and fairness needed for an effective Circuit Court Judge."

Ms. Merrill is married to Albert Leonard Merrill. She has two children.

Ms. Merrill reported that she was a member of the following bar and professional associations:

- (a) South Carolina Bar, since 2007
- (b) Greenwood County Bar Association, since 2007
- (c) South Carolina Association of Criminal Defense Lawyers, since 2013
- (d) National Organization of Veterans' Advocates, former member

THURSDAY, JANUARY 16, 2020

Ms. Merrill provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Confirmed Communicant, Church of the Resurrection (Episcopal); past Vestry Member (2010 to 2012) and past Senior Warden (2012)
- (b) Vice Chair and Member, Board of Directors, Greenwood Community Theatre (Member since 2015; Vice Chair since 2019)
- (c) Member, Board of Directors, Greenwood County Community Foundation (since 2015)
- (d) Founding Member, Greenwood Women Cares (since 2018)
- (e) Volunteer Attorney Coach, High School Mock Trial Team (since 2013)
- (f) Member, Kiwanis International (since 2010)
- (g) Phi Beta Kappa
- (h) 2015 Recipient of Star Under 40 Award, Greenwood Chamber of Commerce
- (i) 2018 Greenwood Leadership Graduate
- (j) 2019 Mentor of the Year, South Carolina Bar

Ms. Merrill further reported:

As the daughter of a social worker and truck driver, I had little exposure to the legal world growing up. Nevertheless, my life experiences have prepared me in immeasurable ways to be a conscientious, courteous, compassionate, and committed judge.

“Hard work never killed anyone.” “If it’s worth doing, it’s worth doing right.” “Can’t never could.” These are some of my mother’s favorite phrases. My brother and I heard them all the time. Fortunately for us, my mother embodied these words in her own life, and we learned by her example.

My brother, older than me by only six months thanks to the gift of adoption, and I started kindergarten and graduated high school together. Our single mother working for DSS and our father, who by that time was totally disabled, simply did not have the means to fund our college educations. So, I earned my college education through hard work and determination.

In high school, I worked as a clerk at the local library, and saved my minimum wage earnings. The summer before starting college, I kept my library job and added another waiting tables. Throughout college, I always worked at least one job, and

THURSDAY, JANUARY 16, 2020

most summers, I worked three. My jobs ran the gamut. I waited tables at three different restaurants, ran errands for two law firms, babysat, tutored student athletes, interned at an advertising agency, did clerical work for a professor, and worked third shift at a radio station. When I walked across the stage at graduation, I had no student loan debt and a 3.95 GPA.

My mother learned the value of hard work from her parents. My grandfather worked multiple jobs to provide for his wife and five children. He started his own business, and steadily built a successful trucking company. My grandmother took care of their home and children, and worked in the office at her husband's business as it grew. Neither of my grandparents had a college degree, but I am grateful that at least my grandmother lived long enough to be there when I earned mine.

My parents divorced when I was twelve, but even before they separated, my father worked late hours and my mother was the primary parent. I was blessed to have an extended family that loved and cared about me. A few of my fond memories include: winning "best presentation board" in fifth grade because my uncle cut an interesting shape from wood on which I glued my facts and figures; learning from another uncle how to drive a car with a manual transmission on back country roads; and, moving in and out of every college apartment with help from yet another uncle, my dad's brother. Two of my aunts were school librarians, and they introduced me to new worlds, adventures, and ideas through books. Another aunt embraced technology, and taught me to use a computer. Another aunt and uncle beautifully play the piano and organ, and inspired my love of music. And finally, my two pairs of aunts and uncles who lost their sons taught me compassion and strength of character.

Though none of them worked in law, my family supported my dream of becoming a lawyer. They encouraged me, prayed for me, and kept my infant child while I commuted daily between Greenwood and Columbia during my last year of law school. Even though my family did not expose me to the legal field, there were events along the way that sparked my interest in the law.

A junior high school field trip to the Greenwood County Courthouse fascinated me. Writing a paper in high school about Sandra Day O'Connor and her ascension to the United States Supreme Court inspired me. Working for lawyers in college

THURSDAY, JANUARY 16, 2020

opened my eyes to the variety of areas in which a lawyer could practice. Helping my father, who had Multiple Sclerosis and was wheelchair bound the last ten years of his life, navigate legal, long term care, and medical decisions taught me patience and further ingrained in me that all people, no matter their circumstances, deserve to be treated with respect and dignity.

Though I can never repay my family for all they have given me, I can pay it forward to the next generation. I give back to our community and the legal profession in various ways. For six years, I have served as a volunteer coach for Greenwood High School's mock trial team. I serve on the boards of our local community theater and community foundation. I was honored to serve as a mentor to Daenayia Hudson through the South Carolina Bar's mentoring program, and then humbled to be recognized as a 2019 Mentor of the Year. There to share the moment with me was my mother, sitting beside the Chief Justice of the South Carolina Supreme Court.

By example, my family taught me to be conscientious, courteous, compassionate, and committed. Just like an excellent judge, they paid attention and took time to listen to me. They were patient, kept an open mind when I shared my ideas and dreams, and were committed to seeing me succeed. They knew that work worth doing was worth doing right. The life lessons I learned from them guided me through childhood, college, law school, and my career. I am grateful for them, and know all I've learned from them will serve me well as a Circuit Court Judge.

(11) Commission Members' Comments:

The Commission was impressed with Ms. Merrill's varied and extensive litigation experience and noted that she was well qualified to serve on the Circuit Court bench. The Commission was also impressed with, and appreciated, her service as a mentor with the South Carolina Bar.

(12) Conclusion:

The Commission found Ms. Merrill qualified, but did not nominate her for election to Circuit Court, At-Large, Seat 13.

THURSDAY, JANUARY 16, 2020

Shawn L. Reeves
Family Court, Fifth Judicial Circuit, Seat 1

**Commission's Findings: QUALIFIED, BUT NOT
NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Reeves meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Reeves was born in 1978. He is 41 years old and a resident of Columbia, South Carolina. Mr. Reeves provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2004.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Reeves.

Mr. Reeves demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Reeves reported that he has made \$16.65 in campaign expenditures for fingerprinting, postage to mail fingerprints to SLED, and stamps to mail application materials.

Mr. Reeves testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Reeves testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

- (3) Professional and Academic Ability:
The Commission found Mr. Reeves to be intelligent and knowledgeable.

Mr. Reeves reported that he has taught the following law-related courses:

- (a) Child and Family Services Review overview, Bench Bar Committee, October 26, 2018.
- (b) "Lessons from the IV-E Audit," SCDSS CLE, September 21, 2018.
- (c) "Foster Parent Involvement," SCDSS CLE, April 27, 2018.
- (d) "Best Legal Practices: TPR Cases," SCDSS CLE, February 17, 2017.
- (e) "DSS Permanency Planning Hearings," Family Court Bench Bar, December 2, 2016.

Mr. Reeves reported that he has published the following:
"Social Media Discovery in Family Court," ABA SciTech Law, Spring 2012.

- (4) Character:
The Commission's investigation of Mr. Reeves did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Reeves did not indicate any evidence of a troubled financial status. Mr. Reeves has handled his financial affairs responsibly.

The Commission also noted that Mr. Reeves was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

- (5) Reputation:
Mr. Reeves reported that he is not rated by any legal rating organization.

Mr. Reeves reported that he has not served in the military.

THURSDAY, JANUARY 16, 2020

Mr. Reeves reported that he has never held public office.

- (6) Physical Health:
Mr. Reeves appears to be physically capable of performing the duties of the office he seeks.
- (7) Mental Stability:
Mr. Reeves appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Mr. Reeves was admitted to the South Carolina Bar in 2004.

He gave the following account of his legal experience since graduation from law school:

- (a) Murphy & Grantland, PA, Columbia, SC, Law Clerk and Attorney, 2003-2005. Began working at this firm during law school as a law clerk and then worked as an attorney with the firm after passing the bar exam. Represented insurance companies in civil litigation cases including construction defects cases and personal injury cases; conducted legal research and assisted senior attorneys in this insurance defense practice.
- (b) South Carolina Attorney General's Office, Assistant Attorney General, 2005-2007. Represented the State of South Carolina in criminal appeals before the South Carolina Supreme Court and the South Carolina Court of Appeals; prepared appellate briefs and conducted oral arguments.
- (c) Harvey & Battey, PA, Beaufort, SC, Attorney, 2007-2010. Represented clients in divorce, custody, adoption, and other family court cases; served as guardian ad litem in family court cases involving children; represented clients in general civil litigation cases including property disputes, business disputes, and personal injury lawsuits; represented clients in probate court cases, including guardianships and conservatorships.
- (d) Law Office of Shawn L. Reeves, Columbia, SC, Attorney and Owner, 2010-2016. Represented clients in divorce, custody, adoption, and other family court cases; mediated family court cases; owned and operated a profitable solo

THURSDAY, JANUARY 16, 2020

family law practice, being solely responsible for the marketing and administration of the business while also practicing law; managed the firm's trust account in compliance with the South Carolina Rules Governing the Practice of Law.

- (e) South Carolina Department of Social Services, Assistant General Counsel, 2016-present. Represent the agency in child welfare cases involving foster care, adoption, Interstate Compact on the Placement of Children, foster home licensing, and group home licensing; advise the agency in the development of child welfare policy and procedure; represent the agency in matters involving federal oversight by the United States Department of Health and Human Services; represent the agency in legislative matters including proposed legislation and the promulgation of regulations; represent the agency in administrative hearings and appeals.

Mr. Reeves further reported regarding his experience with the Family Court practice area:

I represented clients in divorce, separate support and maintenance, and equitable distribution cases during my private law practice from 2007 to 2016. I represented clients from various socio-economic backgrounds and therefore handled cases involving very little marital property as well as cases involving significant marital property. Many of these divorce and separation cases involved issues relating to child custody, visitation, and child support. I have represented clients in approximately 150 to 200 cases involving divorce, separation, equitable distribution, child custody, visitation, and/or child support issues. In addition to this litigation experience, I became a certified Family Court mediator in 2012 and mediated numerous cases involving divorce, separation, equitable distribution, child custody, visitation, and/or child support between 2012 and 2016.

Between my private law practice and my current representation of the Department of Social Services, I have had the honor of handling approximately 400 adoption cases. In private practice, I handled relative adoptions, including step-parent adoptions

THURSDAY, JANUARY 16, 2020

and the domestication of a foreign adoption. I also handled one significant contested adoption case that proceeded through a multiple-day trial. At DSS, I have represented the agency in facilitating the adoptions of legally free children from foster care into permanent adoptive homes.

During my private law practice, I represented biological parents in abuse and neglect cases brought against them by DSS. One case that stands out is my representation of a biological mother who sincerely loved her child but who was simply unable to care for the child due to addiction. In the end, this mother agreed to her grandmother having custody of the child. In another case, my client's child had been removed because of my client's incarceration and the other parent's incapacity. My client was incarcerated due to nonpayment of child support of a child in another state. DSS refused to consent to return the child after my client's release from jail. After much litigation and negotiation, I obtained a court order for the return of the child into my client's custody.

In my current role at DSS, I work daily on abuse and neglect issues. County DSS attorneys regularly consult with me on the handling of abuse and neglect cases, and I occasionally attend court hearings relating to abuse and neglect matters, primarily in support of the county attorney's work. Additionally, I advise the DSS administration on the development of agency policy relating to abuse and neglect cases. For example, there is a nationwide shift in child welfare towards prevention of abuse and neglect and towards placement of abused and neglected children in the homes of relatives rather than in foster care or in group homes. This nationwide shift is most clearly evidenced in the passage of the Family First Prevention Services Act (FFPSA). I represent DSS in the planning and policy development to implement the FFPSA.

Juvenile justice is the area where I have had the least experience in the Family Court courtroom. I have never represented a client in a juvenile justice case before the Family Court. However, in my current position at DSS, I have worked with the Department of Juvenile Justice on policy issues relating to children who come into the care of both DSS and DJJ, particularly including

THURSDAY, JANUARY 16, 2020

children who are victims of sex trafficking or children in foster care who have been involved in criminal activity. Most recently, I have been working on policy and consulting on legislative initiatives to fulfil the requirements of the Family First Prevention Services Act requiring that states not significantly increase their juvenile justice populations as a result of child welfare policy. Although I have not handled a juvenile justice case in Family Court, I understand the issues surrounding these cases, and given my other extensive experience in Family Court, I am confident that I will be able to preside over these types of cases.

During my private law practice, I would appear in Family Court regularly, often multiple times per week. During my time at DSS, I appear in Family Court less frequently, generally no more than once or twice per month, primarily because most of my adoption cases are uncontested and do not require my appearance.

Mr. Reeves reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: None;
- (b) State: From 2007 to 2016, I appeared in Family Court generally multiple times per week. Since 2016, I appear in Family Court generally no more than once or twice per month.

Mr. Reeves reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 5%;
- (b) Criminal: 0%;
- (c) Domestic: 95%.
- (d) Other:

Mr. Reeves reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 0% Note that I do have jury trial experience in both Circuit Court and Magistrates Court

THURSDAY, JANUARY 16, 2020

in my work at Harvey & Battey, PA between 2007 and 2010;

(b) Non-jury: 100%.

Mr. Reeves provided that during the past five years he most often served as sole counsel.

The following is Mr. Reeves' account of his five most significant litigated matters:

(a) I represented a biological mother who had involuntarily signed a relinquishment to her infant child and who wanted her child back. I represented her through a four day trial of the case. Although we did not prevail at trial, the mother was satisfied that she had done what she could have done for the return of her child, and the judge complimented me on my handling of the case. The case was not reported publicly, as it is a confidential adoption matter.

(b) I represented a father in a custody action involving the mother being negligent in the child's educational development. The case went to trial, and my client prevailed. The case was not reported publicly.

(c) I prepared the appellate briefs and conducted oral arguments in the case *SCDSS v. Boulware*, 422 S.C. 1, 809 S.E.2d 223 (2018), which involved the question of whether foster parents had legal standing to petition to adopt a child in foster care where DSS had not consented to the adoption.

(d) I represented the State in the case *State v. Ladner*, 373 S.C. 103, 644 S.E.2d 684 (2007) before the State Supreme Court. The case established certain circumstances where a child's out-of-court statement may be admitted into evidence as a nontestimonial excited utterance.

(e) I represented a grandfather who wanted visitation with his young granddaughter. The mother was keeping the child away from the grandfather, although he had been a significant part of raising the child for the first five to seven years of her life. Through significant litigation, settlement discussions, and

THURSDAY, JANUARY 16, 2020

formal mediation, we were able to settle the case, and the grandfather was able to once again be a part of the child's life. This case is an important example of my commitment to the mediation process and my belief in families working out their differences for the best interests of children.

The following is Mr. Reeves' account of four civil appeals he has personally handled:

- (a) Wardlaw v. SCDSS, Opinion No. 5652 (S.C. Ct. App. filed May 29, 2019).
- (b) SCDSS v. Smith, 423 S.C. 60, 814 S.E.2d 148 (2018).
- (c) SCDSS v. Boulware, 422 S.C. 1, 809 S.E.2d 223 (2018).
- (d) SCDSS v. Crystal C., Unpublished Opinion No. 2014-UP-100 (S.C. Ct. App. filed March 4, 2014).

The following is Mr. Reeves' account of five criminal appeals he has personally handled:

- (a) State v. Ladner, 373 S.C. 103, 644 S.E.2d 684 (2007).
- (b) State v. Odom, 376 S.C. 330, 656 S.E.2d 748 (Ct. App. 2007).
- (c) State v. Thompson, 374 S.C. 257, 647 S.E.2d 702 (Ct. App. 2007).
- (d) State v. Kinard, 373 S.C. 500, 646 S.E.2d 168 (Ct. App. 2007).
- (e) State v. Rutledge, 373 S.C. 312, 644 S.E.2d 789 (Ct. App. 2007).

(9) Judicial Temperament:

The Commission believes that Mr. Reeves' temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Mr. Reeves to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, mental stability, and physical health. The Committee also stated, "Foreclosure suit was troublesome but gave a reasonable explanation."

THURSDAY, JANUARY 16, 2020

Mr. Reeves is married to Amy Carol Reeves. He has three children.

Mr. Reeves reported that he was a member of the following bar and professional associations:

South Carolina Bar. I have been a member of the Children's Law Committee since 2016 and have co-chaired the public information subcommittee of the Children's Law Committee for the past two years.

Mr. Reeves provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

I am a board member (2014-present), former volunteer mediator (2012-2016), immediate past chair (2017-2019), and current secretary of the Midlands Mediation Center, a non-profit organization that offers mediation services primarily for lower income individuals.

Mr. Reeves further reported:

I have focused much of my law practice on helping families through difficult circumstances and on safety, permanency, and well-being for children. I am running to be a Family Court judge because I believe that I can positively impact the lives of the people who come into the Family Court courtroom. I recognize that Family Court often involves the delicate intersection of the law with the private lives and problems of people. Accordingly, my intent is to provide clear decisions after hearing all the evidence and applying the law but to do so with humility, recognizing that there are often no clear-cut, simple answers to the family legal issues that people face.

My perspective as a judge would also be influenced by my strong belief in mediation and alternative dispute resolution. I believe that families can make better decisions for themselves than a judge can make for them, but only if they put aside self-interest and really seek solutions rather than to simply win their case. As a judge, I would encourage parties to resolve their own disputes, but I would be ready to rule on matters where agreement is not possible.

THURSDAY, JANUARY 16, 2020

While the position of judge is a high honor, it is a position of a public servant. I would come to that work with dedication and a sense of urgency as to each case before me. I have dedicated myself to a strong work ethic throughout my career. I believe in meeting all deadlines and have rarely asked for extensions to file anything throughout my legal career. My dedication to hard work and my organization skills have been a hallmark of the way I practice law, particularly essential in the management of my solo law practice from 2010 to 2016.

Most importantly, I come to this process with a family of my own, understanding the complexity of family life and interactions. My relationships with my wife and children offer daily perspective on navigating family life. These experiences are both rewarding and challenging, as they are for everyone, and they would influence my understanding of the families who come into the courtroom.

- (11) Commission Members' Comments:
The Commission commended Mr. Reeves for his dedication to public service.
- (12) Conclusion:
The Commission found Mr. Reeves qualified, but did not nominate him for election to Family Court, Fifth Judicial Circuit, Seat 3.

Kathleen Moraska Ferri
Family Court, Ninth Judicial Circuit, Seat 5

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Ms. Ferri meets the qualifications prescribed by law for judicial service as a Family Court Judge.

Ms. Ferri was born in 1963. She is 56 years old and a resident of Wadmalaw Island, South Carolina. Ms. Ferri provided in her application that she has been a resident of South Carolina for at

THURSDAY, JANUARY 16, 2020

least the immediate past five years and has been a licensed attorney in South Carolina since 1993.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Ferri.

Ms. Ferri demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Ferri reported that she has spent \$5.00 in campaign expenditures for fingerprints.

Ms. Ferri testified that she has not:

- (g) Sought or received the pledge of any legislator prior to screening;
- (h) Sought or been offered a conditional pledge of support by a legislator;
- (i) Asked third persons to contact members of the General Assembly prior to screening.

Ms. Ferri testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Ferri to be intelligent and knowledgeable.

Ms. Ferri reported that she has taught the following law-related courses:

- (a) I taught Family Law to paralegals for the American Institute of Paralegal Studies at the College of Charleston in 1995.
- (b) I served the SC Bar Young Lawyers Division on the Law School for Non-Lawyers Steering Committee.
- (c) I have presented numerous seminars for the general public, women's groups, senior citizens, parent groups, pastors and youth ministers on the topics of Family Law in South

THURSDAY, JANUARY 16, 2020

Carolina, Estate Planning for Seniors, Your Teen and the Law, and the Responsibilities of Mandated Reporters.

- (d) I co-hosted a weekly 30 minute live-on air radio show called “Legally Speaking” from 1997-2000.
- (e) I have spoken about a career in law at Career Day programs for various public elementary schools.
- (f) I was a presenter for a local DivorceCare group, and at the Charleston School of Law Family Law Society.

Ms. Ferri reported that she has not published any books and/or articles.

(4) Character:

The Commission’s investigation of Ms. Ferri did not reveal evidence of any founded grievances of criminal allegations made against her.

The Commission’s investigation of Ms. Ferri did not indicate any evidence of a troubled financial status. Ms. Ferri has handled her financial affairs responsibly.

The Commission also noted that Ms. Ferri was punctual and attentive in her dealings with the Commission, and the Commission’s investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Ferri reported that she is listed in the Association of American Trial Lawyers Top 100 Debt Collection Attorneys and the National Association of Family Law Attorneys Top 10.

Ms. Ferri reported that she has not served in the military.

Ms. Ferri reported that she has never held public office.

(6) Physical Health:

Ms. Ferri appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

THURSDAY, JANUARY 16, 2020

Ms. Ferri appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Ferri was admitted to the South Carolina Bar in November of 1993.

She gave the following account of her legal experiences since graduation from law school:

(a) Kathleen J. Moraska, Attorney at Law. From 1994-96, I was a solo practitioner with an emphasis on Family Court matters. I handled both uncontested and fault-based divorces on the grounds of physical cruelty, habitual drunkenness and drug abuse, adultery and year's separation. I also represented men and women in custody actions, prosecuting and defending cases involving a change of circumstances, relocation, child support, paternity, and visitation. I represented both adoptive parents and birth parents in adoptions, defended individuals charged with abuse and neglect by the Department of Social Services, and represented both Petitioners and defendants at hearings for Order of Protection from Domestic Abuse. I handled all aspects of representation from initial consultation to preparation of pleadings, motion hearings, depositions, discovery, trial and post-trial matters, and Rules to Show Cause. I also attended bond hearings for criminal matters and drafted wills and probated estates. As a solo practitioner, I was responsible for maintaining my firm's operating and trust accounts, and handled or oversaw all aspects of my law practice including billing, office management, time schedules, word processing, marketing, advertising and client contact.

(b) Vincent & Bostic, LLP then Vincent Law Firm, LLC. From 1996 to 2008, I was an associate attorney with these firms in Charleston. I again enjoyed a general practice of law with a Family Court emphasis, including representation of both men and women in motions and trials of divorce on all fault grounds and one year's separation, motions for separate maintenance, division of marital property, determination of pre-marital and non-marital property, division of family businesses, custody, child support, including matters involving domestication of Foreign Orders for Support, alimony, visitation, adoption

THURSDAY, JANUARY 16, 2020

(representing both adoptive parents and birth parents, and involving the Interstate Compact on Adoption of Children), abuse and neglect of minor children, domestic abuse, serving as a guardian ad litem in contested custody cases and in DSS abuse and neglect cases, post-trial matters involving prosecuting and defending Rules to Show Cause, motions for obtaining children custody of children from other jurisdictions, and multi-state custody litigation involving proof of residency. I worked with many child advocates such as therapists, counselors, pastors, Lowcountry Children's Center staff, psychologists, pediatricians, custody evaluators, teachers, victim advocates, DSS and DJJ case workers, and guardians ad litem. I handled all aspects of representation from initial consultation, preparation of pleadings, responsive pleadings, motions, depositions, discovery, trial and post-trial matters including appellate work, arguing before the SC Court of Appeals and SC Supreme Court. I also tried cases in Probate Court and Magistrate Court, and argued motion hearings in General Sessions Court. As an associate attorney, I did not handle any administrative aspects of the firm, nor did I oversee a firm trust account during this time.

(c) Certified Family Court Mediator - 1998 to present. I became a certified Family Court Mediator in 1998 and enjoyed a successful and busy family court mediation practice, mediating cases for divorce, custody, change of custody, child support, reduction of child support and alimony, custodial arrangements involving new spouses, relocation of a custodial parent, change of custody involving grandparents and the death of a custodial parent, child support, and support for special needs children beyond adulthood. My settlement rate is 93%, and I have mediated well over 250 cases.

(d) Attorney to Assist the Office of Disciplinary Counsel. From 2002-16, I served the Bar in this pro bono position, which required me to conduct field investigations of attorneys who had formal complaints filed against them with the SC Bar. After interviewing complainants, attorneys and witnesses, I prepared confidential reports for the Office of Disciplinary Counsel, and offered recommendations of how the matter should be dealt with by the Bar.

THURSDAY, JANUARY 16, 2020

(e) Kathleen Moraska Ferri, LLC From 2008 to the present, I have again been a solo practitioner. My Family Court caseload has included all of the types of work previously stated, guardian ad litem work for custody and adoption cases, and mediation of all types of divorce, equitable distribution, support, custody and alimony matters. I expanded my practice to include representing a major credit union in Common Pleas Court with claim and delivery and debt collection actions and supplemental proceedings before the Master in Equity. My probate court caseload includes probating estates, drafting wills and end of life documents, representing individuals before the Therapeutic Determination and Mental Health Court, actions for determination of competency, petitions for appointment of guardianship and conservatorship, as well as actions for the determination of heirs, and quiet title actions before the Master in Equity. As a solo practitioner, I am responsible for all aspects of my firm, including maintaining my firm's operating and trust accounts, billing, and managing conflicts checks and calendar.

Ms. Ferri further reported regarding her experience with the Family Court practice area:

For 26 years, my practice has always had a strong Family Court emphasis. I have represented husbands, wives, parents, grandparents, adoptive parents, birth parents, psychological parents, foster parents and children of all ages in many types of matters before the Family Court. I have litigated many divorces and cases for division of property including determination of marital property, transmuted property, common law marriage, paternity, custody of infants, school aged children, special needs children, special needs adult children, both private and DSS adoptions, TPR, representation of birth parents, adoptive parents, infants and minors involved in adoptions, representing defendants of all types in DSS abuse and neglect matters, including a 12 day trial of a multi-spouse family charged by DSS. I have represented a few teens with diversion pleas who were involved with the Department of Juvenile Justice, however this is the area of family law with which I have the least experience. However my years as a middle school teacher, 13 years of working with the youth of my church, general knowledge of Family Court procedure, knowledge of the South

THURSDAY, JANUARY 16, 2020

Carolina Children's Code and the Juvenile Justice Code, as well as strong connection to professionals involved in the mental health community has prepared me to preside over these matters as a Family Court Judge. Within the past 5 years, my frequency of appearance before a Family Court Judge has been less than in prior years since my practice has focused on assisting parties in resolving their cases via mediation. Also, I have appeared with more regularity before the Common Pleas Court and the Probate Court recently due to the expansion of my practice to include these matters.

Ms. Ferri reported the percentage of her practice including civil, criminal, domestic and other matters during the past five years as follows:

- (e) Civil: 50%;
- (f) Criminal: 0%;
- (g) Domestic: 35%;
- (h) Other: Probate: 15%.

Ms. Ferri reported the percentage of her practice in trial court during the past five years as follows:

- (c) Jury: 0%;
- (d) Non-Jury: 100%.

Ms. Ferri provided that during the percentage of her practice in trial court during the past five years she most often served as sole counsel.

The following is Ms. Ferri's account of her five most significant litigated matters:

(a) James vs. James, 99-UP-642 (South Carolina Court of Appeals filed December 15, 1999) was a contested custody case involving a trial handled by another attorney. The parents were both active duty service members. I represented the father on appeal, and argued before the Court of Appeals. Prior to the appeal being heard, I filed a Writ of Supersedeas for Visitation, which was granted. After a reversal of the trial court, the mother refused to give custody of the child to the father, so I filed a Writ of Habeas Corpus, which was enforced in the State of New York. The mother filed a Petition for Certiorari, which was

THURSDAY, JANUARY 16, 2020

granted. The Supreme Court also heard oral argument, upheld the decision of the Court of Appeals and my client received custody of the child.

(b) Charleston County DSS vs. Cutler, et. al. I was appointed to represent the father of 5 children who, along with his 2 common law wives, was sued in 3 separate DSS actions. The matter started with children being taken into emergency protective custody due to the diet that the children were being fed, however when several subsequent children were born to the mothers, they were taken from the family too. DSS moved for TPR despite efforts by the family to prove rehabilitation and efforts at reunification therapy. The cases leading up to the trial involved 15 separate hearings. The three cases were consolidated and the TPR matter was tried for 12 days. The TPR was denied and the parents were eventually reunited with their children. Unreported case

(c) Strickland vs. Strickland was a contested post-divorce custody case wherein I was the guardian ad litem, representing 11 year old twins. There was an ongoing DSS case as well as a criminal case pending against one of the parents. I interviewed 33 witnesses including police officers, teachers, principals, guidance counselors, lawyers, therapists, visitation supervisors, family members, prior guardians, the litigants and minor children in order to represent the minor children at trial and to assist the court in making a custody determination and visitation schedule. Unreported case.

(d) Jackson vs. Jackson was a child custody case that involved the Uniform Child Custody Jurisdiction Act and the home state of minor children. I represented a father who lived in North Carolina. The mother was a resident of Dorchester County. The mother removed the children from North Carolina and brought an action in Dorchester County while the matter was on appeal in North Carolina. I was able to get the matter stayed in SC until the NC appeal was ended. Discovery involved witnesses in both North and South Carolina. Eventually another trial lasting 3 days was held in Dorchester County and father was awarded custody of the children. Unreported case.

(e) Duffy vs. Jenkins, et. al. was an heirs property case that required me to probate 5 intestate estates, then a trial in the Master in Equity court for the determination of heirs. The matter took nearly 4 years to resolve, and involved locating Defendants

THURSDAY, JANUARY 16, 2020

spanning 4 generations in SC, NY, GA, FL and MS, infant heirs, a guardian ad litem, and a mortgage company. Unreported case.

The following is Ms. Ferri's account of two civil appeal she has personally handled:

(a) James vs. James, Appeal from Charleston County Family Court; Opinion No. 99-UP-642.

(b) Cornwell vs. Cornwell, Appeal from Charleston County Family Court; Case was settled prior to a decision being reported.

Ms. Ferri reported that she has not personally handled any criminal appeals.

(9) Judicial Temperament:

The Commission believes that Ms. Ferri's temperament would be excellent.

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications found Ms. Ferri "Well Qualified" in the evaluative criteria of ethical fitness, character, reputation, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, professional and academic ability, physical health, mental stability, and experience. The Committee had no related comments.

Ms. Ferri is married to Michael John Ferri. She has two children.

Ms. Ferri provided that she is a member of the following bar associations and professional associations:

(a) SC Bar Association.

(b) Charleston County Bar Association.

Ms. Ferri provided that she is a member of the following civic, charitable, educational, social, or fraternal organizations:

(a) Blessed Sacrament Catholic Church Stewardship Committee.

(b) Blessed Sacrament Catholic School Advisory Council, Secretary.

(c) Children's Liturgy and Vacation Bible School Director.

THURSDAY, JANUARY 16, 2020

Ms. Ferri further reported:

I have always loved working with children, and throughout my career, both prior to becoming an attorney and while working as an attorney, I have sought to serve children in my community. Through my work as a middle school teacher, my work as a youth mentor through my church and through my involvement with my children's schools, I have maintained a strong connection with children, pre-teens and teenagers. Through my work with parents of school age children, I have been able to observe many different types of parenting styles and types of families that range from traditional, single parent, adoptive, foster, blended, gay, and multigenerational. I have also had a unique role with those suffering with mental illness. I served for several years as the legal guardian for an incapacitated, mentally ill adult, and saw first-hand the challenges that mental illness brought to her marriage. I believe that life experiences have made me a compassionate person, have honed my communication skills and have given me a wisdom and ability to discern truth about many difficult family situations. I believe that all of my life experiences would make me an asset to the people of South Carolina.

(11) Commission Members Comments:

The Commission commended Ms. Ferri for her community service and found she was qualified to serve as a Family Court judge.

(12) Conclusion:

The Commission found Ms. Ferri qualified, but did not nominate her for election to Family Court, Ninth Judicial Circuit, Seat 5.

THURSDAY, JANUARY 16, 2020

Deanne M. Gray
Family Court, At-Large, Seat 1

**Commission's Findings: QUALIFIED, BUT NOT
NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Gray meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Gray was born in 1972. She is 47 years old and a resident of Summerville, South Carolina. Ms. Gray provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2000. She was also admitted to the Texas Bar in 2006.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Gray.

Ms. Gray demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Gray reported that she has not made any campaign expenditures.

Ms. Gray testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Gray testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

- (3) Professional and Academic Ability:
The Commission found Ms. Gray to be intelligent and knowledgeable.

Ms. Gray reported that she has taught the following law-related courses:

I lectured at the 2019 Charleston County Bar Program “DSS Abuse & Neglect Cases.”

Ms. Gray reported that she has not published any books or articles.

- (4) Character:
The Commission’s investigation of Ms. Gray did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission’s investigation of Ms. Gray did not indicate any evidence of a troubled financial status. Ms. Gray has handled her financial affairs responsibly.

The Commission also noted that Ms. Gray was punctual and attentive in her dealings with the Commission, and the Commission’s investigation did not reveal any problems with her diligence and industry.

- (5) Reputation:
Ms. Gray reported that she is not rated by any legal rating organization.

Ms. Gray reported that she has not served in the military.

Ms. Gray reported that she has never held public office.

- (6) Physical Health:
Ms. Gray appears to be physically capable of performing the duties of the office she seeks.

THURSDAY, JANUARY 16, 2020

- (7) Mental Stability:
Ms. Gray appears to be mentally capable of performing the duties of the office she seeks.
- (8) Experience:
Ms. Gray was admitted to the South Carolina Bar in 2000.

She gave the following account of her legal experience since graduation from law school:

- (a) Law Clerk, South Carolina Court of Appeals, August 1999-August 2002 Drafted opinions and orders, read and analyzed trial records and briefs, participated in pre-oral argument court conferences, performed legal research, supervised two junior law clerks;
- (b) Assistant Solicitor, Charleston County Family Court, August 2002-February 2006. Prosecuted juvenile criminal offenses, including all sexually based offenses, worked closely with law enforcement agencies, prepared and presented training materials to law enforcement;
- (c) Prosecuting Attorney, City of Fort Worth, Texas, June 2007-February 2008. Prosecuted state and local offenses in the City's municipal courts, prepared cases and pre-trial hearings, negotiated appropriate settlements with attorney representatives and un-represented defendants, represented the State in hearings regarding Emergency Protective Orders;
- (d) Assistant City Attorney, City of Fort Worth, Texas, February 2008-June 2008. Researched legal questions and evaluate the impact on city policies and procedures, provide advice to city management staff, filed charges, prosecute and/or negotiated pending cases against violators, supervised work of staff responsible for providing legal assistance to the City;
- (e) Managing County Attorney Dorchester County DSS, May 2013-Present. Represent SCDSS in Court and at administrative hearings, in addition to providing legal advice for county Child Protective Services and Adult Protective Services staff. Manage the county legal offices and will hire, fire, train and supervise and manage attorneys and paralegals in the legal offices. Assume final

THURSDAY, JANUARY 16, 2020

responsibility for the county to ensure good working relationships and communication between county legal office and other system stakeholders. Manage work flow for timeliness and statutory compliance.

Ms. Gray further reported regarding her experience with the Family Court practice area:

Divorce and Equitable Division 0%

As a law clerk for the SC Court of Appeal, I reviewed many divorce cases. In addition, while appearing frequently in Family Court on behalf of the DSS, I have observed numerous divorce actions and reviewed the Divorce Orders in order to explain provisions of the order to DSS staff.

Child Custody 2%

I appear on behalf of SCDSS in private custody actions where the Department is involved with the family during the pendency of the private action to gain information regarding the provisions of custody and visitation that impact the children.

Adoption 3%

I have begun appearing on behalf of SCDSS in adoption hearings where foster parents or other individuals have filed a private action seeking to adopt a child in SCDSS custody who is not yet legally free.

Abuse and Neglect 75%

I have served as the Managing County Attorney for Dorchester County DSS for the last six years handling Probable Cause, Merits, Permanency Planning and Termination of Parental Rights hearings.

Juvenile Justice 20%

I served as an Assistant Solicitor in Charleston County for two years prosecuting juvenile offenders and participating in Detention, Adjudicatory, and Dispositional hearings. During this time I handled all juvenile sexually based offenses. I also was the lead attorney in a waiver hearing to General Sessions Court.

THURSDAY, JANUARY 16, 2020

For the last year years, I appear before the Family Court every Thursday afternoon for the DSS Summary Docket and one full day a month for a Contested DSS Docket. I also appear before the Court for juvenile hearings, private actions and any other hearings where DSS is involved. On an average week, I appear in Family Court at least twice a week and average approximately 12-15 cases a week.

Ms. Gray reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: None;
- (b) State: Weekly.

Ms. Gray reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 5%;
- (b) Criminal: 5%;
- (c) Domestic: 90%.
- (d) Other:

Ms. Gray reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 0%;
- (b) Non-jury: 100%.

Ms. Gray provided that during the past five years she most often served as sole counsel.

The following is Ms. Gray's account of her five most significant litigated matters:

- (a) SCDSS v. A.W., et. al. This emergency removal and termination of parental rights case involved a minor child in foster care, foster parents who filed a private action seeking termination of parental rights/adoption action and third parties who filed a private adoption action after obtaining consent relinquishments from the birth parents;
- (b) SCDSS v. M.J. This emergency removal case involved minor children who were adopted after the birth parents'

THURSDAY, JANUARY 16, 2020

rights were terminated. The adoptive mother allegedly began physically abusing the minor children shortly after the adoption. One of the minor children testified during the five (5) day Merits Hearing;

- (c) SCDSS v. M.L., et. al. The termination of parental rights action was filed involving a birth parents who were arrested on federal charges. A great deal of time was spent getting information from the US Attorneys Office regarding the status of the federal charges to determine how best to present to the Family Court that termination of parental rights was in the best interests of the minor child;
- (d) State v. R.S. I prosecuted a juvenile for several counts of criminal sexual conduct with a minor. I prepared the five (5) year old victim to testify and worked with the Clerk's office to us closed circuit testimony after the Family Court granted the appropriate motions;
- (e) SCDSS v. D.M., et. al. The termination of parental rights action involved a minor child with numerous allergies, medical conditions and behavioral issues. Defense counsel argued that these conditions made the minor child "unadoptable" and therefore, termination of parental rights was not in the minor child's best interests. After working closely with his treating physicians and counselors, I was able successfully argue that termination of parental rights was in the minor child's best interests.

Ms. Gray reported she has not personally handled any civil or criminal appeals.

- (9) Judicial Temperament:
The Commission believes that Ms. Gray's temperament would be excellent.
- (10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Ms. Gray to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional

THURSDAY, JANUARY 16, 2020

qualifications, mental stability, and physical health. The Committee also stated, "Very well qualified, impressive, great experience from heading up DSS in Dorch Cty for 6 years - Very Good Demeanor."

Ms. Gray is married to John William Gray Jr. She has two children.

Ms. Gray reported that she was a member of the following bar and professional associations:

- (a) South Carolina Bar Association
- (b) Dorchester County Bar Association
- (c) Dorchester County Family Court Liaison Committee.

Ms. Gray provided that she was not a member of the following civic, charitable, educational, social, or fraternal organization. Hickory Ridge Home Owner's Association, Secretary and President.

Ms. Gray further reported:

I have spent the majority of my legal career practicing in the South Carolina Family Court. During this time, I have been blessed to appear in front of a diverse group of judges that have been shining examples of the type of judge I plan to be in the future. These judges have shown me how a judge can be tough, but fair. They have shown me how judges can hold attorneys to a high standard, but also mentor those same attorneys to become better litigators and members of the bar.

During my personal life, my life as a military spouse, and now as DSS attorney, I have been exposed to a wide array of individuals, cultures, and circumstances. I have handled cases that involve issues of substance abuse, extreme physical abuse and neglect, sexual abuse and domestic violence. These experiences have allowed me to develop a professional demeanor when arguing these cases and not let my emotions rule my judgement, decisions, and interactions because every individual who appears before the Court deserves to be treated with respect no matter the allegations they are facing.

THURSDAY, JANUARY 16, 2020

- (11) Commission Members' Comments:
The Commission commented that Ms. Gray was an eloquent and enthusiastic candidate.
- (12) Conclusion:
The Commission found Ms. Gray qualified, but did not nominate her for election to Family Court, At-Large, Seat 1.

Robert W. Cone
Family Court, At-Large, Seat 2

**Commission's Findings: QUALIFIED, BUT NOT
 NOMINATED**

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Mr. Cone meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Cone was born in 1971. He is 48 years old and a resident of Greenwood, South Carolina. Mr. Cone provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1998.

- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Cone.

Mr. Cone demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Cone reported that he has not made any campaign expenditures.

Mr. Cone testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;

THURSDAY, JANUARY 16, 2020

- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Cone testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Cone to be intelligent and knowledgeable.

Mr. Cone reported that he has taught the following law-related courses:

- a) I have presented at CLEs for the Department of Social Services' new attorneys boot camp on the roles and responsibilities of agency attorneys in 2016, 2017, 2018, and 2019.
- b) I have presented at a CLE on "Effective Advocacy in Termination of Parental Rights Proceedings" in February, 2017.
- c) In September, 2013 and 2014, I presented a CLE on Abuse and Neglect cases for attorneys and volunteer guardians ad litem in Greenwood and Abbeville counties.
- d) I have taught the course on "Consumer Law and Debt Collection in South Carolina" for the South Carolina Bar's Law School for Nonlawyers at Piedmont Technical College in Greenwood, South Carolina in 2007, 2008, and 2011.
- e) I presented a seminar on "Mechanic's Liens and Collections in South Carolina", Greenwood Home Builders Association. January, 2002
- f) I presented a seminar on "The Church Under Fire, Youth Ministry and the Law" Greater Greenwood Youth Ministries (GYM), October, 2003.
- g) I presented a seminar on "Sexual Harassment and Schools", Ninety-Six Primary School Faculty, September, 2005.
- h) I taught a class on Business Law at Lander University during the Fall Semester of 2000.

THURSDAY, JANUARY 16, 2020

Mr. Cone reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Cone did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Cone did not indicate any evidence of a troubled financial status. Mr. Cone has handled his financial affairs responsibly.

The Commission also noted that Mr. Cone was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Cone reported that he is not rated by any legal rating organization.

Mr. Cone reported that he has not served in the military.

Mr. Cone reported that he has held the following public office: I served as the Town Attorney for the Town of McCormick, South Carolina from 1999 to 2008. I was appointed to that position by the Town Council, and reappointed on an annual basis. I ended my service when I was appointed Municipal Court Judge for the Town of Ninety-Six, SC.

(6) Physical Health:

Mr. Cone appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Cone appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Cone was admitted to the South Carolina Bar in 1998.

THURSDAY, JANUARY 16, 2020

He gave the following account of his legal experience since graduation from law school:

- a) McDonald, Patrick, Baggett, Poston, and Hemphill, L.L.P., 414 Main Street, Greenwood, South Carolina. Associate attorney. From 1998 to 2002, my practice primarily involved insurance defense litigation in personal injury, medical malpractice, and tort cases filed against state agencies insured through the South Carolina Insurance Reserve Fund. Due to changes in insurance practices and experience I was gaining representing persons in Family Court, I began to develop a practice in the field of family law and shifted my focus to that field in 2002. From 1998 to 2005 I also handled estate planning, probate matters, business formations, debt collection, and bankruptcy matters for business clients.
- b) The Cone Law Firm, PC, 128 Maxwell Avenue, Greenwood, SC 29646, November 2005 to April, 2012. I opened my own law firm in 2005 and operated as a solo practitioner. My practice focused on civil litigation, specifically in family law. I also handled probate matters, bankruptcy cases, debt collection, business formations and estate planning. During this time I became a contract attorney for the Department of Social Services, representing the agency in child welfare, abuse and neglect cases. I served as the sole attorney, managing the firm's trust account and paralegal staff.
- c) South Carolina Department of Social Services, April, 2012 to April, 2016. Managing Attorney for Greenwood, Abbeville, and Newberry counties. I became a full time employee of the Department of Social Services and represented the agency in child welfare, abuse and neglect cases. I primarily operated in the Eighth Judicial Circuit, but would conduct trials in numerous counties when other agency attorneys were unavailable. I supervised two paralegals during this time.
- d) South Carolina Department of Social Services, April, 2016 to July, 2019. Regional Managing Attorney for the Second, Eighth, and Eleventh Judicial Circuits. I was promoted to Regional Managing Attorney, supervising a legal staff of 7 attorneys and 8 paralegals. During my tenure the legal staff grew to 10 attorneys and 13 paralegals, plus three contract

THURSDAY, JANUARY 16, 2020

attorneys. I was responsible for the overall management of the Department's caseload across the 11 counties of the three Circuits. I handled all personnel matters, addressed specific case issues, conducted legal research, and handled high priority or complex legal cases in all of the counties. I also filled in as county attorney when there were vacancies or other absences. I also maintained professional relationships between the Department and other participants in the Family Court system related to abuse and neglect cases, including judges, clerks of court, law enforcement, the Department of Juvenile Justice, guardians ad litem, and opposing counsel.

- e) South Carolina Department of Social Services, July, 2019 to present. Assistant Managing Attorney for County Operations, Office of General Counsel. In July I was promoted to this position, assisting the Managing Attorney for all county legal operations across the state. I am responsible for developing and conducting training programs for agency attorneys, paralegals, and case management staff on issues pertaining to the Department's participation in the Family Court system. I also administer the agency's Legal Case Management software system and train users on it's proper use. I serve as agency liaison to the state's Court Improvement Project and the Bench/Bar Committee on child welfare issues.

Mr. Cone further reported regarding his experience with the Family Court practice area:

In preparing my response to this question, I reviewed my case files going back to 1998. I found that since that time, I have handled more than 200 private Family Court cases, including cases where I represented husbands, wives, mothers, fathers, and grandparents in cases involving divorce, equitable division of property, and child custody/child support.

I have served as a private Guardian ad litem in more than 40 cases, representing the interests of children in contested custody matters. I have also been fortunate to represent 19 families in private adoption cases. I have also been appointed to represent juveniles as their Guardian ad Litem in a number of Juvenile Justice cases.

THURSDAY, JANUARY 16, 2020

Beginning in the fall of 2007, I began representing the Department of Social Services as a contract attorney, handling child abuse, child neglect, adult abuse, and adult neglect cases.

These numbers reflect my Family Court experience as a private attorney, and cases I was either hired or appointed to represent individuals.

Beginning in April, 2012, when I joined the Department of Social Services as a full time attorney, I continued to represent the Department in child abuse, child neglect, adult abuse, and adult neglect cases. These cases included termination of parental rights actions and appeals. From 2012 to 2016, I handled between 100 to 125 cases per year.

In 2016, I changed positions and moved into a more managerial role, but continued to appear in court and train new attorneys on the correct processes and procedures for representing the Department in Family Court.

Mr. Cone reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: None;
- (b) State: Multiple days each week.

Mr. Cone reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 1% (Probate work for vulnerable adults);
- (b) Criminal: 2% (Department of Juvenile Justice);
- (c) Domestic: 97%;
- (d) Other:

Mr. Cone reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 0%;
- (b) Non-jury: 100%.

Mr. Cone provided that during the past five years he most often served as sole counsel except for a handful of cases in the past three years where he sat second chair with a new attorney as part of their training.

THURSDAY, JANUARY 16, 2020

The following is Mr. Cone's account of his five most significant litigated matters:

- (a) Burton v. Molen, 2008-DR-01-35 (Abbeville County).
This is a case where I represented the biological father in a custody dispute. The child in question was three years old when the mother left South Carolina without warning and took the child to Texas. Over a period of nearly 2 years, we engaged in a complex legal proceeding, with hearings in both South Carolina and Texas, to try and return the child to South Carolina. While the case was on appeal, we were able to negotiate a settlement that resulted in joint custody for my client. This was one of the most challenging cases of my legal career, involving multiple hearings in more than one jurisdiction, and working with agencies such as the FBI, and the National Center for Missing and Exploited Children.
- (b) SCDSS vs, Sharpe, et al. 2007-DR-01-190; 2012-DR-01-46 (Abbeville County)
This was a contested termination of parental rights action where the minor children had been victims of sexual abuse, and because of many procedural delays, the minor children had been in foster care for nearly 5 years without a resolution. A particular challenge was the mother's continued participation in some treatment efforts and regular contact with the children, but this had to be considered in the context that she remained in contact with the children's abuser. After a lengthy trial, we were successful in having the parents' rights to the children terminated, making them free for adoption.
- (c) Carter v. Hayford, 2006-DR-24-583 (Greenwood County).
This was a case where I served as the Guardian ad litem for a young girl whose parents been divorced for several years. The mother had remarried, and was seeking to relocate with the child to the state of Kentucky. The father opposed the move and sought a change of custody. Ultimately, we were able to resolve the case on the eve of trial and established a visitation plan that allowed the child to move, but still gave father substantial visitation throughout the year. This case was

THURSDAY, JANUARY 16, 2020

significant to me because of the challenge involved in choosing between two good parents, both of whom were deeply involved in the child's life.

- (d) SCDSS v. Balasty, 2013-DR-24-78; 2015-DR-24-536
This was a case involving severe and repeated neglect of young children by a mother who had mental health, substance abuse, and violent behavioral issues. The case involved two children, and one of the more contentious issues was a custody dispute as to one of the children. A set of maternal relatives sought custody of the child, as did the child's stepfather, who had been the child's caregiver for years. Issues of the value of biological versus psychological attachment played a large role in this case.
- (e) SCDSS v. Crawford, 2013-DR-01-66 (Abbeville County)
This case began as an educational neglect case, but ended with the parent losing full custody of her children. It became a complex case due to the intervention of maternal relatives, and also the participation of one child's biological father, who lived out of state, and was deployed on military service during the pendency of the case. It was a complex matter, dealing with overlapping jurisdictional issues and the need to compliance with the federal Service Member's Relief Act.

The following is Mr. Cone's account of five civil appeals he has personally handled:

- (a) Joubert v. South Carolina Department of Social Services, 341 S.C. 176, 534 S.E.2d 1 (Ct. App. 2000)
- (b) Allegiant v. Emerald Inns, Inc., 2007-UP-325, Court of Appeals, 2007.
- (c) South Carolina Dept. of Social Services v. Driggers, 2015-UP-038, Court of Appeals, 2015.
- (d) South Carolina Dept. of Social Services v. Gary, 2006-UP-288, Court of Appeals, 2006.
- (e) South Carolina Dept. of Social Services v. May, 2017-UP-447, Court of Appeals, 2017.

Mr. Cone reported he has not personally handled any criminal appeals.

THURSDAY, JANUARY 16, 2020

Mr. Cone further reported the following regarding unsuccessful candidacies:

- a) In 2010, I ran for the office of Probate Judge for Greenwood County. After a contested primary in June, 2010, I was the Republican candidate for Probate Judge. I lost in the general election in November, 2010.
- b) In 2012, I was a candidate for Family Court Judge, Eighth Judicial Circuit, Seat 3. I was found qualified, but not nominated for the position.

(9) Judicial Temperament:

The Commission believes that Mr. Cone's temperament would be excellent.

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualifications found Mr. Cone to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, mental stability, and physical health. The Committee also stated, "Mr. Cone served as a private practitioner with a heavy family law emphasis for over ten years before joining the Department of Social Services, where he has served as a practicing lawyer and managing lawyer at multiple levels. He would bring to the Family Court bench a breadth and depth of family court experience (especially in child abuse and neglect cases) that would be of great service to our State."

Mr. Cone is married to Emily Willard Cone. He has one child.

Mr. Cone reported that he was a member of the following bar and professional associations:

- (a) South Carolina Bar Association
- (b) Greenwood County Bar Association

Mr. Cone provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

THURSDAY, JANUARY 16, 2020

- (a) Cub Scout Pack 921, Greenwood SC. Den Leader 2014-2015; Cubmaster 2016-2019.
- (b) Boy Scout Troop 313, Greenwood, SC. Assistant Scoutmaster February 2019 - present
- (c) F3 Men's Fitness Club, 2015 – present.
- (d) Greenwood County Library Board. Chairman, 2014-2016.

Mr. Cone further reported:

Throughout my life, I have had a strong desire to serve and help people. I once considered careers in ministry and later, in medicine, but found that my skills and abilities were best suited for the practice of law. Over the years, I have seen the tremendous impact the court system can have on families. I think I was drawn to family law because you can have a real impact on the lives of families and individuals in the decisions you make in cases you pursue in family court. While family law has not been as financially rewarding as other areas of law can be, it has given me great personal satisfaction to help individuals and families deal with some of the most tumultuous events of their lives.

In recent years, serving the state as an advocate for child welfare, I have seen the critical role Family Court judges have to make each day. Most decisions they are called upon to make will have life-long impacts on families and their children, but they are forced to make those decisions in a limited span of time and without complete information. While a prestigious post, Family Court judges are required to work at a demanding pace, week-in and week-out. At the same time, it promotes injustice and causes harm to children and families when decisions are left “in abeyance” or “under advisement” for prolonged periods of time, leaving children and families in limbo as to their future.

Based on these experiences, I have come to believe that, as a judge, it is crucial that you listen carefully to the evidence presented to you, consider the facts and the law, and then make a decision as quickly as possible. After 21 years of law practice, I believe more than ever in the old axiom, “Justice delayed is justice denied.” Particularly in family court cases, it is crucial that children and families know what the outcome of their cases will be as quickly as possible, as uncertainty or delay only exacerbates the stresses caused by domestic litigation. Children

THURSDAY, JANUARY 16, 2020

lingering in the foster care system, juvenile offenders forced to wait for treatment or rehabilitative services, or adoptive parents who must sometimes wait years for their adoption to be finalized and their family made whole, are just a few examples of how delayed decisions cause real harm when it comes to families and children.

Some might be concerned that, given my recent history of working for the Department of Social Services, I might be too lenient on the Department and its staff when they appear before me. I can only say that, in my role today, I spend much of my time pointing out errors in investigations and addressing inconsistencies in practice regarding issues of custody, visitation, and treatment. I have a great deal of sympathy for the parents who become involved in DSS cases. Most of them are not acting out of malice or hatred towards their children, they simply don't understand or have never been taught what it means to be a parent. Courts should make sure that these parents are given a fair chance to make things right in their life, but also be ready to make the tougher decisions about the children's best interests when the parents have shown themselves unable to make things right.

I would hope that my experience would allow me to resolve cases quickly, fairly, and with wisdom and courtesy for all the parties and attorneys. That is how I have tried to conduct myself in my practice, and how I plan to continue as a judge.

- (11) Commission Members' Comments:
The Commission commented that Mr. Cone was an impressive candidate with a dedication to public service.

- (12) Conclusion:
The Commission found Mr. Cone qualified, but did not nominate him for election to Family Court, At-Large, Seat 2.

THURSDAY, JANUARY 16, 2020

CONCLUSION

The Judicial Merit Screening Commission found the following candidates QUALIFIED AND NOMINATED:

SUPREME COURT

SEAT 5

The Honorable George C. James Jr.

COURT OF APPEALS

SEAT 7

The Honorable Stephanie Pendarvis McDonald

CIRCUIT COURT

AT-LARGE, SEAT 11

The Honorable Alison Renee Lee

AT-LARGE, SEAT 13

Amanda A. Bailey

Debbie Chapman

The Honorable Marvin H. Dukes III

FAMILY COURT

THIRD JUDICIAL CIRCUIT, SEAT 3

Ernest Joseph Jarrett

FOURTH JUDICIAL CIRCUIT, SEAT 3

The Honorable Michael S. Holt

FIFTH JUDICIAL CIRCUIT, SEAT 1

Blakely Copeland Cahoon

Laurel Eden Harvey Hendrick

C. Vance Stricklin Jr.

SIXTH JUDICIAL CIRCUIT, SEAT 2

The Honorable Debra A. Matthews

NINTH JUDICIAL CIRCUIT, SEAT 5

Spiros Stavros Ferderigos

Marissa K. Jacobson

Julianne M. Stokes

TENTH JUDICIAL CIRCUIT, SEAT 3 M.

Scott McElhannon

Brittany Dreher Senerius

THURSDAY, JANUARY 16, 2020

THIRTEENTH JUDICIAL CIRCUIT, SEAT 5

The Honorable Tarita A. Dunbar

FOURTEENTH JUDICIAL CIRCUIT, SEAT 2

Jean K. McCormick

The Honorable Douglas L. Novak

FIFTEENTH JUDICIAL CIRCUIT, SEAT 3

The Honorable Ronald R. Norton

AT-LARGE, SEAT 1

Kimaka (Kim) Nichols-Graham

Martha M. Rivers Davisson

R. Chadwick (Chad) Smith

AT-LARGE, SEAT 2

The Honorable Bryan C. Able

Timothy E. Madden

Rebecca West

ADMINISTRATIVE LAW COURT

SEAT 3

The Honorable Harold W. (Bill) Funderburk Jr.

SEAT 4

The Honorable Deborah Brooks Durden

Respectfully submitted,

/s/Sen. Luke A. Rankin

/s/Sen. Ronnie A. Sabb

/s/Sen. Tom Young, Jr.

/s/Ms. Hope Blackley-Logan

/s/Mr. J.P. "Pete" Strom, Jr.

/s/Rep. Murrell Smith

/s/Rep. J. Todd Rutherford

/s/Rep. Chris Murphy.

/s/Mr. Andrew N. Safran

/s/Ms. Lucy Grey McIver

[HJ]

THURSDAY, JANUARY 16, 2020

APPENDIX

**Report from the South Carolina Bar Judicial
Qualifications Committee**

**The Honorable George C. James Jr.
Supreme Court, Seat 5**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Justice James' candidacy for Supreme Court, Seat 5 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Stephanie Pendarvis McDonald
Court of Appeals, Seat 7**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge McDonald's candidacy for Court of Appeals, Seat 7 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified

THURSDAY, JANUARY 16, 2020

Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Alison Renee Lee
Circuit Court, At-Large, Seat 11**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Lee's candidacy for Circuit Court, At-Large, Seat 11 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**Ms. Amanda A. Bailey
Circuit Court, At-Large, Seat 13**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Bailey's candidacy for Circuit Court, At-Large, Seat 13 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 16, 2020

**Ms. Erin E. Bailey
Circuit Court, At-Large, Seat 13**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Bailey's candidacy for Circuit Court, At-Large, Seat 13 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Qualified
Judicial Temperament	Well-Qualified

**Ms. Debbie Chapman
Circuit Court, At-Large, Seat 13**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Chapman's candidacy for Circuit Court, At-Large, Seat 13 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

THURSDAY, JANUARY 16, 2020

**The Honorable Joe M. Crosby
Circuit Court, At-Large, Seat 13**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Crosby's candidacy for Circuit Court, At-Large, Seat 13 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Reputation	Well-Qualified
Experience	Qualified
Judicial Temperament	Well-Qualified

**Mr. H. Steven DeBerry IV
Circuit Court, At-Large, Seat 13**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. DeBerry's candidacy for Circuit Court, At-Large, Seat 13 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

* Concerns were raised as to the candidate's knowledge of procedural law.

THURSDAY, JANUARY 16, 2020

**The Honorable Marvin H. Dukes III
Circuit Court, At-Large, Seat 13**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Dukes' candidacy for Circuit Court, At-Large, Seat 13 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**Mr. William Vickery Meetze
Circuit Court, At-Large, Seat 13**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Meetze's candidacy for Circuit Court, At-Large, Seat 13 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 16, 2020

**Ms. Jane H. Merrill
Circuit Court, At-Large, Seat 13**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Merrill's candidacy for Circuit Court, At-Large, Seat 13 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Qualified
Judicial Temperament	Well-Qualified

* Committee was unable to reach a goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary efforts.

**Mr. Ernest Joseph Jarrett
Family Court, 3rd Judicial Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Jarrett's candidacy for Family Court, 3rd Judicial Circuit, Seat 3 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 16, 2020

**The Honorable Michael S. Holt
Family Court, 4th Judicial Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Holt's candidacy for Family Court, 4th Judicial Circuit, Seat 3 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**Ms. Blakely Copeland Cahoon
Family Court, 5th Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Cahoon's candidacy for Family Court, 5th Judicial Circuit, Seat 1 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

THURSDAY, JANUARY 16, 2020

**Ms. Laurel Eden Harvey Hendrick
Family Court, 5th Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Hendrick's candidacy for Family Court, 5th Judicial Circuit, Seat 1 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Qualified
Judicial Temperament	Well-Qualified

**Mr. Shawn L. Reeves
Family Court, 5th Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Reeves' candidacy for Family Court, 5th Judicial Circuit, Seat 1 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 16, 2020

**Mr. C. Vance Stricklin Jr.
Family Court, 5th Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Stricklin's candidacy for Family Court, 5th Judicial Circuit, Seat 1 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Debra A. Matthews
Family Court, 6th Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Matthews' candidacy for Family Court, 6th Judicial Circuit, Seat 2 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 16, 2020

Mr. Spiros Stavros Ferderigos
Family Court, 9th Judicial Circuit, Seat 5

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Ferderigos' candidacy for Family Court, 9th Judicial Circuit, Seat 5 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

Ms. Kathleen Moraska Ferri
Family Court, 9th Judicial Circuit, Seat 5

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Ferri's candidacy for Family Court, 9th Judicial Circuit, Seat 5 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Reputation	Well-Qualified
Experience	Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 16, 2020

Ms. Marissa K. Jacobson
Family Court, 9th Judicial Circuit, Seat 5

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Jacobson's candidacy for Family Court, 9th Judicial Circuit, Seat 5 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

Ms. Julianne M. Stokes
Family Court, 9th Judicial Circuit, Seat 5

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Stokes' candidacy for Family Court, 9th Judicial Circuit, Seat 5 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 16, 2020

Mr. M. Scott McElhannon
Family Court, 10th Judicial Circuit, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. McElhannon's candidacy for Family Court, 10th Judicial Circuit, Seat 3 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

Ms. Brittany Dreher Senerius
Family Court, 10th Judicial Circuit, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Senerius' candidacy for Family Court, 10th Judicial Circuit, Seat 3 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 16, 2020

**The Honorable Tarita A. Dunbar
Family Court, 13th Judicial Circuit, Seat 5**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Dunbar's candidacy for Family Court, 13th Judicial Circuit, Seat 5 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

**Ms. Jean K. McCormick
Family Court, 14th Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. McCormick's candidacy for Family Court, 14th Judicial Circuit, Seat 2 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Reputation	Well-Qualified
Experience	Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 16, 2020

**The Honorable Douglas L. Novak
Family Court, 14th Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Novak's candidacy for Family Court, 14th Judicial Circuit, Seat 2 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Ronald R. Norton
Family Court, 15th Judicial Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Norton's candidacy for Family Court, 15th Judicial Circuit, Seat 3 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 16, 2020

**Ms. Deanne M. Gray
Family Court, At-Large, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Gray's candidacy for Family Court, At-Large, Seat 1 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

**Ms. Kimaka Nichols-Graham
Family Court, At-Large, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Nichols-Graham's candidacy for Family Court, At-Large, Seat 1 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

THURSDAY, JANUARY 16, 2020

Ms. Martha M. Rivers Davisson
Family Court, At-Large, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Rivers Davisson's candidacy for Family Court, At-Large, Seat 1 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

* Committee was unable to reach a goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary efforts.

Mr. R. Chadwick Smith
Family Court, At-Large, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Smith's candidacy for Family Court, At-Large, Seat 1 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified

THURSDAY, JANUARY 16, 2020

Experience	Well-Qualified
Judicial Temperament	Well-Qualified

The Honorable Bryan C. Able
Family Court, At-Large, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Able's candidacy for Family Court, At-Large, Seat 2 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

Mr. Robert W. Cone
Family Court, At-Large, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Cone's candidacy for Family Court, At-Large, Seat 2 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified

THURSDAY, JANUARY 16, 2020

Experience	Well-Qualified
Judicial Temperament	Well-Qualified

Mr. Timothy E. Madden
Family Court, At-Large, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Madden's candidacy for Family Court, At-Large, Seat 2 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

Ms. Rebecca West
Family Court, At-Large, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. West's candidacy for Family Court, At-Large, Seat 2 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified

THURSDAY, JANUARY 16, 2020

Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Harold W. Funderburk Jr.
Administrative Law Court, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Funderburk's candidacy for Administrative Law Court, Seat 3 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Deborah Brooks Durden
Administrative Law Court, Seat 4**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Durden's candidacy for Administrative Law Court, Seat 4 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified

THURSDAY, JANUARY 16, 2020

Experience
Judicial Temperament

Well-Qualified
Well-Qualified

Received as information.

COMMITTEE APPOINTMENT

The following was received:

January 14, 2020
The Honorable Lee Hewitt
South Carolina House of Representatives
327D Blatt Building
Columbia, South Carolina 29201

Dear Lee:

It is with pleasure that I appoint you to serve on the Labor, Commerce and Industry Committee, effective immediately. I know that you will serve on this committee with honor and distinction.

I appreciate your willingness to serve in this capacity. Please do not hesitate to contact me if I may be of assistance to you in any way.

Sincerely,
James H. "Jay" Lucas
Speaker of the House

Received as information.

COMMITTEE APPOINTMENT

The following was received:

January 14, 2020
The Honorable Mark N. Willis
South Carolina House of Representatives
326C Blatt Building
Columbia, South Carolina 29201

Dear Mark:

It is with pleasure that I appoint you to serve on the Ways and Means Committee, effective immediately. I know that you will serve on this committee with honor and distinction.

I appreciate your willingness to serve in this capacity. Please do not hesitate to contact me if I may be of assistance to you in any way.

[HJ]

THURSDAY, JANUARY 16, 2020

Sincerely,
James H. "Jay" Lucas
Speaker of the House

Received as information.

COMMITTEE APPOINTMENT

The following was received:

January 14, 2020
The Honorable Melissa Lackey Oremus
South Carolina House of Representatives
418A Blatt Building
Columbia, South Carolina 29201

Dear Melissa:

It is with pleasure that I appoint you to serve on the Medical, Public and Municipal Affairs Committee, effective immediately. I know that you will serve on this committee with honor and distinction.

I appreciate your willingness to serve in this capacity. Please do not hesitate to contact me if I may be of assistance to you in any way.

Sincerely,
James H. "Jay" Lucas
Speaker of the House

Received as information.

COMMITTEE APPOINTMENT

The following was received:

January 14, 2020
The Honorable Patrick B. Haddon
South Carolina House of Representatives
320A Blatt Building
Columbia, South Carolina 29201

Dear Patrick:

It is with pleasure that I appoint you to serve on the Agriculture, Natural Resources and Environmental Affairs Committee, effective

[HJ]

THURSDAY, JANUARY 16, 2020

immediately. I know that you will serve on this committee with honor and distinction.

I appreciate your willingness to serve in this capacity. Please do not hesitate to contact me if I may be of assistance to you in any way.

Sincerely,
James H. "Jay" Lucas
Speaker of the House

Received as information.

COMMITTEE APPOINTMENT

The following was received:

January 14, 2020
The Honorable William H. Bailey
South Carolina House of Representatives
420D Blatt Building
Columbia, South Carolina 29201

Dear William:

It is with pleasure that I appoint you to serve on the Agriculture, Natural Resources and Environmental Affairs Committee, effective immediately. I know that you will serve on this committee with honor and distinction.

I appreciate your willingness to serve in this capacity. Please do not hesitate to contact me if I may be of assistance to you in any way.

Sincerely,
James H. "Jay" Lucas
Speaker of the House

Received as information.

THURSDAY, JANUARY 16, 2020

REPORTS OF STANDING COMMITTEES

Rep. GILLIAM, from the Union Delegation, submitted a favorable report on:

H. 4819 -- Reps. Gilliam and Clyburn: A BILL TO PROVIDE FOR PAYMENT FOR THE ATTENDANCE OF MEETINGS BY THE UNION COUNTY TRANSPORTATION COMMITTEE.

Ordered for consideration tomorrow.

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report on:

H. 4827 -- Reps. Lucas, Sandifer, Forrester and Mack: A JOINT RESOLUTION TO PROVIDE THAT THE PUBLIC UTILITIES REVIEW COMMITTEE SHALL EXTEND CANDIDATE SCREENING FOR CANDIDATES FOR THE SOUTH CAROLINA PUBLIC SERVICE COMMISSION SEATS 1, 3, 5, AND 7, TO PROVIDE THAT THESE POSITIONS MUST BE ADVERTISED FOR AN ADDITIONAL TIME PERIOD AND IN ACCORDANCE WITH CERTAIN OTHER SPECIFIED REQUIREMENTS, TO PROVIDE THAT THE COMMITTEE SHALL ACCEPT APPLICATIONS FOR A TIME PERIOD BEGINNING MONDAY, FEBRUARY 3, 2020, THROUGH NOON ON FRIDAY, FEBRUARY 28, 2020, TO PROVIDE WHO THE PUBLIC UTILITIES REVIEW COMMITTEE MAY CONSIDER, AND TO PROVIDE WHEN TRANSCRIPTS FROM THE PUBLIC HEARINGS MUST BE RELEASED.

Ordered for consideration tomorrow.

Rep. HIOTT, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report on:

H. 4811 -- Reps. Bailey, Hewitt, Hardee, Clemmons, Forrest and Hixon: A BILL TO AMEND SECTION 48-39-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION ON EROSION CONTROL STRUCTURES OR DEVICES SEAWARD OF THE SETBACK LINE, SO AS TO ALLOW FOR THE PLACEMENT OF SHORELINE PERPENDICULAR WINGWALLS THAT EXTEND LANDWARD FROM THE ENDS OF EXISTING EROSION CONTROL STRUCTURES OR DEVICES.

Ordered for consideration tomorrow.

THURSDAY, JANUARY 16, 2020

Rep. HIOTT, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report with amendments on:

H. 4504 -- Reps. Davis, Daning, Moore, Matthews, Hiott, Forrest and Hixon: A BILL TO AMEND SECTION 44-96-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO PENALTIES FOR VIOLATING WASTE TIRE REGULATIONS, SO AS TO CHANGE CERTAIN PENALTY REQUIREMENTS; TO AMEND SECTION 44-96-170, RELATING TO THE REGULATION OF WASTE TIRES, SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PROMULGATE REGULATIONS AND MAKE CERTAIN PERMITTING DECISIONS CONCERNING WASTE TIRE MANAGEMENT; TO AMEND SECTION 44-96-450, RELATING TO PENALTIES FOR VIOLATION OF CERTAIN STATE SOLID WASTE MANAGEMENT LAWS, SO AS TO CHANGE CERTAIN PENALTY REQUIREMENTS; AND FOR OTHER PURPOSES.

Ordered for consideration tomorrow.

HOUSE RESOLUTION

The following was introduced:

H. 4950 -- Reps. Davis, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoun, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Oremus, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO EXPRESS PROFOUND SORROW

[HJ]

THURSDAY, JANUARY 16, 2020

UPON THE PASSING OF DR. TONIA AIKEN TAYLOR OF MONCKS CORNER, TO CELEBRATE HER LIFE AND ACHIEVEMENTS, AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4961 -- Reps. Funderburk, Lucas, Wheeler and Bales: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE KERSHAW COUNTY PONYTAILS SOFTBALL TEAM AND COACHES, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR CAPTURING THE 2019 SOUTH CAROLINA DIXIE SOFTBALL STATE CHAMPIONSHIP.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Kershaw County Ponytails softball team and coaches, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for capturing the 2019 South Carolina Dixie Softball State Championship.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4962 -- Reps. Funderburk, Lucas, Wheeler and Bales: A HOUSE RESOLUTION TO HONOR THE KERSHAW COUNTY PONYTAILS SOFTBALL TEAM AND COACHES ON THEIR IMPRESSIVE WIN OF THE 2019 SOUTH CAROLINA DIXIE SOFTBALL STATE CHAMPIONSHIP.

The Resolution was adopted.

THURSDAY, JANUARY 16, 2020

HOUSE RESOLUTION

The following was introduced:

H. 4964 -- Rep. McDaniel: A HOUSE RESOLUTION TO CONGRATULATE MRS. BERNICE JACKSON BROWN OF FAIRFIELD COUNTY ON THE OCCASION OF HER NINETIETH BIRTHDAY AND TO WISH HER MUCH HAPPINESS IN THE YEARS AHEAD.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was introduced:

H. 4951 -- Reps. Clemmons, Rutherford, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Oremus, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR HIS EXCELLENCY SHINZO ABE, PRIME MINISTER OF JAPAN, TO CONGRATULATE HIM UPON BECOMING THE LONGEST-SERVING PRIME MINISTER IN JAPANESE HISTORY, AND TO WISH HIM CONTINUED SUCCESS IN HIS FUTURE ENDEAVORS.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

THURSDAY, JANUARY 16, 2020

INTRODUCTION OF BILLS

The following Bills were introduced, read the first time, and referred to appropriate committees:

H. 4952 -- Reps. Ott and Henegan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 49-11-235 SO AS TO PROVIDE THAT THE OWNER OF A DAM WHICH FAILS OR FAILED ON OR AFTER OCTOBER 1, 2015, WHICH HAS A PUBLIC ROAD OR HIGHWAY IN THE STATE HIGHWAY SYSTEM RUNNING ACROSS THE TOP OF IT, MUST PROVIDE WRITTEN NOTIFICATION TO THE STATE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL INDICATING WHETHER OR NOT THE OWNER INTENDS TO REPAIR THE DAM AND THE DATE BY WHICH THE REPAIRS ARE ANTICIPATED TO BE COMPLETED, TO PROVIDE THE TIMELINES IN WHICH THIS NOTIFICATION MUST BE PROVIDED, AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PROCEED UNDER CERTAIN CONDITIONS AND IN A SPECIFIED MANNER WITH THE PROCESS OF REPAIRING THE PUBLIC ROAD OR HIGHWAY, IF THE DAM OWNER INDICATES THE OWNER DOES NOT INTEND TO REPAIR THE DAM.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 4953 -- Reps. S. Williams, Garvin, King, McDaniel, Govan, Henegan and Rivers: A BILL TO AMEND SECTION 1-11-710, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PUBLIC EMPLOYEE BENEFIT AUTHORITY'S DUTY TO MAKE CERTAIN INSURANCE PLANS AVAILABLE, SO AS TO ALLOW SPOUSES COVERED BY A STATE PLAN TO REMAIN COVERED UNDER THE SAME STATE PLAN WHEN THEY BECOME ELIGIBLE FOR COVERAGE UNDER THE STATE PLAN DUE TO THEIR EMPLOYMENT.

Referred to Committee on Labor, Commerce and Industry

H. 4954 -- Reps. S. Williams, King, McDaniel, Govan, Henegan and Rivers: A BILL TO AMEND SECTION 25-11-45, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COUNTY VETERANS' AFFAIRS OFFICES, SO AS TO REQUIRE

THURSDAY, JANUARY 16, 2020

COUNTY VETERANS' AFFAIRS OFFICES TO OFFER AND PROVIDE FREE TRANSPORTATION SERVICES TO COUNTY VETERANS WHO REQUIRE ASSISTANCE TRAVELING TO AND FROM DEPARTMENT OF VETERANS AFFAIRS (VA) HEALTH CARE FACILITIES FOR SCHEDULED MEDICAL APPOINTMENTS AND AUTHORIZED NON-VA HEALTH CARE APPOINTMENTS.

Referred to Committee on Medical, Military, Public and Municipal Affairs

H. 4955 -- Reps. S. Williams, Garvin, King, McDaniel, Govan, Henegan and Rivers: A BILL TO AMEND SECTION 9-1-1790, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AMOUNT OF COMPENSATION THAT MAY BE EARNED UPON RETURNING TO COVERED EMPLOYMENT UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO EXEMPT CERTIFIED EDUCATORS AND ADMINISTRATORS, FIREFIGHTERS, AND INDIVIDUALS EMPLOYED BY A COUNTY FROM THE EARNINGS LIMITATION; AND TO AMEND SECTION 9-11-90, RELATING TO THE AMOUNT OF COMPENSATION THAT MAY BE EARNED UPON RETURNING TO COVERED EMPLOYMENT UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO DELETE THE EARNINGS LIMITATION.

Referred to Committee on Ways and Means

H. 4956 -- Reps. Thayer, W. Cox, Gagnon, West and White: A BILL TO AMEND SECTION 56-5-750, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF FAILURE TO STOP A MOTOR VEHICLE WHEN SIGNALLED BY A LAW ENFORCEMENT VEHICLE, SO AS TO CREATE THE FIRST AND SECOND OFFENSE OF VIOLATING THIS PROVISION WHILE DRIVING A VEHICLE IN A MANNER THAT INDICATES EITHER A WILFUL OR WANTON DISREGARD FOR THE SAFETY OF PERSONS AND NO GREAT BODILY INJURY OR DEATH RESULTED FROM THE VIOLATION, AND TO PROVIDE PENALTIES.

Referred to Committee on Judiciary

H. 4957 -- Rep. Huggins: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 5-7-195 SO AS TO PROVIDE FOR THE ELECTION OF ADDITIONAL

[HJ]

THURSDAY, JANUARY 16, 2020

MEMBERS TO MUNICIPAL COUNCILS TO REPRESENT NONRESIDENT RESIDENTIAL MUNICIPAL WATER AND SEWER CUSTOMERS WHEN THESE CUSTOMERS ARE CHARGED HIGHER RATES FOR THESE UTILITIES THAN ARE RESIDENTIAL CUSTOMERS WITHIN THE MUNICIPALITY'S BOUNDARIES, TO LIMIT THE MATTERS ON WHICH THESE SPECIAL COUNCIL MEMBERS ARE ALLOWED TO VOTE ON UTILITY OPERATIONS, TO PROVIDE FOR THE NUMBER OF SPECIAL MEMBERS, THE NOMINATION AND ELECTION PROCEDURES, AND TERMS, AND TO PROVIDE THAT THE MUNICIPAL ELECTION COMMISSION SHALL CONDUCT THE ELECTIONS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

Referred to Committee on Labor, Commerce and Industry

H. 4958 -- Rep. Huggins: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 10-1-220 SO AS TO PROHIBIT THE NAMING OF PUBLIC PROPERTY PURCHASED OR CONSTRUCTED WITH STATE FUNDS OR OWNED BY THE STATE FOR ANY ELECTED OR APPOINTED OFFICIAL, COMMISSIONER, DIRECTOR, OR JUDGE UNTIL AT LEAST FIVE YEARS AFTER THE PERSON HAS DIED, TO PROVIDE THAT PUBLIC PROPERTY PURCHASED OR CONSTRUCTED WITH STATE FUNDS OR OWNED BY THE STATE MAY BE NAMED FOR A MEMBER OF THE PUBLIC AT LARGE, TO PROVIDE THAT PUBLIC PROPERTY NAMED AFTER AN ELECTED OR APPOINTED OFFICIAL, COMMISSIONER, DIRECTOR, OR JUDGE AS OF JULY 1, 2020, MAY RETAIN THE NAME, AND TO PROVIDE THAT A LIVING PERSON AFTER WHOM PUBLIC PROPERTY IS NAMED WHO IS SUBSEQUENTLY CONVICTED OF OR HAS PLED GUILTY TO A FELONY OR CRIME OF MORAL TURPITUDE SHALL HAVE HIS NAME REMOVED.

Referred to Committee on Judiciary

H. 4959 -- Rep. Huggins: A BILL TO AMEND SECTION 27-1-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RIGHTS OF HOMEOWNERS OR TENANTS TO FLY THE UNITED STATES FLAG AT THEIR PREMISES, NOTWITHSTANDING THE PROVISIONS OF ANY HOMEOWNERS' ASSOCIATION GOVERNING DOCUMENTS,

[HJ]

THURSDAY, JANUARY 16, 2020

CONTRACTUAL PROVISIONS, OR DEED COVENANTS TO THE CONTRARY, SO AS TO PROVIDE THAT THIS RIGHT INCLUDES THE RIGHT TO DISPLAY THE FLAG ON A FLAGPOLE INSTALLED AT THE PREMISES FOR THIS PURPOSE.

Referred to Committee on Medical, Military, Public and Municipal Affairs

H. 4960 -- Reps. G. R. Smith, Magnuson, McCravy and Jones: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "FORMING OPEN AND ROBUST UNIVERSITY MINDS (FORUM) ACT OF 2020" BY ADDING CHAPTER 148 TO TITLE 59 SO AS TO DEFINE NECESSARY TERMS, TO PROVIDE MEASURES TO PROTECT EXPRESSIONS BY STUDENTS AND STUDENT ORGANIZATIONS IN CERTAIN PLACES ON THE CAMPUSES OF PUBLIC INSTITUTIONS OF HIGHER LEARNING IN THIS STATE, TO PROVIDE RELATED REQUIREMENTS FOR POLICIES AND PROCEDURES, TO PROVIDE SPECIFIC RESPONSIBILITIES OF PUBLIC INSTITUTIONS OF HIGHER LEARNING, AND TO PROVIDE MEANS OF REDRESS FOR VIOLATIONS OF THIS ACT.

Referred to Committee on Education and Public Works

H. 4963 -- Reps. Tallon, Moore, Bernstein, Caskey, Clary, Davis, Elliott, King, Mace, Wheeler, Simrill, Rutherford, Bannister, Finlay, Bradley, Collins, Fry, Hyde, Murphy, W. Newton, Rose, Wooten, B. Newton, Sottile, Ridgeway, Ott, Hardee, Bailey, Herbkersman, Bamberg, Daning, Kirby, Atkinson, Felder, Hewitt, Martin, Oremus and Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-360 SO AS TO PROVIDE THAT A PRODUCER OR WHOLESALER MAY FURNISH OR GIVE CERTAIN SAMPLES OF WINES TO A RETAILER NOT TO EXCEED THREE LITERS ANNUALLY; AND BY ADDING SECTION 61-6-1650 SO AS TO PROVIDE THAT A PRODUCER OR WHOLESALER MAY FURNISH OR GIVE CERTAIN SAMPLES OF WINES IN EXCESS OF SIXTEEN PERCENT ALCOHOL, CORDIALS, OR DISTILLED SPIRITS TO A RETAILER NOT TO EXCEED THREE LITERS ANNUALLY.

Referred to Committee on Judiciary

THURSDAY, JANUARY 16, 2020

ROLL CALL

The roll call of the House of Representatives was taken resulting as follows:

Alexander	Allison	Anderson
Atkinson	Bailey	Bales
Ballentine	Bamberg	Bannister
Bennett	Bernstein	Blackwell
Bradley	Brawley	Brown
Bryant	Burns	Calhoon
Caskey	Chellis	Chumley
Clary	Clemmons	Clyburn
Cobb-Hunter	Cogswell	Collins
B. Cox	W. Cox	Crawford
Daning	Davis	Dillard
Elliott	Erickson	Felder
Finlay	Forrest	Forrester
Fry	Funderburk	Gagnon
Garvin	Gilliam	Gilliard
Govan	Haddon	Hardee
Hart	Hayes	Henderson-Myers
Henegan	Herbkersman	Hewitt
Hill	Hiott	Hixon
Hosey	Howard	Huggins
Hyde	Jefferson	Jones
Jordan	Kimmons	King
Kirby	Ligon	Long
Lowe	Lucas	Mack
Magnuson	Martin	Matthews
McCoy	McCray	McDaniel
McGinnis	McKnight	Moore
Morgan	D. C. Moss	V. S. Moss
Murphy	B. Newton	W. Newton
Norrell	Oremus	Ott
Parks	Pendarvis	Pope
Ridgeway	Rivers	Robinson
Rose	Rutherford	Sandifer
Simrill	G. R. Smith	Sottile
Spires	Stavrinakis	Stringer
Tallon	Taylor	Thigpen
Toole	Trantham	Weeks
West	Wheeler	White

[HJ]

THURSDAY, JANUARY 16, 2020

Whitmire
Willis

R. Williams
Wooten

S. Williams
Yow

Total Present--120

LEAVE OF ABSENCE

The SPEAKER granted Rep. MACE a leave of absence for the day.

LEAVE OF ABSENCE

The SPEAKER granted Rep. G. M. SMITH a leave of absence for the day due to a family commitment.

LEAVE OF ABSENCE

The SPEAKER granted Rep. THAYER a leave of absence for the day.

DOCTOR OF THE DAY

Announcement was made that Dr. James J. McCoy of Summerville was the Doctor of the Day for the General Assembly.

CO-SPONSORS ADDED AND REMOVED

In accordance with House Rule 5.2 below:

“5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee.”

CO-SPONSORS ADDED

Bill Number: H. 3087
Date: 01/16/20
ADD: TOOLE, WEST, WOOTEN, HART, HOSEY and CLYBURN

[HJ]

401

THURSDAY, JANUARY 16, 2020

CO-SPONSOR ADDED

Bill Number: H. 3094
Date: ADD:
01/16/20 WHEELER

CO-SPONSORS ADDED

Bill Number: H. 3125
Date: ADD:
01/16/20 LUCAS, OREMUS, CASKEY and CALHOON

CO-SPONSOR ADDED

Bill Number: H. 3178
Date: ADD:
01/16/20 HIXON

CO-SPONSOR ADDED

Bill Number: H. 3319
Date: ADD:
01/16/20 WHEELER

CO-SPONSOR ADDED

Bill Number: H. 3322
Date: ADD:
01/16/20 WHEELER

CO-SPONSORS ADDED

Bill Number: H. 3573
Date: ADD:
01/16/20 HILL, W. COX, GAGNON, WHITE and WEST

CO-SPONSOR ADDED

Bill Number: H. 3847
Date: ADD:
01/16/20 WHEELER

CO-SPONSOR ADDED

Bill Number: H. 4297
Date: ADD:
01/16/20 W. COX

THURSDAY, JANUARY 16, 2020

CO-SPONSOR ADDED

Bill Number: H. 4454
Date: ADD:
01/16/20 YOW

CO-SPONSOR ADDED

Bill Number: H. 4504
Date: ADD:
01/16/20 HIXON

CO-SPONSOR ADDED

Bill Number: H. 4656
Date: ADD:
01/16/20 SIMRILL

CO-SPONSOR ADDED

Bill Number: H. 4686
Date: ADD:
01/16/20 TRANTHAM

CO-SPONSORS ADDED

Bill Number: H. 4695
Date: ADD:
01/16/20 COLLINS, GILLIARD, RIVERS, WHEELER,
JEFFERSON, MATTHEWS, BERNSTEIN,
STAVRINAKIS and KIMMONS

CO-SPONSORS ADDED

Bill Number: H. 4704
Date: ADD:
01/16/20 WOOTEN, TOOLE and HERBKERSMAN

CO-SPONSORS ADDED

Bill Number: H. 4718
Date: ADD:
01/16/20 CASKEY, MORGAN and GOVAN

THURSDAY, JANUARY 16, 2020

CO-SPONSOR ADDED

Bill Number: H. 4722
Date: ADD:
01/16/20 TRANTHAM

CO-SPONSORS ADDED

Bill Number: H. 4737
Date: ADD:
01/16/20 HILL and HIXON

CO-SPONSOR ADDED

Bill Number: H. 4748
Date: ADD:
01/16/20 TRANTHAM

CO-SPONSOR ADDED

Bill Number: H. 4753
Date: ADD:
01/16/20 TRANTHAM

CO-SPONSORS ADDED

Bill Number: H. 4754
Date: ADD:
01/16/20 FELDER and TRANTHAM

CO-SPONSORS ADDED

Bill Number: H. 4755
Date: ADD:
01/16/20 FELDER and TRANTHAM

CO-SPONSORS ADDED

Bill Number: H. 4756
Date: ADD:
01/16/20 TRANTHAM and FELDER

CO-SPONSORS ADDED

Bill Number: H. 4757
Date: ADD:
01/16/20 FELDER and TRANTHAM

THURSDAY, JANUARY 16, 2020

CO-SPONSORS ADDED

Bill Number: H. 4758
Date: ADD:
01/16/20 TRANTHAM and FELDER

CO-SPONSOR ADDED

Bill Number: H. 4759
Date: ADD:
01/16/20 TRANTHAM

CO-SPONSORS ADDED

Bill Number: H. 4760
Date: ADD:
01/16/20 TRANTHAM and FELDER

CO-SPONSORS ADDED

Bill Number: H. 4761
Date: ADD:
01/16/20 FELDER and TRANTHAM

CO-SPONSOR ADDED

Bill Number: H. 4765
Date: ADD:
01/16/20 TRANTHAM

CO-SPONSOR ADDED

Bill Number: H. 4775
Date: ADD:
01/16/20 TRANTHAM

CO-SPONSORS ADDED

Bill Number: H. 4777
Date: ADD:
01/16/20 WHEELER and TRANTHAM

CO-SPONSOR ADDED

Bill Number: H. 4784
Date: ADD:
01/16/20 TRANTHAM

THURSDAY, JANUARY 16, 2020

CO-SPONSOR ADDED

Bill Number: H. 4785
Date: ADD:
01/16/20 TRANTHAM

CO-SPONSORS ADDED

Bill Number: H. 4790
Date: ADD:
01/16/20 COLLINS, THIGPEN, RIVERS, WHEELER,
JEFFERSON, BERNSTEIN, STAVRINAKIS,
GILLIARD and MCKNIGHT

CO-SPONSOR ADDED

Bill Number: H. 4792
Date: ADD:
01/16/20 R. WILLIAMS

CO-SPONSOR ADDED

Bill Number: H. 4797
Date: ADD:
01/16/20 TRANTHAM

CO-SPONSOR ADDED

Bill Number: H. 4811
Date: ADD:
01/16/20 HIXON

CO-SPONSORS ADDED

Bill Number: H. 4937
Date: ADD:
01/16/20 KIRBY, ROSE, CLARY and HEWITT

CO-SPONSORS ADDED

Bill Number: H. 4941
Date: ADD:
01/16/20 MAGNUSON, MORGAN and B. NEWTON

THURSDAY, JANUARY 16, 2020

CO-SPONSORS ADDED

Bill Number: H. 4943
Date: ADD:
01/16/20 TAYLOR, W. NEWTON and HIXON

CO-SPONSOR REMOVED

Bill Number: H. 4704
Date: REMOVE:
01/16/20 HOSEY

H. 4533--ORDERED TO THIRD READING

The following Bill was taken up:

H. 4533 -- Reps. Govan, Bannister, Alexander, Anderson, Bamberg, Brawley, Brown, Clyburn, Dillard, Garvin, Gilliard, Hart, Henderson-Myers, Henegan, Hosey, Howard, Jefferson, King, Mack, McDaniel, McKnight, Moore, Parks, Pendarvis, Rivers, Robinson, Rutherford, Matthews, Thigpen, Weeks, R. Williams and S. Williams: A BILL TO AMEND SECTION 1-31-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMMISSION FOR MINORITY AFFAIRS, SO AS TO RENAME THE COMMISSION THE COMMISSION FOR MINORITY AND MULTICULTURAL AFFAIRS.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Bales
Ballentine	Bannister	Bernstein
Blackwell	Bradley	Brawley
Brown	Burns	Calhoon
Caskey	Chellis	Chumley
Clary	Clemmons	Clyburn
Cobb-Hunter	Cogswell	Collins
B. Cox	W. Cox	Crawford
Daning	Davis	Elliott
Felder	Finlay	Forrest
Fry	Funderburk	Gagnon

[HJ]

THURSDAY, JANUARY 16, 2020

Garvin	Gilliam	Govan
Hardee	Hart	Hayes
Henderson-Myers	Henegan	Herbkersman
Hewitt	Hill	Hiott
Hixon	Hosey	Huggins
Hyde	Jefferson	Jones
Jordan	Kimmons	King
Kirby	Ligon	Long
Lucas	Magnuson	Martin
Matthews	McCoy	McCrary
McDaniel	McGinnis	McKnight
Moore	Morgan	D. C. Moss
V. S. Moss	Murphy	B. Newton
W. Newton	Norrell	Oremus
Ott	Parks	Pendarvis
Pope	Ridgeway	Rivers
Robinson	Rose	Rutherford
Sandifer	Simrill	G. R. Smith
Sottile	Spires	Stavrinakis
Stringer	Tallon	Thigpen
Trantham	Weeks	West
White	Whitmire	R. Williams
S. Williams	Willis	Wooten
Yow		

Total--106

Those who voted in the negative are:

Total--0

So, the Bill was read the second time and ordered to third reading.

STATEMENT FOR JOURNAL

I was temporarily out of the Chamber on constituent business during the vote on H. 4533. If I had been present, I would have voted in favor the Bill.

Rep. Patrick B. Haddon

THURSDAY, JANUARY 16, 2020

**H. 4533--ORDERED TO BE READ THIRD TIME
TOMORROW**

On motion of Rep. GOVAN, with unanimous consent, it was ordered that H. 4533 be read the third time tomorrow.

S. 194--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

S. 194 -- Senators Shealy and Senn: A BILL TO AMEND SECTIONS 16-15-90 AND 16-15-100, RELATING TO PROSTITUTION, TO INCREASE THE PENALTIES FOR SOLICITATION OF PROSTITUTION, ESTABLISHING OR KEEPING A BROTHEL OR HOUSE OF PROSTITUTION, OR CAUSING OR INDUCING ANOTHER TO PARTICIPATE IN PROSTITUTION; TO ESTABLISH THE AFFIRMATIVE DEFENSE OF BEING A VICTIM OF HUMAN TRAFFICKING; AND TO INCREASE THE PENALTIES FOR SOLICITING, CAUSING, OR INDUCING ANOTHER FOR OR INTO PROSTITUTION WHEN THE PROSTITUTE HAS A MENTAL DISABILITY.

The Committee on Judiciary proposed the following Amendment No. 1 to S. 194 (COUNCIL\WAB\194C001.AGM.WAB19), which was adopted:

Amend the bill, as and if amended, Section 16-15-100(3), as contained in SECTION 2, by deleting the item in its entirety and inserting:

/ ~~(2)(3) Cause~~ cause, induce, persuade, or encourage by promise, ~~threat, violence, or by any scheme or device~~ a female person to become a prostitute or to remain an inmate of a house of prostitution; /

Renumber sections to conform.

Amend title to conform.

Rep. MURPHY explained the amendment.

Rep. FRY moved to adjourn debate on the Bill until Tuesday, January 21.

Rep. MURPHY moved to table the motion., which was agreed to.

Rep. MURPHY continued speaking.

The question then recurred to the adoption of the amendment.

[HJ]

THURSDAY, JANUARY 16, 2020

The amendment was then adopted.

Rep. Murphy proposed the following Amendment No. 2 to S. 194 (COUNCIL\AHB\194C004.BH.AHB20), which was adopted:

Amend the bill, as and if amended, SECTION 2, Page 3, by deleting Section 16-15-100(B)(1)(a) and inserting:

/ (a) for a first offense, must be fined not less than two hundred fifty dollars and not more than five hundred dollars or imprisoned not more than thirty days, or both; /

Re-number sections to conform.

Amend title to conform.

Rep. MURPHY explained the amendment.

The amendment was then adopted.

Reps. FRY and NORRELL proposed the following Amendment No. 3 to S. 194 (COUNCIL\AHB\194C003.BH.AHB20), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION ____ . A. Section 16-3-2010(7) of the 1976 Code, as last amended by Act 238 of 2018, is further amended to read:

“(7) ‘Sex trafficking’ means the recruitment, harboring, transportation, provision, or obtaining of a person for one of the following when it is induced by force, fraud, or coercion or the person performing the act is under the age of eighteen years and anything of value is given, promised to, or received, directly or indirectly, by any person:

- (a) criminal sexual conduct pursuant to Section 16-3-651;
- (b) criminal sexual conduct in the first degree pursuant to Section 16-3-652;
- (c) criminal sexual conduct in the second degree pursuant to Section 16-3-653;
- (d) criminal sexual conduct in the third degree pursuant to Section 16-3-654;
- (e) criminal sexual conduct with a minor pursuant to Section 16-3-655;
- (f) engaging a child for sexual performance pursuant to Section 16-3-810;
- (g) producing, directing, or promoting sexual performance by a child pursuant to Section 16-3-820;
- (h) sexual battery pursuant to Section 16-3-651;

[HJ]

THURSDAY, JANUARY 16, 2020

- (i) sexual conduct pursuant to Section 16-3-800; ~~or~~
- (j) sexual performance pursuant to Section 16-3-800;
- (k) sexual exploitation of a minor pursuant to Section 16-3-395, 16-3-405, or 16-3-410; or
- (l) promoting or participating in prostitution of a minor pursuant to Section 16-3-415 or 16-3-425.”

B. Section 16-3-2020(A) and (F) of the 1976 Code, as last amended by Act 238 of 2018, is further amended to read:

“(A) A person is guilty of trafficking in persons if he:

(1) recruits, entices, solicits, isolates, harbors, transports, provides, or obtains, or so attempts, a victim, knowing that the victim will be subjected to, or for the purposes of, sex trafficking, forced labor or services, involuntary servitude or debt bondage through any means or who benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in this subsection, is guilty of trafficking in persons;

(2) aids, abets, or conspires with another person to violate the criminal provisions of this section; or

(3) knowingly gives, agrees to give, or offers to give anything of value so that any person may engage in commercial sexual activity with another person when he knows that the other person is a victim of trafficking in persons.

(F) In a prosecution of a person who is a victim of trafficking in persons, it is an affirmative defense that he was under duress or coerced into committing the offenses for which he is subject to prosecution, if the offenses were committed as a direct result of, or incidental or related to, trafficking. A victim of trafficking in persons convicted, or adjudicated delinquent, of a violation of this article or prostitution may motion the court to vacate the conviction and expunge the record of the conviction. The court may grant the motion on a finding that the person’s participation in the offense was a direct result of being a victim.”

C. Section 17-30-70 of the 1976 Code is amended to read:

“Section 17-30-70. (A) An application for an order authorizing or approving the interception of wire, oral, or electronic communications must be initiated by the Chief of SLED. After reviewing the application, the Attorney General or his designated Assistant Attorney General may authorize the submission of the application to a judge of competent jurisdiction for, and the judge may grant in conformity with this chapter, an order authorizing or approving the interception of wire, oral, or electronic communications by:

THURSDAY, JANUARY 16, 2020

(1) the South Carolina Law Enforcement Division for the investigation of the offense as to which the application is made when the interception may provide or has provided evidence of the commission of the offenses of murder (Section 16-3-10); assault and battery with intent to kill (Section 16-3-620); kidnapping (Section 16-3-910); voluntary manslaughter (Section 16-3-50); armed robbery (Section 16-11-330(A)); attempted armed robbery (Section 16-11-330(B)); drug trafficking as defined in Sections 44-53-370(e) and 44-53-375(C); arson in the first degree (Section 16-11-110(A)); arson in the second degree (Section 16-11-110(B)); trafficking in persons (Article 19, Chapter 3, Title 16); accessory before the fact to commit any of the above offenses (Section 16-1-40); or attempt to commit any of the above offenses (Section 16-1-80). This interception may also be authorized when it may provide or has provided evidence of any conspiracy or solicitation to commit any violation of the offenses specified in this subsection;

(2) the South Carolina Law Enforcement Division for the investigation of the offense as to which the application is made when the interception may provide or has provided evidence of the commission of any offense related to terrorism or the commission of a terrorist act, any offense related to bombs, destructive devices, bacteriological and biological weapons, and weapons of mass destruction as provided for in Article 7, Chapter 23, Title 16 or evidence of any conspiracy or solicitation to commit any crime specifically enumerated in this subsection; or

(3) an individual operating under a contract with the South Carolina Law Enforcement Division for the investigation of an offense listed in subsection (1) or (2). Any interception conducted under this chapter by persons authorized by this subsection must conduct the interception under the direct supervision of an agent or officer of the South Carolina Law Enforcement Division.

(B) Any person authorized to intercept wire, oral, or electronic communications pursuant to this section must have completed training provided by SLED pursuant to Section 17-30-145.”

D. Article 19, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16-3-2110. A person acting on behalf of a minor victim of a violation of the provisions of this article may petition the court with jurisdiction over the offense for the appointment of a special advocate or guardian ad litem for the minor victim. The Crime Victim Services Division of the Office of the Attorney General shall coordinate the provision of such special advocate with the court when the court deems

THURSDAY, JANUARY 16, 2020

a special advocate for the minor victim is warranted. The division shall work with the Human Trafficking Task Force to ensure that the rights of the minor victim are protected pursuant to the provisions of Article 15, Chapter 3 regarding victim and witness services and pursuant to the provisions of Section 16-3-2070. The division and the task force also must ensure that any special advocate for a minor victim is trained in handling trafficking in person cases.”

E. Article 19, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16-3-2120. In order to ensure that the appropriate persons are properly trained and prepared to identify and handle cases involving a violation of the provisions of this article, and in accordance with the requirements of Section 16-3-2050(E)(7) requiring the Human Trafficking Task Force to develop and provide mandatory training for law enforcement agencies, prosecutors, and other relevant officials, the Criminal Justice Academy, the Prosecution Coordination Commission, and Court Administration are directed to work directly with the task force to ensure that law enforcement officers, prosecutors, and summary, family, and circuit court judges, respectively, are trained to recognize the signs of these offenses and the possible sensitive nature of the offenses including the effect on its victims. Training must be coordinated with the task force who may wish to utilize the expertise of Human Trafficking Acute Crisis Care and Resource Centers which meet criteria developed by the Attorney General through the task force according to the requirements of Section 16-3-2020(H). Additionally, training must include, but is not limited to, the protection of minor victims of trafficking in persons and sex trafficking in particular.”

F. Article 19, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16-3-2130. (A) A person commits the offense of promoting travel for prostitution or sex trafficking if he knowingly sells or offers to sell travel services that include travel for the purpose of engaging in prostitution as defined in Section 16-15-90 or 16-15-100 or sex trafficking as defined in this article. A travel agency or charter tour operator may not:

- (1) promote travel for prostitution;
- (2) sell, advertise, or otherwise offer to sell travel services:
 - (a) for the purpose of engaging in prostitution or sex trafficking;
 - (b) that consist of tourism packages or activities using and offering any illegal sexual act as enticement for tourism; or

THURSDAY, JANUARY 16, 2020

(c) that provides or purports to provide access to sex escorts or sexual services.

(B) A person who violates the provisions of this section is guilty of the felony of promoting travel for prostitution or sex trafficking and, upon conviction, must be fined not more than ten thousand dollars or imprisoned for not more than ten years, or both.

(C) No travel agency or charter tour operator shall engage in selling, advertising, or otherwise offering to sell travel services, tourism packages, or activities that solicit or encourage travel for the purpose of engaging in prostitution or sex trafficking. Upon violation of this section by a travel agency or charter tour operator, the Attorney General may petition the court for an order revoking the articles of incorporation of the travel agency or charter tour operator. The court, as part of a proceeding pursuant this section, may order a freeze of the bank or deposit accounts of the travel agency or charter tour operator.

(D) There is a rebuttable presumption that a travel agency or charter tour operator using advertisements that include the term ‘sex tours’ or ‘sex travel’ or include depictions of human genitalia is in violation of the provisions of this section.” /

Amend the bill further, by adding appropriately numbered SECTIONS at the end to read:

/ SECTION __. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION __. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs,

THURSDAY, JANUARY 16, 2020

sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective. /

Renumber sections to conform.

Amend title to conform.

Rep. FRY explained the amendment.

The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 113; Nays 0

Those who voted in the affirmative are:

Allison	Anderson	Atkinson
Bailey	Bales	Ballentine
Bamberg	Bannister	Bennett
Bernstein	Blackwell	Bradley
Brawley	Bryant	Burns
Calhoon	Caskey	Chellis
Chumley	Clary	Clemmons
Clyburn	Cobb-Hunter	Cogswell
Collins	B. Cox	W. Cox
Crawford	Daning	Davis
Elliott	Erickson	Felder
Finlay	Forrest	Forrester
Fry	Funderburk	Gagnon
Garvin	Gilliam	Gilliard
Govan	Haddon	Hardee
Hart	Hayes	Henderson-Myers
Henegan	Herbkersman	Hewitt
Hill	Hiott	Hixon
Hosey	Huggins	Hyde
Jefferson	Jones	Jordan
Kimmons	King	Kirby
Ligon	Long	Lowe
Lucas	Magnuson	Martin
Matthews	McCoy	McCrary
McDaniel	McGinnis	McKnight
Moore	Morgan	D. C. Moss
V. S. Moss	Murphy	B. Newton

[HJ]

THURSDAY, JANUARY 16, 2020

W. Newton	Norrell	Oremus
Ott	Parks	Pendarvis
Pope	Ridgeway	Rivers
Robinson	Rose	Sandifer
Simrill	G. R. Smith	Sottile
Spies	Stavrinakis	Stringer
Tallon	Taylor	Thigpen
Toole	Trantham	West
Wheeler	White	Whitmire
R. Williams	S. Williams	Willis
Wooten	Yow	

Total--113

Those who voted in the negative are:

Total--0

So, the Bill, as amended, was read the second time and ordered to third reading.

S. 194--ORDERED TO BE READ THIRD TIME TOMORROW

On motion of Rep. MURPHY, with unanimous consent, it was ordered that S. 194 be read the third time tomorrow.

S. 613--REQUESTS FOR DEBATE

The following Bill was taken up:

S. 613 -- Senator Malloy: A BILL TO AMEND SECTION 59-48-70 OF THE 1976 CODE, RELATING TO THE SCHOOL OF SCIENCE AND MATHEMATICS' ENDOWMENT FUND, TO PROVIDE THAT THE ENDOWMENT FUND IS SUBJECT TO THE DIRECTION OF THE SCHOOL'S BOARD, TO REQUIRE THAT THE ENDOWMENT FUND BE ORGANIZED AS A NONPROFIT ENTITY, TO PROVIDE THAT THE ENDOWMENT FUND MUST ADOPT AN ANNUAL BUDGET THAT IS UNDER THE OVERSIGHT OF THE SCHOOL, TO PROVIDE THAT THE SCHOOL'S BOARD AND THE ENDOWMENT FUND MUST ENTER INTO AN OPERATING AGREEMENT, AND TO PROVIDE THAT THE ENDOWMENT FUND MAY NOT TAKE ANY ACTION UNLESS AUTHORIZED

THURSDAY, JANUARY 16, 2020

PURSUANT TO THE OPERATING AGREEMENT APPROVED BY THE SCHOOL'S BOARD.

Reps. DANING, MURPHY, KIMMONS, ERICKSON, ALLISON, DAVIS, R. WILLIAMS, BURNS, B. NEWTON, SOTTILE, V. S. MOSS, BRYANT, D. C. MOSS, FORRESTER, HIOTT, B. COX, FINLAY, BENNETT, CALHOON, TOOLE, ROSE and WOOTEN requested debate on the Bill.

S. 580--REQUEST FOR DEBATE, AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

S. 580 -- Senator Gambrell: A BILL TO AMEND CHAPTER 29, TITLE 38, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA LIFE AND ACCIDENT AND HEALTH INSURANCE GUARANTY ASSOCIATION, SO AS TO DEFINE NECESSARY TERMS, TO PROVIDE THE PURPOSE OF THE CHAPTER, TO ALTER THE APPLICATION OF THE CHAPTER, TO ESTABLISH CERTAIN POWERS AND DUTIES FOR THE ASSOCIATION IN RELATION TO IMPAIRED OR INSOLVENT MEMBER INSURERS, TO PROVIDE THAT THE BOARD OF DIRECTORS OF THE ASSOCIATION MAY CALL AN ASSESSMENT OF THE MEMBERS AND TO PROVIDE CLASSES FOR THE ASSESSMENTS, TO REQUIRE THE ASSOCIATION TO ESTABLISH A PLAN OF OPERATION AND REQUIRE THE PLAN TO CREATE PROCEDURES FOR REMOVING A MEMBER OF THE BOARD UNDER CERTAIN CIRCUMSTANCES AND TO ADDRESS CONFLICTS OF INTEREST, TO PROSCRIBE CERTAIN DUTIES FOR THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO AID IN THE DETECTION AND PREVENTION OF INSURER IMPAIRMENTS AND INSOLVENCIES, TO PROVIDE THAT NO PERSON MAY USE THE EXISTENCE OF THE SOUTH CAROLINA LIFE AND ACCIDENT AND HEALTH INSURANCE GUARANTY ASSOCIATION FOR THE PURPOSE OF INSURANCE SALES, AND TO REQUIRE THE ASSOCIATION TO PREPARE A DOCUMENT DESCRIBING THE GENERAL PURPOSES AND LIMITATIONS OF THIS CHAPTER.

Rep. KING requested debate on the Bill.

[HJ]

THURSDAY, JANUARY 16, 2020

Rep. SPIRES proposed the following Amendment No. 4 to S. 580 (COUNCIL\CZ\580C006.DF.CZ20), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1.B and inserting:

/ B. The amendments made by this act do not apply to a member insurer that has been placed under an order of rehabilitation or liquidation before July 1, 2020. /

Amend the bill further, by striking SECTIONS 2, 3, 4 and 5 and inserting a new SECTION to read:

/ SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. SPIRES explained the amendment.

The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 113; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Bales
Ballentine	Bamberg	Bannister
Bennett	Bernstein	Blackwell
Bradley	Brown	Bryant
Burns	Calhoon	Caskey
Chellis	Chumley	Clary
Clemmons	Clyburn	Collins
B. Cox	W. Cox	Crawford
Daning	Davis	Dillard
Elliott	Erickson	Felder
Finlay	Forrest	Forrester
Fry	Funderburk	Gagnon
Garvin	Gilliam	Gilliard
Govan	Haddon	Hardee
Hart	Hayes	Henderson-Myers
Henegan	Herbkersman	Hewitt
Hill	Hiott	Hixon

[HJ]

THURSDAY, JANUARY 16, 2020

Hosey	Hyde	Jefferson
Jones	Jordan	Kimmons
King	Kirby	Ligon
Long	Lowe	Lucas
Magnuson	Martin	Matthews
McCoy	McCravy	McDaniel
McGinnis	McKnight	Moore
Morgan	D. C. Moss	V. S. Moss
Murphy	B. Newton	W. Newton
Norrell	Oremus	Ott
Parks	Pendarvis	Pope
Ridgeway	Rivers	Robinson
Rose	Sandifer	Simrill
G. R. Smith	Sottile	Spires
Stavrinakis	Stringer	Tallon
Taylor	Thigpen	Toole
Trantham	Weeks	West
Wheeler	White	Whitmire
R. Williams	S. Williams	Willis
Wooten	Yow	

Total--113

Those who voted in the negative are:

Total--0

So, the Bill, as amended, was read the second time and ordered to third reading.

STATEMENT FOR JOURNAL

I was temporarily out of the Chamber on constituent business during the vote on S. 580. If I had been present, I would have voted in favor the Bill.

Rep. Chip Huggins

S. 580--ORDERED TO BE READ THIRD TIME TOMORROW

On motion of Rep. SPIRES, with unanimous consent, it was ordered that S. 580 be read the third time tomorrow.

THURSDAY, JANUARY 16, 2020

H. 3257--POINT OF ORDER

The following Bill was taken up:

H. 3257 -- Reps. Moore, S. Williams, Clyburn, McDaniel, Matthews, Pendarvis, Henderson-Myers, Govan, King, Ridgeway, Hosey, Wheeler, Wooten, Clary, Elliott and W. Cox: A BILL TO AMEND SECTION 59-32-20, AS AMENDED, RELATING TO INSTRUCTIONAL UNITS REQUIRED UNDER THE COMPREHENSIVE HEALTH EDUCATION ACT, SO AS TO REQUIRE THE STATE BOARD OF EDUCATION TO DEVELOP CERTAIN UNITS CONCERNING MENTAL HEALTH AND WELLNESS; AND TO AMEND SECTION 59-32-30, RELATING TO COURSEWORK REQUIREMENTS OF THE COMPREHENSIVE HEALTH EDUCATION ACT, SO AS TO REQUIRE MIDDLE SCHOOLS OFFER ONE ELECTIVE UNIT OF STUDY IN MENTAL HEALTH AND WELLNESS TO SEVENTH GRADE STUDENTS AND TO PROVIDE NINTH GRADE STUDENTS SHALL SUCCESSFULLY COMPLETE ONE UNIT OF STUDY IN MENTAL HEALTH AND WELLNESS.

POINT OF ORDER

Rep. FORREST made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

H. 3199--POINT OF ORDER

The following Bill was taken up:

H. 3199 -- Reps. Govan and Clyburn: A BILL TO AMEND SECTION 59-29-410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSTRUCTIONAL TOPICS REQUIRED IN HIGH SCHOOL FINANCIAL LITERACY PROGRAMS, SO AS TO ALSO REQUIRE INSTRUCTION ON THE TOPICS OF COLLEGE AND EDUCATION LOANS, KEY LOAN TERMS, MONTHLY PAYMENT OBLIGATIONS, REPAYMENT OPTIONS, CREDIT, AND EDUCATION LOAN DEBT.

POINT OF ORDER

Rep. FORREST made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not

THURSDAY, JANUARY 16, 2020

been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

H. 3197--POINT OF ORDER

The following Bill was taken up:

H. 3197 -- Rep. Govan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "STUDENT LOAN BILL OF RIGHTS ACT" BY ADDING ARTICLE 3 TO CHAPTER 103, TITLE 59, SO AS TO PROVIDE FOR THE REGULATION OF STUDENT EDUCATION LOAN SERVICERS BY THE COMMISSION ON HIGHER EDUCATION.

POINT OF ORDER

Rep. GOVAN made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

H. 4076--POINT OF ORDER

The following Bill was taken up:

H. 4076 -- Reps. Tallon, Hixon, Johnson, W. Newton and R. Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-30-135 SO AS TO PROVIDE THAT AN AGENCY OR INSTRUMENTALITY IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT OR A PUBLIC INSTITUTION OF HIGHER LEARNING WITH A GOVERNING BOARD OR COMMISSION SHALL PROVIDE INCUMBENT MEMBERS OF THE BOARD AND NEW MEMBERS OF THE BOARD WITH A WRITTEN DOCUMENT OUTLINING THE AGENCY'S, INSTRUMENTALITY'S, OR INSTITUTION'S STATUTORY DUTIES AND POWERS, WHICH INCUMBENT BOARD MEMBERS MUST SIGN WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION AND WHICH NEW BOARD MEMBERS MUST SIGN WITHIN NINETY DAYS AFTER TAKING OFFICE.

THURSDAY, JANUARY 16, 2020

POINT OF ORDER

Rep. FORREST made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

H. 4404--POINT OF ORDER

The following Bill was taken up:

H. 4404 -- Reps. Stringer, Herbkersman, W. Newton, Yow, Huggins, Ballentine, Erickson, B. Cox, Elliott, Allison, Forrest and G. M. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "VETERANS NURSING DEGREE OPPORTUNITY ACT"; AND BY ADDING ARTICLE 3 TO CHAPTER 33, TITLE 40 SO AS TO AUTHORIZE THE DEVELOPMENT AND IMPLEMENTATION OF VETERAN ASSOCIATE OF SCIENCE IN NURSING DEGREE PROGRAMS AND VETERAN BACHELOR OF SCIENCE IN NURSING DEGREE PROGRAMS TO ENABLE MILITARY VETERANS WITH RELEVANT MILITARY TRAINING AND EXPERIENCE TO EXPEDITE THE TRANSITION FROM MILITARY LIFE TO A PROFESSIONAL CAREER IN NURSING, TO PROVIDE NECESSARY DEFINITIONS, TO REQUIRE A COLLABORATIVE EFFORT BY THE COMMISSION ON HIGHER EDUCATION, STATE BOARD OF NURSING, BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, AND DIVISION OF VETERANS' AFFAIRS TO IDENTIFY GAPS BETWEEN RELEVANT MILITARY EDUCATION AND TRAINING AND ACADEMIC REQUIREMENTS FOR UNDERGRADUATE NURSING EDUCATION PROGRAMS AND DEGREES APPROVED BY THE STATE BOARD OF NURSING AND LICENSURE BY THE BOARD, AND TO APPROVE CURRICULUM TO ENABLE MILITARY VETERANS TO APPLY SUCH EDUCATION AND TRAINING TOWARD REQUIREMENTS FOR AN ASSOCIATE'S DEGREE IN NURSING OR A BACHELOR'S DEGREE IN NURSING AND LICENSURE AS A LICENSED PRACTICAL NURSE OR REGISTERED NURSE, AMONG OTHER THINGS.

THURSDAY, JANUARY 16, 2020

POINT OF ORDER

Rep. FORREST made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

H. 4454--POINT OF ORDER

The following Bill was taken up:

H. 4454 -- Reps. Long, Chumley, Burns, Allison, Felder, Morgan, Taylor, Jefferson, Brown, Tallon and Yow: A BILL TO AMEND SECTION 56-5-1538, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EMERGENCY SCENE MANAGEMENT, SO AS TO DELETE PROVISIONS THAT REGULATE THE CONDUCT OF A DRIVER OF A VEHICLE APPROACHING AN EMERGENCY SCENE OR EMERGENCY VEHICLE, THE PENALTIES FOR VIOLATING THIS SECTION, AND CERTAIN TERMS AND THEIR DEFINITIONS; BY ADDING SECTION 56-5-1539 SO AS TO PROVIDE DEFINITIONS FOR CERTAIN TERMS, REGULATE THE CONDUCT OF A DRIVER OF A VEHICLE APPROACHING A TRAFFIC INCIDENT SCENE, AND PROVIDE PENALTIES; TO AMEND SECTION 56-5-1535, RELATING TO THE OFFENSE OF ENDANGERMENT OF A HIGHWAY WORKER AND PENALTIES FOR A VIOLATION OF THIS OFFENSE, SO AS TO REVISE THE DEFINITION OF THE TERMS "HIGHWAY WORK ZONE" AND "HIGHWAY WORKER"; AND BY ADDING SECTION 56-5-1537 SO AS TO PROVIDE THE DEPARTMENT OF TRANSPORTATION MUST PROVIDE TRAFFIC INCIDENT MANAGEMENT TRAINING TO A DRIVER OF A WRECKER OR TOWING SERVICE VEHICLE FREE OF CHARGE.

POINT OF ORDER

Rep. FORREST made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

THURSDAY, JANUARY 16, 2020

H. 3695--POINT OF ORDER

The following Bill was taken up:

H. 3695 -- Reps. Calhoun, Huggins, Taylor, Allison, Ballentine, Forrest, Matthews, Spires, Toole, Wooten and Hill: A BILL TO AMEND SECTION 56-3-630, CODE OF LAWS OF SOUTH CAROLINA, 1976. RELATING TO VEHICLES CLASSIFIED AS PRIVATE PASSENGER MOTOR VEHICLES, SO AS TO PROVIDE THAT FOR THE SOLE PURPOSE OF DETERMINING HIGH MILEAGE TAX DEDUCTIONS, MOTORCYCLES AND MOTORCYCLE THREE-WHEEL VEHICLES SHALL BE CLASSIFIED AS PRIVATE PASSENGER MOTOR VEHICLES.

POINT OF ORDER

Rep. FORREST made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

H. 4336--POINT OF ORDER

The following Bill was taken up:

H. 4336 -- Reps. Felder, Allison, Willis, Bennett, Whitmire, Govan, Kirby, Loftis, Cobb-Hunter, Jefferson, Ott, B. Newton, Trantham, Dillard, Gilliam, Hiott, Hixon, Sandifer, Simrill and White: A BILL TO AMEND SECTION 56-1-2150, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS A PERSON MUST POSSESS TO DRIVE A COMMERCIAL MOTOR VEHICLE, SO AS TO PROVIDE A PERSON WHO HAS A COMMERCIAL DRIVER LICENSE IS PRESUMED TO POSSESS THE QUALIFICATIONS TO DRIVE A COMMERCIAL MOTOR VEHICLE.

POINT OF ORDER

Rep. FORREST made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

THURSDAY, JANUARY 16, 2020

H. 4403--POINT OF ORDER

The following Bill was taken up:

H. 4403 -- Reps. Bennett and Brown: A BILL TO AMEND SECTION 59-63-120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BULLYING PROHIBITION POLICIES ADOPTED BY SCHOOL DISTRICTS, SO AS TO PROVIDE PROCEDURES FOR RESPONDING TO AND REMEDIATING ALLEGATIONS OF BULLYING, TO REQUIRE AN APPEALS PROCEDURE, AND TO PROVIDE CERTAIN ADDITIONAL REQUIREMENTS OF SCHOOL DISTRICTS AND THE SUPERINTENDENT OF EDUCATION.

POINT OF ORDER

Rep. FORREST made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

H. 4202--POINT OF ORDER

The following Bill was taken up:

H. 4202 -- Reps. Pope, Felder, Ligon, Stavrinakis, Simrill, Bryant, Finlay, Hixon and D. C. Moss: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-63-145 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ISSUE UPON RECEIPT OF CERTAIN DOCUMENTATION A CERTIFICATE OF FOREIGN BIRTH FOR A CHILD WITH UNITED STATES CITIZENSHIP WHO IS BORN IN A FOREIGN COUNTRY TO A PARENT WHO IS A RESIDENT OF SOUTH CAROLINA; AND TO AMEND SECTION 44-63-140, RELATING TO SUPPLEMENTARY OR AMENDED BIRTH CERTIFICATES, SO AS TO MAKE A TECHNICAL CORRECTION.

POINT OF ORDER

Rep. FORREST made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

[HJ]

THURSDAY, JANUARY 16, 2020

H. 4205--POINT OF ORDER

The following Bill was taken up:

H. 4205 -- Rep. Spires: A BILL TO AMEND SECTION 40-13-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE STATE BOARD OF COSMETOLOGY, SO AS TO DEFINE THE TERM "HAIR DESIGNER"; TO AMEND SECTION 40-13-230, RELATING TO LICENSES ISSUED BY THE BOARD, SO AS TO PROVIDE FOR THE LICENSURE OF HAIR DESIGNERS; AND TO AMEND SECTION 40-13-5, RELATING TO OCCUPATIONS REGULATED BY THE PRACTICE ACT FOR COSMETOLOGISTS AND COSMETOLOGY, SECTION 40-13-110, RELATING TO DISCIPLINARY ACTIONS, SECTION 40-13-240, RELATING TO EXAMINATIONS AND FEES, AND SECTION 40-13-270, ALL RELATING TO RECIPROCITY WITH OTHER LICENSING JURISDICTIONS, ALL SO AS TO MAKE CONFORMING CHANGES.

POINT OF ORDER

Rep. SPIRES made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

H. 4286--POINT OF ORDER

The following Bill was taken up:

H. 4286 -- Rep. D. C. Moss: A BILL TO AMEND SECTION 39-23-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUIREMENTS FOR PRESCRIPTION DRUG LABELS, SO AS TO INCLUDE LOT NUMBERS.

POINT OF ORDER

Rep. FORREST made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

THURSDAY, JANUARY 16, 2020

H. 4944--ORDERED TO THIRD READING

The following Bill was taken up:

H. 4944 -- Reps. Tallon, Allison, Chumley, Forrester, Henderson-Myers, Hyde, Long and Magnuson: A BILL TO AMEND SECTION 7-7-490, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO ADD THE BROOME HIGH SCHOOL PRECINCT, TO ELIMINATE THE CLIFDALE ELEMENTARY PRECINCT, AND TO UPDATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

Rep. TALLON explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

Allison	Anderson	Atkinson
Bailey	Bales	Ballentine
Bannister	Bernstein	Blackwell
Bradley	Brawley	Brown
Bryant	Burns	Calhoon
Caskey	Chumley	Clary
Clemmons	Clyburn	Collins
W. Cox	Crawford	Daning
Davis	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Fry
Funderburk	Gagnon	Garvin
Gilliam	Gilliard	Haddon
Hardee	Hayes	Henderson-Myers
Henegan	Herbkersman	Hewitt
Hill	Hixon	Hosey
Huggins	Hyde	Jefferson
Jones	Jordan	Kimmons
King	Kirby	Ligon
Long	Lowe	Lucas
Magnuson	Martin	McCoy

[HJ]

427

THURSDAY, JANUARY 16, 2020

McCrary	McDaniel	McGinnis
Moore	Morgan	D. C. Moss
V. S. Moss	Murphy	B. Newton
W. Newton	Norrell	Oremus
Ott	Parks	Pendarvis
Pope	Ridgeway	Rivers
Robinson	Rose	Rutherford
Sandifer	Simrill	Sottile
Spires	Stavrinakis	Stringer
Tallon	Taylor	Thigpen
Toole	Trantham	Weeks
West	Wheeler	White
Whitmire	R. Williams	S. Williams
Willis	Wooten	Yow

Total--105

Those who voted in the negative are:

Total--0

So, the Bill was read the second time and ordered to third reading.

**H. 4944--ORDERED TO BE READ THIRD TIME
TOMORROW**

On motion of Rep. TALLON, with unanimous consent, it was ordered that H. 4944 be read the third time tomorrow.

**H. 3244--RECALLED FROM COMMITTEE ON EDUCATION
AND PUBLIC WORKS**

On motion of Rep. BROWN, with unanimous consent, the following Bill was ordered recalled from the Committee on Education and Public Works:

H. 3244 -- Reps. Brown, Mack and Pendarvis: A BILL TO AMEND ACT 340 OF 1967, AS AMENDED, RELATING TO THE GOVERNANCE OF THE CHARLESTON COUNTY SCHOOL DISTRICT, SO AS TO PROVIDE THOSE PROCEDURES WHICH THE DISTRICT BOARD OF TRUSTEES MUST FOLLOW TO CLOSE A RURAL SCHOOL, TO DEFINE "RURAL SCHOOL", TO REQUIRE THE BOARD TO DOCUMENT THAT ANY SUCH

[HJ]

THURSDAY, JANUARY 16, 2020

CLOSING MUST RESULT IN A REDUCTION IN THE OPERATING EXPENSES OF THE DISTRICT TRANSLATED INTO AN ESTIMATED PROPERTY TAX MILLAGE REDUCTION THAT MUST BE REFLECTED BEGINNING FOR THE FIRST PROPERTY TAX YEAR AFTER THE CLOSING DATE, TO REQUIRE THE BOARD TO CONDUCT THREE PUBLIC HEARINGS IN THE AFFECTED COMMUNITY TO RECEIVE PUBLIC COMMENTS, TO SPECIFY OTHER CONSIDERATIONS RELATING TO TRAVEL TIME AND ADDITIONAL TRAVEL EXPENSES AND THE OVERALL BENEFIT TO STUDENTS AND THE DISTRICT FROM CLOSING THE SCHOOL, TO REQUIRE THE BOARD TO PREPARE A COMPREHENSIVE REPORT ON THESE ISSUES BEFORE MAKING A DECISION ON THE CLOSING AND REQUIRE THIS REPORT, UPON COMPLETION, TO BE FORWARDED TO EACH MEMBER OF THE LEGISLATIVE DELEGATION REPRESENTING THE CHARLESTON COUNTY SCHOOL DISTRICT, AND TO PROVIDE CERTAIN EXCEPTIONS TO THE ABOVE REQUIREMENTS.

SPEAKER PRO TEMPORE IN CHAIR

H. 4411--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE

The Senate Amendments to the following Bill were taken up for consideration:

H. 4411 -- Reps. Clemmons, Anderson, Crawford, McGinnis, Hardee, Bailey and Fry: A BILL TO AMEND SECTION 7-7-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HORRY COUNTY, SO AS TO DELETE FOUR PRECINCTS, TO ADD EIGHT PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

Rep. CLEMMONS proposed the following Amendment No. 1A to H. 4411 (COUNCIL\ZW\4411C001.CC.ZW20), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

[HJ]

THURSDAY, JANUARY 16, 2020

/ SECTION 1. Section 7-7-320 of the 1976 Code, as last amended by Act 133 of 2018, is further amended to read:

“Section 7-7-320. (A) In Horry County there are the following voting precincts:

Adrian
Allsbrook
Atlantic Beach
Aynor
Bayboro-Gurley
Brooksville #1
Brooksville #2
Brownway
Burgess #1
Burgess #2
Burgess #3
Burgess #4
Burgess #5
Carolina Bays
Carolina Forest #1
Carolina Forest #2
Cedar Grove
Cherry Grove #1
Cherry Grove #2
Coastal Carolina
Coastal Lane #1
Coastal Lane #2
~~Cool Springs~~
Crescent
Daisy
Deerfield
Dog Bluff
Dogwood
Dunes #1
Dunes #2
Dunes #3
East Conway
East Loris
Ebenezer
Emerald Forest #1
Emerald Forest #2
Emerald Forest #3

THURSDAY, JANUARY 16, 2020

~~Enterprise~~
Enterprise #1
Enterprise #2
Forestbrook
Four Mile
~~Galivants Ferry~~
Garden City #1
Garden City #2
Garden City #3
Garden City #4
Glenns Bay
Green Sea
Hickory Grove
~~Hickory Hill~~
Homewood
Horry
~~Inland~~
Jackson Bluff
Jamestown
Jernigans X Roads
Jet Port #1
Jet Port #2
Jet Port #3
Jet Port #4
~~Jordanville~~
~~Joyner Swamp~~
Juniper Bay
Lake Park #1
Lake Park #2
Lake Park #3
Leon
Little River #1
Little River #2
Little River #3
Live Oak
Maple
Marlowe #1
Marlowe #2
Marlowe #3
Methodist-Mill Swamp
Mt. Olive

[HJ]

431

THURSDAY, JANUARY 16, 2020

Mt. Vernon
Myrtle Trace
Myrtlewood #1
Myrtlewood #2
Myrtlewood #3
Nixons X Roads #1
Nixons X Roads #2
Nixons X Roads #3
North Conway #1
North Conway #2
Ocean Drive #1
Ocean Drive #2
Ocean Drive #3
Ocean Forest #1
Ocean Forest #2
Ocean Forest #3
Palmetto Bays
Pawley's Swamp
Pleasant View
Poplar Hill
Port Harrelson
Race Path #1
Race Path #2
Red Bluff
Red Hill #1
Red Hill #2
River Oaks
Salem
Sea Oats #1
Sea Oats #2
Sea Winds
Shell
Socastee #1
Socastee #2
Socastee #3
Socastee #4
~~Spring Branch~~
Surfside #1
Surfside #2
Surfside #3
Surfside #4

THURSDAY, JANUARY 16, 2020

Sweet Home
~~Taylorsville~~
Tilly Swamp
Toddtville
Waccamaw
Wampee
West Conway
West Loris
White Oak
Wild Wing
Windy Hill #1
Windy Hill #2

(B) Precinct lines defining the precincts provided for in subsection (A) are as shown on maps filed with the Board of Voter Registration and Elections of Horry County as provided and maintained by the Revenue and Fiscal Affairs Office designated as document ~~P-51-17~~ P-51-20.

(C) Polling places for the precincts listed in subsection (A) must be determined by the Board of Voter Registration and Elections of Horry County with the approval of a majority of the Horry County Legislative Delegation.”

SECTION 2. This act takes effect upon approval by the Governor; except that the former voting precinct designations and lines that were in effect in 2019 shall apply to any presidential preference primaries conducted in Horry County in 2020. /

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 1

Those who voted in the affirmative are:

Allison	Anderson	Atkinson
Bailey	Bales	Ballentine
Bamberg	Bannister	Bennett
Bernstein	Blackwell	Bradley
Brown	Bryant	Burns
Calhoon	Caskey	Chellis
Chumley	Clary	Clemmons
Clyburn	Collins	W. Cox

[HJ]

THURSDAY, JANUARY 16, 2020

Crawford	Daning	Davis
Dillard	Elliott	Erickson
Felder	Finlay	Forrest
Forrester	Fry	Funderburk
Gagnon	Garvin	Gilliam
Gilliard	Haddon	Hardee
Hayes	Henderson-Myers	Henegan
Herbkersman	Hewitt	Hill
Hixon	Hosey	Huggins
Hyde	Jefferson	Jones
Jordan	Kimmons	King
Kirby	Ligon	Long
Lowe	Lucas	Magnuson
Martin	McCoy	McCrary
McDaniel	McGinnis	Moore
Morgan	D. C. Moss	V. S. Moss
Murphy	B. Newton	W. Newton
Norrell	Oremus	Ott
Parks	Pendarvis	Pope
Ridgeway	Rivers	Rose
Rutherford	Sandifer	Simrill
Sottile	Spires	Stavrinakis
Stringer	Tallon	Thigpen
Toole	Trantham	Weeks
West	Wheeler	White
Whitmire	R. Williams	S. Williams
Willis	Wooten	Yow

Total--105

Those who voted in the negative are:

Robinson

Total--1

The amendment was then adopted.

The Senate Amendments were amended, and the Bill was ordered returned to the Senate.

THURSDAY, JANUARY 16, 2020

RECORD FOR VOTING

My vote on H. 4411 was recorded as a 'N' (no vote) due to an error in the voting tab. I wish for the record to show that the vote should have been recorded as a 'Y' (yes).

Rep. Leola Robinson

H. 4562--ADOPTED AND SENT TO SENATE

The following Concurrent Resolution was taken up:

H. 4562 -- Rep. Cobb-Hunter: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 178 IN ORANGEBURG COUNTY FROM MILEPOST 39.229 AT THE NORTHERN BOWMAN TOWN LIMIT TO MILEPOST 40.603 "ARTHUR J. GLOVER MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Concurrent Resolution was adopted and ordered sent to the Senate.

Rep. FORREST moved that the House do now adjourn, which was agreed to.

ADJOURNMENT

At 11:27 a.m. the House, in accordance with the motion of Rep. TOOLE, adjourned in memory of Toni Kirkland Day, to meet at 10:00 tomorrow.

THURSDAY, JANUARY 16, 2020

H. 3087	401	H. 4758	405
H. 3094	402	H. 4759	405
H. 3125	402	H. 4760	405
H. 3178	402	H. 4761	405
H. 3197	421	H. 4765	405
H. 3199	420	H. 4775	405
H. 3244	428	H. 4777	405
H. 3257	420	H. 4784	405
H. 3319	402	H. 4785	406
H. 3322	402	H. 4790	406
H. 3573	402	H. 4792	406
H. 3695	424	H. 4797	406
H. 3847	402	H. 4811	392, 406
H. 4076	421	H. 4819	392
H. 4202	425	H. 4827	392
H. 4205	426	H. 4937	406
H. 4286	426	H. 4941	406
H. 4297	402	H. 4943	407
H. 4336	424	H. 4944	427, 428
H. 4403	425	H. 4950	393
H. 4404	422	H. 4951	395
H. 4411	429, 435	H. 4952	396
H. 4454	403, 423	H. 4953	396
H. 4504	393, 403	H. 4954	396
H. 4533	407, 408, 409	H. 4955	397
H. 4562	435	H. 4956	397
H. 4656	403	H. 4957	397
H. 4686	403	H. 4958	398
H. 4695	403	H. 4959	398
H. 4704	403, 407	H. 4960	399
H. 4718	403	H. 4961	394
H. 4722	404	H. 4962	394
H. 4737	404	H. 4963	399
H. 4748	404	H. 4964	395
H. 4753	404		
H. 4754	404	S. 194	409, 416
H. 4755	404	S. 580	417, 419
H. 4756	404	S. 613	416
H. 4757	404		