

NO. 4

JOURNAL  
OF THE  
SENATE  
OF THE  
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

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FRIDAY, JANUARY 11, 2019

**Friday, January 11, 2019**  
**(Local Session)**

Indicates Matter Stricken

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator JACKSON.

**ADDENDUM TO THE JOURNAL**

The following remarks by Senator PEELER, PRESIDENT of the Senate, were ordered printed in the Journal of January 8, 2019:

**Remarks by Senator PEELER, PRESIDENT of the Senate**

Senator MASSEY, Senator SETZLER, Senator LEATHERMAN and my fellow South Carolina State Senators -- thank you. Thank you for this high honor. I wish I could capture the words to express what this means to me.

To be chosen the very first PRESIDENT and Presiding Officer of the Senate from within the membership of the Body is both historic and futuristic.

My family can share with you story, after story, after story about events that have happened in my life that would have easily killed a normal man. After each event my mother would whisper to me, "God is saving you for something good, son." Well Mama -- I think this is it!

Long before I served as an officer in the United States Army, I lived by the chain of command. Rank has its privileges but much more important than that, rank has responsibility. Our individual Senate districts loaned us the rank of South Carolina State Senator. With that rank, we are responsible for over 5 million people and over 20 million acres of land and water we call South Carolina.

It's been said that a Body takes on the personality of its leader. If that is true -- if this Body takes on the personality of its leader -- then we will laugh a lot, we will cry a little, and we will love and respect each member and this institution -- every day for the rest of our lives.

This Senate will never pick a fight. But if someone feels the need to come to our door looking for a fight -- they came to the right place. Members of the Senate, we are standing on holy ground. There are angels all around and I expect us to act accordingly.

Now -- we have work to do. You chose me to be your leader. And so help me God -- lead you I will!

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**ADDENDUM TO THE JOURNAL**

The following remarks by Senator LEATHERMAN were ordered printed in the Journal of January 8, 2019:

**Remarks by Senator LEATHERMAN**

The Senate is an institution steeped in tradition. We do not change easily or often, but today we do. Today, we usher in a new era where a fellow Senator instead of a Lieutenant Governor presides over us. Over the last several months, the best minds in this Body worked on a proposed set of new rules to implement this new system. Hopefully, this transition will go smoothly and we will continue to operate the Senate without missing a beat. But perhaps there will be bumps in the road and we will recognize changes that need to be made. This is part of the challenge of starting something new and having an understanding that whatever we can possibly do, we can possibly do better.

What I really believe, is that we cannot improve on the person we have chosen to lead us into this new day and new Senate. Senator PEELER brings to his new role the ability, the experience, and the desire to do this job and to do this job well.

I know that he undertakes his role with two primary focuses -- that the institution of the Senate and what it represents must be maintained and that we operate the Senate in a manner that allows us the opportunity to succeed for our constituents, the people of South Carolina.

This is a Body designed to debate. Ideas and Bills must both go through vigorous consideration in order to be deemed worthy of enactment. It is not an easy process nor was it designed to be. We are a Body that in many circumstances requires compromise to move forward. Our founders believed that a better legislative product could be obtained if we listened to minority viewpoints and then tried to accommodate those views. This striving for consensus is what makes the Senate the Senate.

We must never become a mirror of the House for if that were to happen our State would be the worse for it. Despite what the House says publicly, they know and share privately that some ideas that come from there need to be fixed or to be humanely killed. Yes, we are good at accommodating both.

For this difficult process to work as our framers intended, it requires a referee to ensure the process is fair. It requires a person who is above reproach regarding his impartiality to rule on points of order that govern.

## **FRIDAY, JANUARY 11, 2019**

Finally, it requires someone who can bring people together even in the midst of battle to do what is best for our State.

I know that Senator PEELER is that person. I firmly believe that he will be successful in this role, and because of that this Senate will be successful. One concern that crosses the mind of any leader when leaving is wondering whether the next leader can keep the organization going well. It was an easy decision for me not to seek the office of Senate PRESIDENT when I knew that Senator PEELER was there to take on that mantle. I knew immediately and without question that our future, and that of the Senate, was in good hands.

It was the honor of a lifetime to serve the Senate as its PRESIDENT *Pro Tempore*, and I am still deeply appreciative of the members of the Senate for granting me that privilege to serve you and this great institution. Now as we enter this new era, I ask everyone in this Chamber to grant Senator PEELER the same counsel, assistance and patience you gave me so that he can lead the South Carolina Senate and let us do the work of those who sent us here. Thank you.

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### **CO-SPONSOR ADDED**

The following co-sponsor was added to the respective Bills:

S. 33 Sen. Campsen  
S. 107 Sen. Campsen

### **REPORT RECEIVED**

#### **Judicial Merit Selection Commission**

#### **Report of Candidate Qualifications 2018**

Date Draft Report Issued: Thursday, January 10, 2019

Date and Time Final Report Issued: Noon, Tuesday, January 15, 2019

**Judicial candidates are not free to seek or accept commitments  
until Tuesday, January 15, 2019, at Noon.**

#### **Judicial Merit Selection Commission**

Sen. Luke A. Rankin, Chairman      Erin B. Crawford, Chief Counsel  
Rep. G. Murrell Smith Jr., Vice-Chairman      Emma Dean, Counsel

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Sen. Ronnie A. Sabb  
Sen. Tom Young Jr.  
Rep. J. Todd Rutherford  
Rep. Chris Murphy  
Margaret Bluestein  
Michael Hitchcock  
Lucy Grey McIver  
Andrew N. Safran



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

January 10, 2019

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.

Judicial candidates are **prohibited** from asking for your commitment until **12:00 Noon on Tuesday, January 15, 2019**. 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 15, 2019**. In summary, no member of the General Assembly should, orally or in writing, communicate about a candidate's candidacy until this designated time after 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.

[SJ]

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**FRIDAY, JANUARY 11, 2019**

Sincerely,  
Senator Luke A. Rankin

**Judicial Merit Selection Commission**

Sen. Luke A. Rankin, Chairman      Erin B. Crawford, Chief Counsel  
Rep. G. Murrell Smith Jr., Vice-Chairman      Emma Dean, Counsel  
Sen. Ronnie A. Sabb  
Sen. Tom Young Jr.  
Rep. J. Todd Rutherford  
Rep. Chris Murphy  
Margaret Bluestein  
Michael Hitchcock  
Lucy Grey McIver  
Andrew N. Safran



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

January 10, 2019

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.

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*

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*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,  
Senator Luke A. Rankin  
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 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

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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 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;

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- (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 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.

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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 Court of Appeals, Circuit Court, Family Court, and Administrative Law Court.

**COURT OF APPEALS  
QUALIFIED AND NOMINATED**

**Blake A. Hewitt  
Court of Appeals, Seat 1**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Mr. Hewitt was born in 1978. He is 40 years old and a resident of Conway, South Carolina. Mr. Hewitt 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 2005.

**(2) Ethical Fitness:**

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

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

Mr. Hewitt 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. Hewitt 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. Hewitt to be intelligent and knowledgeable.

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

- (a) From January of 2018 to May of 2018 I was employed by the University of South Carolina Law School as an Adjunct Professor teaching Appellate Advocacy.
- (b) I lectured on techniques of oral advocacy at the 2016 "Prosecution Bootcamp" for new prosecutors, hosted by the Prosecution Coordination Commission. I delivered the same presentation at the Solicitor's Association's Annual Convention later that same year.
- (c) I presented on the topic of appellate practice at the Bridge the Gap programs in 2015 and 2016.
- (d) I lectured on oral advocacy at the 2016 SC Bar "SC Lawyer's Guide to Appellate Practice" Program.

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- (e) I gave “case law update” presentations to all attendees at the Injured Workers’ Advocates organization’s Annual Conventions in 2011, 2013, 2014, 2015, 2016, and 2017.
- (f) In 2015 I gave a presentation that dealt with issues surrounding the admission of forensic interviews in criminal sexual conduct cases as part of the SC Bar’s annual “It’s All A Game” seminar.
- (g) I shared presentations on special filing procedures in professional negligence cases as a part of the annual Tort Law Update hosted by the SC Bar in 2014 and 2015.
- (h) I lectured on error preservation and techniques of developing a record for an eventual appeal at the 2013 SC Bar Program “Introduction to Birth Injury Litigation.”
- (i) I was a member of a panel discussion on indigent defense funding at the Charleston School of Law’s symposium celebrating the 50th anniversary of the U.S. Supreme Court’s decision in *Gideon v. Wainwright*.
- (j) I gave speeches on effective legal writing at a local CLE Program, “What Every Lawyer should know to Enjoy (or Survive) the Practice of Law” in 2012 and 2013.
- (k) I lectured on handling appeals effectively at the South Carolina Association for Justice’s 2012 Annual Convention

Mr. Hewitt reported that he has published the following:

- (a) Appellate Practice in South Carolina, Jean Hoefer Toal et al. (SC Bar CLE 2016), Editorial Board.

**(4) Character:**

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

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

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

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

**(5) Reputation:**

Mr. Hewitt reported that he is not rated by any legal rating organization.

Mr. Hewitt reported the following military service:

From June of 2001 to August of 2001, I was an officer candidate in the United States Marine Corps. A week before the end of Officer Candidate School, I declined a commission as a Second Lieutenant and was released from my orders. To my knowledge, I did not have a rank or a serial number. The character of my discharge was "dropping on request."

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

**(6) Physical Health:**

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

**(7) Mental Stability:**

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

**(8) Experience:**

Mr. Hewitt was admitted to the South Carolina Bar in 2005.

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

- (a) From August of 2005 to July of 2008, I served as a judicial law clerk and legislative liaison to the Honorable Jean H. Toal, Chief Justice of the Supreme Court of South Carolina.
- (b) From July of 2008 to August of 2009, I served as a judicial law clerk to the Honorable Joseph F. Anderson, Jr., United States District Judge for the District of South Carolina.
- (c) From August of 2009 until the present time, I have been in private practice with the same law firm. When I joined the firm it was Bluestein Nichols Thompson & Delgado. The firm is now Bluestein Thompson Sullivan. My primary area

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of practice has been appellate litigation but I am routinely involved in work at the Circuit Court and District Court level as either lead counsel or consulting counsel.

(d) From January of 2018 to May of 2018 I was employed by the University of South Carolina Law School as an Adjunct Professor teaching Appellate Advocacy.

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

(a) Federal: Fairly infrequent. Five to ten percent of cases;  
(b) State: Regularly. Multiple oral arguments each year with various other in-court appearances.

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

(a) Civil: 80%;  
(b) Criminal: 10%;  
(c) Domestic: 10%.

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

(a) Jury: 5%;  
(b) Non-jury: 94% (appellate cases counted as non-jury; though some were appeals from jury trials, my involvement was usually after the verdict).

Mr. Hewitt provided that he most often served as lead counsel.

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

Every case I have ever handled has been significant to me because every client's case is supremely important to them. With that qualification, some of the cases that I believe to have broader significance are described below:

(a) *Marshall v. Dodds*, 417 S.C. 196, 789 S.E.2d 88 (Ct. App. 2016). This case, which was argued at the Supreme Court in May, analyzes how the statute of repose for medical malpractice

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actions applies in the situation where there are multiple breaches of the standard of care over an extensive period of time.

(b) Rhame v. Charleston County Sch. Dist., 412 S.C. 273, 772 S.E.2d 159 (2015). This case holds that the Workers' Compensation Commission may entertain petitions for rehearing. It overrules three previous decisions that had incorrectly suggested otherwise and brings the comp commission's practice in line with that of other administrative agencies.

(c) Ranucci v. Crain, 409 S.C. 493, 763 S.E.2d 189 (2014). This case correctly holds that the pre-suit notice of intent statute for medical malpractice cases (section 15-79-125) completely incorporates the affidavit statute from the Frivolous Civil Proceedings Sanctions Act (section 15-36-100), reversing a decision to the contrary by the Court of Appeals.

(d) Bone v. U.S. Food Service, 404 S.C. 67, 744 S.E.2d 552 (2013). This case resolves a long-standing conflict between the Supreme Court and the Court of Appeals about immediate appealability in administrative cases. This conflict historically resulted in a substantial amount of waste for litigants and for the court system. The rule is not perfect, but Bone correctly forces everyone to examine appealability in administrative cases through the lens of the Administrative Procedures Act.

(e) Ex Parte Brown, 393 S.C. 214, 711 S.E.2d 899 (2011). This case holds that when an attorney is appointed to represent an indigent defendant, the takings clause of the Constitution requires that the attorney receive reasonable compensation for his services. This was a break from prior precedent. I was deeply honored to represent the South Carolina Bar which filed a brief as a friend of the Court.

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

- (a) Traynum v. Scavens, 416 S.C. 197, 786 S.E.2d 115 (2016);
- (b) Roddey v. Wal-Mart, 415 S.C. 580, 784 S.E.2d 670 (2016);
- (c) McAlhaney v. McElveen, 413 S.C. 299, 775 S.E.2d 411 (Ct. App. 2015);
- (d) Skipper v. ACE Property & Casualty Ins. Co., 413 S.C. 33, 775 S.E.2d 37 (2015);
- (e) Lewis v. LB Dynasty, 411 S.C. 637, 770 S.E.2d 393 (2015).

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

- (a) State v. Sims, Court of Appeals, Appellate Case No. 2016-001385 (on preliminary oral argument list);
- (b) State v. Torrence, Op. No. 2013-UP-152 (S.C. Ct. App. filed Apr. 10, 2013);
- (c) State v. Whitesides, 397 S.C. 313, 725 S.E.2d 487 (2012);
- (d) State v. Jennings, 394 S.C. 473, 716 S.E.2d 91 (2011);
- (e) Ex Parte Brown, 393 S.C. 214, 711 S.E.2d 899 (2011) (represented amicus curiae).

Mr. Hewitt further reported the following regarding unsuccessful candidacies:

In 2012 I ran unsuccessfully for the South Carolina House of Representatives, District #105. For a brief period in May, I was the Republican nominee for this office, however I was disqualified as a candidate as a result of the Supreme Court of South Carolina's decision in Florence County Democratic Party v. Florence County Republican Party, which invalidated the filing directions that the South Carolina Election Commission issued to all candidates. I pursued a petition candidacy following this decision and was certified by the Election Commission as a petition candidate for the November 2012 general election. I did not win the general election. I filed my final financial report in April of 2013. In 2014 I ran unsuccessfully for the Court of Appeals, seat 7. This vacancy was created when Judge Danny Pieper retired. I was deeply honored to be found qualified and nominated by the JMSC. I withdrew from the race a week before the election, which Judge Stephanie McDonald won. In 2017 I ran unsuccessful for the Court of Appeals, seat 9. This vacancy was created by Judge James Lockemy's elevation to Chief Judge. I was deeply honored to again be found qualified and nominated by the JMSC. I withdrew from the race the morning of the election, which Judge Gary Hill won.

### (9) Judicial Temperament:

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

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**(10) Miscellaneous:**

The Pee Dee Citizens Committee on Judicial Qualification found Mr. Hewitt to be “Well Qualified” in the evaluative criteria of ethical fitness, character, professional and academic ability, reputation, experience, and judicial temperament, and “Qualified” in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Mr. Hewitt is married to Emma Catherine (Brown) Hewitt. He has one child.

Mr. Hewitt reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar: Trial & Appellate Advocacy Section, Council Member (July 2010 - July 2013); Judicial Qualifications Committee, Committee Member (March 2011 - August 2012); Young Lawyers Division, Long-Range Planning Committee, Committee Member (July 2010 - July 2012); Young Lawyers Division, 15th Circuit Representative (July 2013 - July 2015); Young Lawyers Foundation Board, Board Member (November 2013 - July 2015).
- (b) Horry County Bar Association.
- (c) South Carolina Supreme Court Historical Society.
- (d) Injured Workers Advocates: Judicial Affairs Committee, Committee Member (March 2010 - present).
- (e) South Carolina Association for Justice: Legislative Steering Committee, Committee Member (November 2010 - present).
- (f) Coastal Inn of Court: Community Service Chair (Jan. 2014 - present)

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

- (a) Waccamaw Sertoma Club. Board Member (July 2013 present), President (August 2016 - July 2017);
- (b) City of Conway Board of Zoning Appeals (April 2013 - present);
- (c) City of Conway Downtown Alive;
- (d) Compleat Lawyer Award (Silver), USC Law School.

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Mr. Hewitt further reported:

Any good qualities I possess are the result of the many strong and positive influences in my life. I was blessed to have parents who loved me and invested in me heavily. I was also fortunate to have several people outside of my immediate family show interest in me and help shape my development by serving as mentors. My greatest professional goal has always been to honor these wonderful individuals. I know that any success I experience will be the result of them lifting me on their shoulders.

I have known for some time that I wanted to devote my career to public service. My passion as a lawyer has always been the desire to help the court system be the best that it can be – to treat people decently, to treat everyone’s case as important, and to help the court make the right decision for the right reasons.

I gravitated towards appellate work because I enjoyed it and because I felt that it provided a platform for fulfilling these goals. On occasions when I realized these goals, I found great satisfaction. When I felt that the system fell short in its duty to the litigants and the public, I experienced deep disappointment and frustration.

I believe true success is not about serving yourself, but serving others. The opportunity to serve on the Court of Appeals is attractive to me because it would allow me to leverage my experience and abilities for the benefit of my fellow citizens and my State. In short, it would be the greatest honor of my professional life to devote my energy and my love for appellate work to helping the Court of Appeals succeed in its essential mission to produce high-quality decisions, in a timely manner, that follow the rule of law.

### (11) Commission Members’ Comments:

The Commission commented that Mr. Hewitt displayed excellent temperament and demeanor in his appearance before the Commission. The Commission noted that Mr. Hewitt has a

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wealth of appellate experience and found Mr. Hewitt to be well qualified for this position.

**(12) Conclusion:**

The Commission found Mr. Hewitt qualified and nominated him for election to the Court of Appeals, Seat 1.

**The Honorable Alison Renee Lee  
Court of Appeals, Seat 1**

**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 Court of Appeals judge.

Judge Lee was born in 1958. She is 60 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.

Judge Lee testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;

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- (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) August 1985, I lectured at a program on settling the family court record on appeal;
- (b) September 1985, I presented on pretrial orders, sanctions and local rules in federal court;
- (c) November 1993, I presented on drafting criminal laws under the Sentencing Classification Act for the attorneys in the Legislative Council;
- (d) May 1996, I lectured on practice before the Administrative Law Judge Division (now the Administrative Law Court) at Bridge the Gap.
- (e) January 1997, I gave an update on practice before the Administrative Law Judge Division.
- (f) March 1997, I lectured on practice before the Administrative Law Judge Division (now the Administrative Law Court) at Bridge the Gap.
- (g) May 1997, I lectured on practice before the Administrative Law Judge Division at Bridge the Gap.
- (h) March 1998, I lectured on practice before the Administrative Law Judge Division at Bridge the Gap.
- (i) March 1998, I presented an update on practice and procedure rules before the Administrative Law Judge Division.
- (j) May 1998, I lectured on practice before the Administrative Law Judge Division at Bridge the Gap.

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- (k) May 1998, before the Women Lawyers' CLE, I participated in a panel on "What Works and What Doesn't".
- (l) February 2000, I presented on circuit court motions and appeals.
- (m) December 2002, I presented on ethics.
- (n) April 2003, I presented on behalf of the Women Lawyers CLE on the effective use of exhibits at trial.
- (o) October 2004, at the Black Lawyers Retreat I participated in a panel on civility and ethics.
- (p) October 2005, I participated in a panel discussion for the Criminal and Trial Advocacy Section
- (q) September 2006. I participated in a panel discussion for the Black Lawyers CLE on tips from the bench.
- (r) December 2006, I spoke to lawyers with the Municipal Association on ethics.
- (s) March 2015, participated in a panel discussion during the Circuit Judges conference on complex litigation.
- (t) September 2014, I presided over a mock criminal hearing on Stand Your Ground for the Black Lawyers CLE.
- (u) August 2016. I spoke to the SC Summary Court Judges about appeals to Circuit Court.
- (v) August 2017, Association of Corporate Counsel, panel discussion on 'Things Corporate/In-House Counsel should know about appearing in court.'

Judge Lee reported that she has not published any books 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

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

(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. Israel 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, SC 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,

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wages, taxes, video poker, bingo, appeals from occupational licensing boards, and hearings on regulations promulgated by certain state agencies.

- (f) 1999 – present SC 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, SC Court of Appeals. Member of three judge panel hearing appeals. Authored 6 opinions and responsible for several unpublished memoranda opinions.

Judge Lee reported the frequency of her court appearances five years prior to her service on the bench as follows:

Years 1984 - 1989

- (a) federal: 90%
- (b) state: 10%

Judge Lee reported the percentage of her practice involving civil, criminal, and domestic matters five years prior to her service on the bench as follows:

Years 1984 - 1989

- (a) civil: 99%
- (b) criminal: 0.5% participated in 2-3 cases
- (c) domestic: 0.5% handled 2-3 appointed cases

Judge Lee reported the percentage of her practice in trial court five years prior to her service on the bench as follows:

Years 1984 - 1989

jury: 10% most cases were resolved by motion or settlement

Judge Lee provided that five years prior to her service on the bench she most often served as associate-counsel.

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The following is Judge Lee's account of her five most significant litigated matters:

- (a) Atkinson v. Citicorp Acceptance Co. (Federal District Court) – case involving Fair Debt Collection Act (then a new federal statute) decided on summary judgment motion.
- (b) McClain v. Westinghouse (Federal District Court) – employment case involving sex discrimination, sexual harassment, equal pay, as well as other employment claims. Case decided on summary judgment.
- (c) State of South Carolina v. Norris Stroman (state criminal case) – Defendant (with limited intelligence) was charged with murder and allegedly confessed. Jury acquitted.
- (d) Valerie Smith v. Kroger (Federal District Court) – slander or malicious prosecution case filed as a result of accusations of shoplifting.

The following is Judge Lee's account of four civil appeals she has personally handled:

- (a) Purdie v. Smalls, 293 S.C. 216, 359 S.E.2d 306 (Ct. App. 1987)
- (b) Hooten v. Carolina Treatment Center, Inc., 200 S.C. 37, 386 S.E.2d 287 (Ct. App. 1989). I was not the lead attorney.
- (c) Condon v. Best View Cablevision, Inc., 292 S.C. 117, 355 S.E.2d 7 (Ct. App. 1987). I was not the lead attorney.
- (d) Davis v. U.S. Steel Corp., 779 F.2d 209 (4<sup>th</sup> Cir. 1985). Participated on the brief only.

Judge Lee reported that she has not personally handled any criminal appeals, however, as a Circuit Court Judge, Judge Lee has presided over numerous appeals from magistrate and municipal court. During the three months Judge Lee was an acting judge on the Court of Appeals, she reviewed some criminal cases.

Judge Lee reported that she has held the following judicial offices:

From 1994 – 1999, elected, Administrative Law Judge, Seat 3. From 1999 – present, elected, Circuit Court Judge At Large, Seat 11. From March – May 2016 – Acting Judge, Court of Appeals.

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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 sue claiming negligence, trespass and inverse condemnation. The town raised issued 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. They 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, \_\_\_ S.C., 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 a 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

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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 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:

In 1997, Candidate for Circuit Court At Large, Seat 10, qualified and nominated. In 2003, Candidate for Court of Appeals, Seat 6, qualified, not nominated. In 2004, Candidate for Court of

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Appeals, Seat 1, qualified, not nominated. In 2008, Candidate for Court of Appeals, Seat 3, qualified and nominated. In 2009, Candidate for Court of Appeals, Seat 5, qualified, not nominated. In 2016, Candidate for Court of Appeals, Seat 9, 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 Qualification found Judge Lee 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 commented that all members were "very impressed" with Judge Lee, and she is "well qualified and one of the most experienced - a great asset to the bench."

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

Judge Lee reported that she was a member of the following Bar 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

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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 (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

Judge Lee further reported:

Growing up, I watched my family work together to accomplish tasks and goals. My mother and three of her six siblings lived in Washington, DC. As a single mother she worked two jobs: school teacher by day and waitress/hostess at the Holiday Inn restaurant in the evening. I spent lots of time with my aunts and uncles who lived nearby. I loved to work puzzles, figure math problems, read mystery books, and being a “handy girl” in family projects. They were extremely supportive of all my educational and work endeavors. Most importantly, I learned the value of helping others. I am fortunate to blend all of this together in my profession as lawyer and as a circuit court judge. Over 24 years ago, members of the General Assembly selected me as one of the first Administrative Law judges and subsequently a Circuit Court Judge. I have served in this capacity for almost 20 years. I am grateful to the Commission and the Legislature for their confidence in selecting and electing me to the bench. During these years, I have done my best to treat those who have appeared before me with respect and dignity. Often times lawyers and their clients are seeking solutions to issues and problems. My goal is to help them find the appropriate solution within the guidelines of the law. This is the fair and impartial administration of justice. I am not the advocate only the arbiter. Sometimes resolution may be through

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agreement or by jury or by judge, but the goal is always the same: to listen impartially, determine the issues, and find the solution that best meets the needs of the parties based on the law. It is like searching for that puzzle piece that finishes the picture. I wish to continue serving others as an appellate court judge. In the past two decades I have presided over the types of cases within the appellate court's jurisdiction and have been given the opportunity to work side by side with appellate judges. I am prepared for the challenge. If given the opportunity I will continue to be diligent in pursuing justice for all. It is an awesome responsibility and one that I consider an honor.

**(11) Commission Members' Comments:**

The Commission noted that Judge Lee has over 25 years of exemplary service to the State. They commented that Judge Lee is a highly qualified judge and an excellent candidate.

**(12) Conclusion:**

The Commission found Judge Lee qualified and nominated her for election to the Court of Appeals, Seat 1.

**The Honorable Jerry Deese Vinson Jr.  
Court of Appeals, Seat 1**

### **Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Vinson was born in 1960. He is 58 years old and a resident of Florence, South Carolina. Judge Vinson 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 Vinson.

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

Judge Vinson 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 Vinson 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 Vinson to be intelligent and knowledgeable.

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

- (a) SC Bar Hot Tips from the Coolest Domestic Law Practitioners 9/12/97
- (b) SC Bar Hot Tips from the Coolest Domestic Law Practitioners 8/28/98
- (c) SC Bar Hot Tips from the Coolest Domestic Law Practitioners 9/24/99
- (d) Family Law Ethics Seminar 12/4/99
- (e) SC Bar Hot Tips from the Coolest Domestic Law Practitioners 9/15/00
- (f) SC Bar Hot Tips from the Coolest Domestic Law Practitioners 9/21/01
- (g) SC Bar Hot Tips from the Coolest Domestic Law Practitioners 9/20/02

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- (h) Ethical Issues in Appointed Cases 10/18/02
- (i) Guardian Ad Litem Certification 1/10/03
- (j) SC Bar Cool Tips Seminar 4/25/03
- (k) Children's Law Seminar 10/14/05
- (l) SC Bar CLE – Panel Discussion – New Tools for the Family Court 1/27/06
- (m) SC Bar CLE - Children's Issues in Family Court – Relocation: A New Approach 3/17/06
- (n) 2006 Orientation School for New Judges 7/10/06
- (o) Charleston County Family Law Seminar – Observations from the Bench 11/17/06
- (p) Children's Issues in Family Court – Guardian ad litem Reports What's in It for Me? 3/23/07
- (q) SC Bar Hot Tips from the Coolest Domestic Law Practitioners – Ten Things Lawyers Need to Know about Temporary Hearings 9/21/07
- (r) Children's Law Project Seminar on Abuse & Neglect 11/16/07
- (s) SC Bar CLE - Tips from the Bench – Divorce and Separation – The Devil is in the Details- Checklists as Tools 2/15/08
- (t) SC Bar Hot Tips from the Coolest Domestic Law Practitioners – Best Legal Practices in Abuse and Neglect Cases – a Work in Progress 9/19/08
- (u) SC Bar Hot Tips from the Coolest Domestic Law Practitioners – Thoughts from the Bench – Top Ten Basics All Lawyers Need to Know 9/19/08
- (v) Children's Law Center Conference – Best Legal Practices in Abuse and Neglect Cases 10/31/08
- (w) SC Bar Convention - Family Law Section-Advantages of the New Financial Declaration 1/23/09
- (x) SCDSS CLE - Attorney Training – Best Legal Practices in Abuse and Neglect Cases -Panel Discussion 2/27/09
- (y) SC Bar Hot Tips from the Coolest Domestic Law Practitioners - Common Evidentiary Issues – Oops! I Did It Again 9/18/09
- (z) Training for Attorneys Appointed in Abuse & Neglect Cases 1/15/10
- (aa) SC Bar - Children's Law Committee Seminar– Best Legal Practices in Abuse and Neglect cases 1/23/10  
SCCFCJ Conference – Best Legal Practices 4/22/10

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- (bb) Guardian ad Litem training on Best Legal Practices I Abuse and Neglect Cases 5/17/10
- (cc) SC Bar – Solo & Small Firm Seminar – What Every Lawyer Should Know About Family Court 9/24/10
- (dd) SC Bar Hot Tips from the Coolest Domestic Law Practitioners – Trial Tips from the Bench 10/1/10
- (ee) Child Support Enforcement CLE – Best Legal Practices in Abuse and Neglect Cases 10/29/10
- (ff) Family Court Judges Mini Summit on Justice for Children – Best Legal Practices in Child Abuse and Neglect Cases 12/2/10
- (gg) Orientation School for New Family Court Judges - Alimony 6/8/11
- (hh) SC Bar Hot Tips from the Coolest Domestic Law Practitioners 9/16/11
- (ii) SC Bar Family Court Judges Bench/Bar – Effective Pre-Trial Practice in a Small Market 12/2/11
- (jj) Orientation School for New Family Court Judges - Alimony 5/31/12
- (kk) VIP SCNYTD – SCDSS Independent Living Conference Youth Speak Workshop – Panel Discussion 6/8/12
- (ll) SC Supreme Court Institute – Panel Discussion – Overview of the South Carolina Courts 6/19/12
- (mm) Forum on Judicial Independence & Diversity L WVSC 8/7/12
- (nn) SC Bar Hot Tips from the Coolest Domestic Law Practitioners – Show Your Love, Ten Suggestions for a Happier Relationship with Your Judge 9/28/12
- (oo) Francis Marion University to Criminal Justice Class – Lecture on Juvenile Justice 11/20/12
- (pp) SCAJ Annual Conference – Rules of Procedure – Order of Protection 8/1/13
- (qq) Orientation School for New Family Court Judges - Alimony 5/31/13
- (rr) SC Bar Hot Tips from the Coolest Domestic Law Practitioners – New Rule on Temporary Hearings: Page Limitations, Time Limitations, Exceptions to the Rule 9/27/13
- (ss) Orientation School for New Family Court Judges - Alimony 6/19/14

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- (tt) SC Bar Hot Tips Seminar – Just the Factors Ma’am Attorney Fees 9/26/14
- (uu) SCCA Orientation School for New Judges - Alimony 6/4/15
- (vv) SC Bar Hot Tips from the Coolest Domestic Law Practitioners – Relationships, the Practitioners Professional Responsibility 9/25/15
- (ww) SCCA Orientation School for New Family Court Judges 6/2/16
- (xx) SC Bar Hot Tips from the Coolest Domestic Law Practitioners – Ain’t Mishebavin: Conduct, Lawyers Oath, Rule 9 9/23/16
- (yy) South Carolina Summit on Access to Justice for All – Self-Represented Litigants 10/24/16
- (zz) Twelfth Circuit Tips from the Bench 10/28/16
- (aaa) Children’s Law Seminar 11/4/16
- (bbb) Orientation School for New Family Court Judges - Alimony 5/4/17
- (ccc) SC Bar Hot Tips from the Coolest Domestic Law Practitioners – And It Is So Ordered: Order Details 9/22/17
- (ddd) SC Bar Family Court Judges Bench/Bar – Standardizing “Standard” Visitation – a View from the Bench 12/1/17
- (eee) Children’s Law Center – Raising the Bar for Children 4/13/18
- (fff) SCCA Orientation School for New Judges 5/17/18
- (ggg) SC Bar LRE Mock Trial Competitions, Presiding Judge for regional, state and national 7/04 - present

Judge Vinson reported that he has not published any books or articles, but he has prepared seminar materials for a majority of the seminars at which he has spoken.

**(4) Character:**

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

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

The Commission also noted that Judge Vinson 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 Vinson reported that his last available rating by a legal rating organization, Martindale-Hubbell, is BV.

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

Judge Vinson reported that he has never held public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Vinson was admitted to the South Carolina Bar in 1985.

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

From August 1985 until April 1986, I practiced as an associate with Haigh Porter in Florence, South Carolina. My responsibilities primarily involved mortgage foreclosure actions and real estate transactions.

From April 1986 until July 1987, I served as a law clerk to the Honorable John H. Waller, Jr., Circuit Judge for the Twelfth Judicial Circuit. My responsibilities involved assisting Judge

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Waller with research and reviewing Orders and other documents presented for execution by Judge Waller.

From July 1987 until April 1992, I practiced as an associate with Turner, Padget Graham and Laney, P.A. in Florence, South Carolina. My practice involved civil litigation in State and Federal Court, primarily related to defense of insureds in personal injury, premises liability and business litigation.

From April 1992 until December 1992, I practiced as an attorney with the Fallon Law Firm in Florence, South Carolina. My practice involved civil litigation, primarily representing plaintiffs in personal injury cases.

From January 1993 until January 2001, I was a shareholder with the Vinson Law Firm, PA, in Florence, South Carolina. My practice involved civil and domestic litigation, including personal injury cases and business litigation as well as divorce and custody actions. I also represented the Department of Social Services as a contract attorney for four (4) years during this period of time, litigating abuse and neglect cases. I shared responsibilities for firm management.

In January 2001, I merged my practice with, and became a partner in, McDougall and Self, L.L.P, practicing in the Florence, South Carolina office. My practice was limited to Family Court.

On February 4, 2004, I was elected by the Legislature to the Twelfth Judicial Circuit, Family Court, Seat Three. I have served continuously in that position since July 1, 2004.

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

- (a) Federal: 0%;
- (b) State: 100%;
- (c) Other: 0%.

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

- (a) Civil: 2%;
- (b) Criminal: 0%;
- (c) Domestic: 98%;
- (d) Other: 0%.

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

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

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

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

- (a) Connie Wiggins Skipper v. Douglas Skipper, 95-DR-21-2241. This matter was a divorce case in which the primary issues were equitable distribution and alimony. Husband and wife had been married for 32 years during which time the husband had worked for Southern Bell and the wife had been a full-time homemaker. During the pendency of the action, the husband accepted an early retirement. I was able to demonstrate to the Court that the wife was entitled to half of his retirement as part of the equitable distribution and also that the Court should impute income to him. I utilized a vocational expert who testified that the husband could have continued to earn \$3,500.00 per month. The Court utilized this figure in setting alimony. The husband appealed this case, but later dismissed his appeal. The husband also filed bankruptcy. I was able to protect the equitable distribution award, alimony and the attorney's fees awarded from discharge in bankruptcy.
- (b) Larry Foster v. Betty Foster, 02-DR-21-390. This was an alimony reduction action in which I represented the wife, who had been awarded substantial equitable distribution and alimony at the time of the divorce. The husband claimed a loss in income in the several years preceding the filing of the

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action, using his tax returns as evidence. I was able to demonstrate that there had been no change in his lifestyle and that he had continued to spend the same amount or more than he was spending at the time his original alimony obligation had been set. The Court did not modify the alimony payment based upon the husband's decrease in income, reflected in his financial documents, as his pending spending habits and lifestyle reflected a higher income. The Court slightly reduced the alimony based upon employment which my client had undertaken just prior to the final hearing in this matter. This outcome was affirmed on appeal.

- (c) Maria Parker Doughty v. John Harrell Doughty Jr. 02-DR-21-835. This was a divorce case where the only issue ultimately litigated was related to custody. The father attempted to demonstrate that the mother was morally unfit and was the less-involved parent. Both parties had flexible work schedules which permitted them to spend significant time with the children. Utilizing a child counselor, the testimony of my client, and the efforts of the Guardian ad Litem, I was able to demonstrate that the mother was the more-involved parent and was morally fit. I also was able to demonstrate that the father had entered into a course of conduct intended to alienate the children from the mother. Following a two day trial, the mother was granted sole custody of the children.
- (d) John & Mary Smith v. SCDSS. This was an administrative hearing before the South Carolina Department of Social Services Hearing Panel involving foster parents. The Department of Social Services had raised allegations that Mr. and Mrs. Smith, foster parents within the Department of Social Services system, had abused a foster child in their care. Substantial medical testimony, along with the factual testimony from numerous witnesses, was presented concerning injuries to the foster child. Following the one day trial of this matter, the Hearing Panel determined that the Smiths had not abused the foster child. (I have not disclosed the actual names of my clients as this is not a matter of public record.)
- (e) Debbie Eddings v. Harold David Eddings, 98-DR-21-326. This was a divorce action in which the primary issues were

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equitable distribution and health insurance/alimony. The wife had a preexisting condition which made the purchase of health insurance extremely difficult and expensive. While the marriage had lasted for less than three years, the husband had convinced the wife to resign from her job with Amtrak while he continued to work. After the husband committed adultery, which led to the demise of the marriage, the wife was especially concerned about continuing health insurance coverage. I was able to convince the court to award, in essence, medical alimony. The award provided that the husband would make COBRA payments for the wife's coverage until the COBRA benefits ended, and then he would begin to pay a monthly amount for health insurance premiums unless, or until, the wife became eligible for group benefits, died or remarried. While this order was not appealed, the husband subsequently brought an action for reduction or termination of alimony. The Family Court denied the husband's request.

The following is Judge Vinson's account of the civil appeal he has personally handled:

Larry Foster v. Betty Foster, South Carolina Court of Appeals,  
Unpublished decision filed March 15, 2004.

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

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

From July 1, 2014 to present, I have served on the Family Court for the Twelfth Judicial Circuit. I have been elected three times by the Legislature for this position.

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

(a) The State v. Tyquan Jared Amir Jones, 709 S.E.2d 696, 392 S.C. 647 (Ct. App. 2011)

This appeal arose from a waiver hearing held in 2006. The juvenile pled guilty to voluntary manslaughter following the

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waiver of jurisdiction from the Family Court. The Court of Appeals noted that the trial court had properly considered all of the Kent factors, and also took into account the lack of opportunities and the environment in which the juvenile had lived. Noting that the record contained a great deal of evidence supporting the Family Court decision, the Court of Appeals affirmed the waiver of jurisdiction.

(b) Michael Ashburn v. April Rogers and SCDSS Child

Support Division, 420 S.C. 411, 803 S.E. 2d 469 (Ct. App. 2017)

In this case involving the disestablishment of a paternity order, the Court of Appeals clarified certain principles of collateral estoppel and res judicata. The court held that, despite the fact that the father had been afforded opportunities for paternity testing before and after the paternity order, he was not precluded from seeking relief.

(c) Sandra K. Jackson v. Franklin Jackson, Op. No. 2011-UP-110 (Ct. App. Filed March 16, 2011)

This appeal arose from an award of equitable distribution and alimony as set forth in the trial court's divorce decree. In its unpublished decision, the Court of Appeals found that the Family Court properly considered the relevant factors in apportioning marital property, making extensive written and oral findings regarding the factors. The Court of Appeals also affirmed the award of alimony, again finding that the court properly considered the relevant factors in determining the amount of alimony. This case was significant because it required me to weigh the husband's ability to continue working in juxtaposition with the wife's diminishing ability to work due to a chronic health condition. I also had to take into account the non-marital property of the wife when determining her income and needs.

(d) Punam Hiral Gopaldas v. Hiral Ranjit Gopaldas, 2009-DR-21-2483 and 2011-DR-21-1255

This divorce case primarily involved issues of custody and equitable distribution. Shortly before the scheduled final hearing, the mother and maternal grandmother were found murdered in the former marital residence. The parties' two year old child was present at the time of the murders. Following the homicides, the Department of Social Services

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became involved. There was significant public and press interest in this case, particularly after the father was charged with the double homicide. The matter was brought before me on an emergency motion related to custody. As DSS was a party to the action and there was a need to protect the child and the families, I instituted a gag order and sealed the file during the pendency of the action. I also retained jurisdiction to ensure that the child would be protected throughout the ongoing criminal investigation, especially with regard to multiple forensic interviews.

(e) Christina Lynn Lowry v. Thomas Lowry, 2011-DR-21-1277

This case demonstrated the demands placed on the court by self-represented litigants. The plaintiff represented herself in this two day custody case. The defendant was represented by counsel. The plaintiff, who was well-educated, faced significant challenges in presenting her case for custody. The experienced family court litigator representing the defendant properly challenged the plaintiff throughout the presentation of her case. As a trial judge, I could not assist the plaintiff in presenting her case. It was, however, vitally important that I obtain as much information as possible concerning the best interest of the parties' children. This is the challenge that is frequently presented in self-represented litigation. Through careful, thorough and appropriate questioning by the guardian ad litem and the court, I was able to obtain significant information which ultimately led me to conclude that it was in the children's best interest for the plaintiff to be granted primary custody.

Judge Vinson has not had any additional employment while serving as a judge.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Pee Dee Citizens Committee on Judicial Qualification found Judge Vinson to be "Qualified" as to constitutional

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qualifications, physical health, and mental stability, and “Well Qualified” as to ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

Judge Vinson is married to Flora Sue Lester Vinson. He has no children.

Judge Vinson reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar
  - Judicial member (Current)
  - House of Delegates (Past member)
  - Family Law Section Council - Chair (2001 - 2002) (Past member)
  - Law Related Education Committee (Current member) - Chair (2010 – 2012)
- (b) South Carolina Women Lawyers Association (Current member)
- (c) National Council of Juvenile and Family Court Judges (Current member)
  - Served on Board of Trustees from 2008 to 2011
  - Finance Committee member from 2010 to 2016
- (d) Family Court Judges Association (Current member)
  - President (2012 – 2013)
  - President Elect (2011 - 2012)
  - Secretary/Treasurer (2010 - 2011)
- (e) Bench/Bar Committee (2005-2017) – Chair (2012-2014)
  - Best practices Subcommittee – Chair and Co-Chair (2009 to 2017)
- (f) Governor's Task Force for Adoption and Foster Care (2007 to 2008)
- (g) American Bar Association – Judicial Division (Past member)
- (h) Family Court Judges Advisory Committee (2010-2013)
- (i) Pee Dee Inn of Court (Current member)

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

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- (a) Confirmed Communicant at St. John's Church & former Vestry Member
- (b) Member of Francis Marion University Alumni Association
- (b) Former Vice-Chair of Francis Marion University Foundation Board
- (c) Past President of Francis Marion University Alumni Association
- (d) Graduate of Leadership Florence
- (e) Recipient of Francis Marion University Outstanding Member of Alumni Association (1997)
- (f) Kiwanian of the Year (1994)
- (g) Participant at National Security Seminar, United States Army War College (2008)
- (h) Recipient of Francis Marion University John S. Boyce Award (2010)

Judge Vinson further reported:

I have been privileged to serve as a Family Court Judge for the past 14 years. I am very grateful our Legislature allowed me this opportunity to serve this State and its citizens in this manner. I take my judicial oath very seriously and find that it serves as a constant reminder of how important my conduct is to the perception of our judicial system. I am mindful of the significant impact that the decisions I make in my role as a judge have upon the lives of the persons appearing before me. I am humbled and blessed to have this opportunity.

In my legal career, I have served as a Circuit Court law clerk, an associate at a large firm, a partner in a small firm, and a Family Court Judge. These experiences have taught me that a judge must apply the law to the matter at hand, while remaining mindful of the impact that application may have on the litigants. My experience has served me well as I have heard and decided cases as a trial judge for over a decade.

If I am allowed to serve on the Court of Appeals, I would utilize the lessons that I have learned from my experiences during my time on the Family Court bench, as well as my eighteen years in private practice. It is my hope that my experience and my perspective would be useful to the Court of Appeals.

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**(11) Commission Members' Comments:**

The Commission commented that Judge Vinson's practice and service as a Family Court judge has well prepared him for issues that could arise before the Court of Appeals. The Commission found Judge Vinson well qualified.

**(12) Conclusion:**

The Commission found Judge Vinson qualified and nominated him for election to the Court of Appeals, Seat 1.

**The Honorable John D. Geathers  
Court of Appeals, Seat 3**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Geathers was born in 1961. He is 57 years old and a resident of Columbia, South Carolina. Judge Geathers 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 1986. He was also admitted to the North Carolina Bar in 1992.

**(2) Ethical Fitness:**

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

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

Judge Geathers testified he has not:

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- (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 Geathers 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 Geathers to be intelligent and knowledgeable.

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

- (a) I made a presentation on appellate advocacy at the 2017 Black Lawyers Association Joint Conference on September 29, 2017;
- (b) I presented at the 2016 Hot Tips from the Coolest Domestic Law Practitioners CLE on September 23, 2016;
- (c) I lectured at the Injured Worker's Advocates CLE on November 7, 2014;
- (d) I gave a presentation to the Palmetto Paralegal Association on January 15, 2014;
- (e) I spoke at the Administrative Law and Practice in South Carolina CLE on January 1, 2014 to coincide with the release of a book in which I was a contributing author; and,
- (f) I co-taught administrative law as an adjunct professor at the University of South Carolina School of Law from 2010 to 2015 and at the Charleston School of Law in 2012.

Judge Geathers reported that he has published the following:

- (a) John D. Geathers, et al., SOUTH CAROLINA ADMINISTRATIVE PRACTICE & PROCEDURE, Chapter 1 - Administrative Agencies: General Concepts & Principles (Randolph R. Lowell ed., 3d ed 2013);

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- (b) John D. Geathers, “The Matter Does Not Appear to Me Now as It Appears to Have Appeared to Me Then”: Motions for Reconsideration Before the ALJ Division, S.C. Law, Nov. 2002, at 27;
- (c) John D. Geathers & Justin R. Werner, “An Inglorious Fiction”: The Doctrine of Matrimonial Domicile in South Carolina, 18 WIS. WOMEN’S L.J. 233 (2003);
- (d) John D. Geathers & Justin R. Werner, “An Inglorious Fiction”: The Doctrine of Matrimonial Domicile in South Carolina, S.C. Trial Lawyer’s Bulletin, Fall 2003, at 14; and,
- (e) John D. Geathers & Justin R. Werner, The Regulation of Alcoholic Beverages in South Carolina (South Carolina Bar, 2007).

**(4) Character:**

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

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

The Commission also noted that Judge Geathers 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 Geathers reported that he is not rated by any legal rating organization.

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

Judge Geathers reported that he has never held public office other than judicial office.

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**(6) Physical Health:**

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

**(7) Mental Stability:**

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

**(8) Experience:**

Judge Geathers was admitted to the South Carolina Bar in 1986 and to the North Carolina Bar in 1992.

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

- (a) SC Department of Labor, OSHA Attorney (1986);
- (b) Office of Senate Research, SC Senate, Senior Staff Counsel (1986-1995);
- (c) SC Administrative Law Court, Administrative Law Judge (1995-2008); and,
- (d) SC Court of Appeals, Judge (2008-present).

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

I was elected to the Administrative Law Court in 1994 and served from 1995 until 2008, upon being elected to the Court of Appeals. As an ALJ, I presided over hearings of contested cases and conducted appellate review of cases of designated agencies. See Sections 1-23-380 and 1-23-23-600 of the S.C. Code.

I was elected to the Court of Appeals in 2008. The Court of Appeals has such jurisdiction as prescribed by the General Assembly by general law. Art. V, sec. 9, S.C. Constitution. Pursuant to 14-8-200, the Court of Appeals hears most types of appeals from the circuit court and family court, not otherwise reserved to the Supreme Court in its original jurisdiction. The Court also hears PCR matters as directed by the Supreme Court. Also, the Court of Appeals adjudicates appeals

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from the Administrative Law Court and the Workers' Compensation Commission.

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

- (a) State v. Douglas, 411 S.C. 307, 768 S.E.2d 232 (Ct. App. 2014), cert. dismissed, (July 13, 2016);
- (b) Ackerman v. S.C. Dept. of Corrections, 415 S.C. 412, 782 S.E.2d 757 (Ct. App. 2016), cert. denied (May 30, 2017);
- (c) Bolin v. S.C. Dept. of Corrections, 415 S.C. 276, 781 S.E.2d 914 (Ct. App. 2016);
- (d) Atkins v. Wilson, 417 S.C. 3, 788 S.E.2d 228 (Ct. App. 2016), cert. denied (Oct. 19, 2017); and,
- (e) Urban v. Kerscher, Op. No. 5560 (S.C. Ct. App. filed May 23, 2018) (Shearouse Adv. Sh. No. 21 at 88).

Judge Geathers reported the following regarding his employment while serving as a judge:

- (a) University of South Carolina School of Law, Adjunct Professor (2010-2015); and,
- (b) Charleston School of Law, Adjunct Professor (2012).

Judge Geathers further reported the following regarding unsuccessful candidacies:

I was qualified and nominated for election to the Court of Appeals by the Commission for judicial elections held on February 6, 2008 and withdrew my candidacy. Also, I was qualified and nominated for election to the circuit court in 2006. I withdrew my candidacy. I was also qualified for the circuit court in 2004 and withdrew my candidacy.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Midlands Citizens Committee on Judicial Qualification found Judge Geathers to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability,

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character, reputation, experience, and judicial temperament; and, "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee provided an additional comment in their report, which states: "Well qualified in all aspects. Very pleasant."

Judge Geathers is married to Doris Williams. He has two children.

Judge Geathers reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar; and,
- (b) North Carolina Bar.

Judge Geathers provided that he is not a member of any civic, charitable, educational, social, or fraternal organizations

Judge Geathers further reported that:

In executing my duties, I shall endeavor to "live ... an eagle's flight beyond the reach of fear or favor, praise or blame, profit or loss." William S. McFeely, Frederick Douglas 318 (1991).

**(11) Commission Members' Comments:**

The Commission commented that Judge Geathers has an outstanding reputation as a jurist. They noted his great intellect which has ably served him in discharging his responsibilities on the Court of Appeals.

**(12) Conclusion:**

The Commission found Judge Geathers qualified and nominated him for re-election to the Court of Appeals, Seat 3.

**The Honorable Paula H. Thomas  
Court of Appeals, Seat 4**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Thomas was born in 1957. She is 61 years old and a resident of Georgetown, South Carolina. Judge Thomas 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 1986.

### (2) Ethical Fitness:

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

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

Judge Thomas 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 Thomas 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 Thomas to be intelligent and knowledgeable.

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

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- (a) Speaker for “Restructured State Government and the State of Administrative Law,” August, 1993;
- (b) Speaker for “So You Want to Be a Judge,” Women in Law, Columbia, SC, April, 1996;
- (c) Speaker - Circuit Court Judges Orientation - Preservation Issues - July 8, 2011; and,
- (d) Speaker - Sumter Ladies Woman Club - “Being a Judge and How to Get There,” March 21, 2012.

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

**(4) Character:**

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

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

The Commission also noted that Judge Thomas 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 Thomas reported that she is not aware of any ratings by any legal rating organization.

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

Judge Thomas reported that she has held the following public office:

Elected SC House Seat 108, November 1992, served until June 1996. All reports were filed, no penalties.

**(6) Physical Health:**

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

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**(7) Mental Stability:**

Judge Thomas appears to be mentally capable of performing the duties of the office she seeks.

**(8) Experience:**

Judge Thomas was admitted to the South Carolina Bar in 1986.

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

- (a) January 1987 - September 1987: Law Offices of Kenneth W. Thorton, Georgetown, SC, Associate (family court and circuit court matters);
- (b) September 1987 - August 1988: Rubillo & Thomas, Georgetown, SC, Partner (family court and circuit matters);
- (c) August 1988 - January 1993: Law Office of Paula H. Thomas, Pawleys Island, SC, Partner (family court and circuit court matters);
- (d) January 1993 - January 1994: Thomas & Gundling, Pawleys Island, SC, Partner (family court and circuit court matters);
- (e) January 1994 - May 1994: Lawimore, Thomas, Gundling & Kelaher, Pawleys Island, SC, Partner (family court and circuit court matters);
- (f) May 1994 - January 1995: Thomas, Gundling & Kelaher, Pawleys Island, SC, Partner (family court and circuit court matters); and,
- (g) January 1995 - July 1996: Law Office of Paula H. Thomas, Pawleys Island, SC, sole practitioner (family court and circuit court matters).

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

- (a) Elected May 1996, SC Circuit Court, At-Large Seat #1;
- (b) Elected May 1998, SC Circuit Court, 15<sup>th</sup> Judicial Circuit, Seat #1; and,
- (c) Elected February 2007, SC Court of Appeals, Seat #4; and,
- (d) Re-elected January 2012, SC Court of Appeals, Seat #4.

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

- (a) Stringer v. State Farm Mutual Auto Ins. Co., 386 S.C. 188, 687 S.E.2d 58 (Ct. App. 2009) (en banc) (cert. denied).
- (b) State v. Adams, 397 S.C. 481, 725 S.E.2d 523 (Ct. App. 2012) (addressing for the first time in South Carolina whether the placement and monitoring of a GPS device on a person's car without a warrant is an unreasonable search under *United States v. Jones*, 565 U.S. 400 (2012) and the Fourth Amendment).
- (c) Campbell v. Robinson, 398 S.C. 12, 726 S.E.2d 221 (Ct. App. 2012) (addressing for the first case whether an engagement ring is the property of the donor or the donee after the engagement is cancelled).
- (d) Williams v. Smalls, 390 S.C. 375, 701 S.E.2d 772 (Ct. App. 2010) (cert. denied) (addressing for the first time whether the "liability for owners of trespassing stock" statute imposed strict liability on an owner of livestock for personal injuries suffered when automobile driver collided with escaped livestock).
- (e) State v. Brown: 414 S.C. 14, 776 S.E.2d 917 (2018) (finding that defendant did not have a reasonable expectation of privacy in abandoned cellular telephone).

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

Judge Thomas further reported the following unsuccessful candidacies:

- (a) Court of Appeals, Seat #2 in 2004; and,
- (b) Court of Appeals, Chief Judge in 2016.

### (9) Judicial Temperament:

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

### (10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualification found Judge Thomas to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability,

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character, reputation, experience, and judicial temperament; and “Qualified” in the criteria of physical health and mental stability. The Citizens Committee did not indicate whether Judge Thomas is “Qualified” or “Unqualified” as to constitutional qualifications.

Judge Thomas is married to Don Stanley Thomas. She has three children.

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

- (a) South Carolina Bar Association
- (b) South Carolina Court of Appeals Association

Judge Thomas provided that she is not a member of any civic, charitable, educational, social, or fraternal organizations.

Judge Thomas further reported the following work experience outside of the legal field:

- (a) Sumter Alcohol & Drug Abuse, Intervention Specialist, Sumter, SC (December 1981 to November 1982); and,
- (b) South Carolina Vocational Rehabilitation, Counselor, Sumter, SC (December 1982 to May 1983).

Judge Thomas further provided that:

10 years on the Circuit Court bench and 12 years on the SC Court of Appeals

**(11) Commission Members' Comments:**

The Commission commented that Judge Thomas has an outstanding reputation as a jurist. They remarked on her great intellect and temperament which has ably served her in discharging her responsibilities on the Court of Appeals.

**(12) Conclusion:**

The Commission found Judge Thomas qualified and nominated her for re-election to the Court of Appeals, Seat 4.

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**CIRCUIT COURT  
QUALIFIED AND NOMINATED**

**The Honorable DeAndrea Gist Benjamin  
Circuit Court, Fifth Judicial Circuit, Seat 1**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Benjamin was born in 1972. She is 46 years old and a resident of Columbia, South Carolina. Judge Benjamin 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 1997.

**(2) Ethical Fitness:**

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

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

Judge Benjamin 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.

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Judge Benjamin 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 Benjamin to be intelligent and knowledgeable.

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

- (a) I have spoken at the SC Black Lawyers Retreat in September 2013, 2014, 2015 on various topics to include being elected to a Judgeships and tips from the bench.
- (b) I served on a panel for the 23<sup>rd</sup> Annual Criminal Practice in SC, tips from the bench – February 28, 2014.
- (c) Speaker, Lawyer Mentoring Program – May 15, 2014
- (d) Speaker, Criminal Defense Practice Essentials – May 30, 2014
- (e) Speaker, SC Women Lawyers Association Pathway to Judgeship in SC – June 9, 2016
- (f) Panel Speaker, Association of Corporate Counsel, "What corporate and in-house counsel should know when appearing in court – August 30, 2017.

Judge Benjamin reported that she has published the following: "Why Doesn't She Leave? The Psychology of a Domestic Violence Victim." The American Bar Association Affiliate Newsletter, Volume 26, Number 2, Nov/Dec 2000.

### (4) Character:

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

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

The Commission also noted that Judge Benjamin was punctual and attentive in her dealings with the Commission, and the

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

**(5) Reputation:**

Judge Benjamin reported that she is not rated by any legal rating organization.

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

Judge Benjamin reported that she has held the following public office(s):

I served on the Juvenile Parole Board from July 2001 – June 2004. I was appointed by Governor James H. Hodges, Jr. I timely complied with State Ethics reports.

**(6) Physical Health:**

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

**(7) Mental Stability:**

Judge Benjamin appears to be mentally capable of performing the duties of the office she seeks.

**(8) Experience:**

Judge Benjamin was admitted to the South Carolina Bar in 1997.

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

- (a) South Carolina Judicial Department, Judicial Law Clerk, The Honorable L. Casey Manning. (August 1997 – August 1998)
- (b) Fifth Judicial Circuit Solicitor's Office, Assistant Solicitor, Juvenile/Family Court Division. (August 1998 – November 1999) – I prosecuted felonies and misdemeanors involving juvenile offenders. I also served on the local Juvenile Drug Court.
- (c) South Carolina Attorney General's Office, Assistant Attorney General (November 1999- July 2001). I was assigned to the prosecution division where I prosecuted cases involving violent acts against women and

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children, sexual assault offenses, elder abuse cases, and civil commitments under the Sexually Violent Predator (SVP) law.

- (d) South Carolina Juvenile Parole Board, Member and Vice Chair (July 2001 – June 2004). I was a member of a ten-member board that presided over the retention and release of juveniles from the South Carolina Department of Juvenile Justice. I served as Vice-Chair from July 2002-June 2003.
- (e) Gist Law Firm, Partner (July 2001 – April 2011). I was a partner in my family law firm. I handled all of the family court cases in our office. My family law practice included marital litigation, child custody disputes, child support cases, DSS abuse and neglect cases, adoptions, and representation of juveniles in family court. My practice also included Employment Law, Criminal law, and some Personal Injury work. I have also been appointed in the past to serve as a Guardian ad Litem in DSS cases and in child custody disputes.
- (f) City of Columbia Municipal Court, Municipal Judge (July 2004 – May 2011). Presides over the municipal courts for the City of Columbia. I handled misdemeanor criminal and traffic offenses, specialized Criminal Domestic Violence court and Quality of Life court. I presided over a term of Jury Trials every six weeks.
- (g) Circuit Court Judge, Fifth Judicial Circuit (May 2011 – present)

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

- (a) City of Columbia Municipal Court – July 2004 – May 2011
- (b) Circuit Court, Fifth Judicial Circuit, Seat 1, – May 2011- present

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

- (a) State vs. Conrad Lamont Slocumb, 412 S.C. 88 (Ct. App. 2015)

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- (b) State vs. Hank Eric Hawes, 813 S.E. 2d 513, (Ct. App. 2018)
- (c) Trumaine Moorer vs. Norfolk Southern Railway, 2014 WL 2581554
- (d) Edwin Smith vs. David Fedor, 809 S.E.2d 612 (Ct. App. 2017)
- (e) State vs. Brett Parker, 2015 WL 9594410

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

Judge Benjamin further reported the following regarding unsuccessful candidacies:

I had an unsuccessful bid for Family Court (Fifth Judicial Circuit Family Court Seat 1) in February 2010.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Midlands Citizens Committee on Judicial Qualification found Judge Benjamin to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee found Judge Benjamin to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. In addition, the Committee noted Judge Benjamin was "well-qualified" and "will become more seasoned the longer she serves."

Judge Benjamin is married to Stephen K. Benjamin. She has two children.

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

- (a) South Carolina Bar Board of Governors - 2007 - 2009
- (b) South Carolina Bar, Chair, Young Lawyers Division – 2006 –2007
- (c) South Carolina Bar, House of Delegates – 2002-2009

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- (d) South Carolina Bar, Young Lawyers Division, Fifth Circuit Representative 2001- 2003
- (e) American Bar Association, Young Lawyers Division, District Representative – 2003 – 2005
- (f) American Bar Association, Minorities in the Profession Scholar – 1998-1999.
- (g) Women Lawyers Association
- (h) South Carolina Black Lawyers Association
- (i) Columbia Lawyers Association
- (j) Appleseed Legal Justice Center, Former Board Member
- (k) Richland County Bar Association

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

- (a) Edventure Children's Museum Board
- (b) St. John Preparatory School Board
- (c) Columbia Alumnae Chapter of Delta Sigma Theta
- (d) USC Community Advisory Board
- (e) Columbia Chapter of the Links, Inc., President (2018-present)
- (f) Columbia Chapter of Jack and Jill, Parliamentarian (2014-present)

Judge Benjamin further reported:

My experience as a prosecutor, defense attorney, private attorney, parole board member and Municipal Judge has afforded me the opportunity to practice in many areas of the law and before different courts. My experience as a judge, mother, daughter, wife and unfortunately as a victim of crime in my family has afforded me the opportunity to view the judicial system from all angles. I have always treated people with dignity and respect regardless if they were before me for a traffic ticket or murder. I have always treated litigants and attorneys the way I would have wanted to be treated. I believe in treating everyone fair and impartial, with dignity and respect while upholding the law.

**(11) Commission Members' Comments:**

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The Commission found Judge Benjamin's diverse experience prepared her well for serving as a Circuit Court judge, a role she handles both responsibly and respectfully.

**(12) Conclusion:**

The Commission found Judge Benjamin qualified and nominated her for re-election to the Circuit Court, Fifth Judicial Circuit, Seat 1.

**The Honorable Joseph Derham Cole  
Circuit Court, Seventh Judicial Circuit, Seat 1**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Cole was born in 1952. He is 66 years old and a resident of Spartanburg, South Carolina. Judge Cole 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 Cole.

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

Judge Cole testified he has not:

(a) sought or received the pledge of any legislator prior to screening;

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- (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 Cole 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 Cole to be intelligent and knowledgeable.

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

- (a) presenter and/or discussion panelist - South Carolina Bar Association annual convention - case law update discussion
- (b) presenter and/or South Carolina Bar Association annual conference - case law update discussion
- (c) presenter and/or discussion panelist - South Carolina Public Defenders Association annual conference - court run docketing system
- (d) presenter and/or discussion panelist - South Carolina Trial Attorneys Association annual Trial Academy - trial judge for mock trials for inexperienced trial attorneys
- (e) presenter/discussion panelist - Spartanburg County Bar Association - bench tips for lawyers

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

**(4) Character:**

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

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

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The Commission also noted that Judge Cole 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 Cole reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV.

Judge Cole reported that he has held the following public office(s):

- (a) 1977-1985, Assistant Circuit Solicitor, Seventh Judicial Circuit, appointed
- (b) 1987-1992, Member South Carolina House of Representatives, Spartanburg County District 32, elected.

**(6) Physical Health:**

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

**(7) Mental Stability:**

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

**(8) Experience:**

Judge Cole was admitted to the South Carolina Bar in 1977.

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

- (a) Assistant Solicitor, Seventh Judicial Circuit, Criminal Prosecution, 1977-1985;
- (b) Private Practice, Cole and Taylor Law Firm, 1985-1992, General Practice, administrator and trust account manager;
- (c) Member, South Carolina House of Representatives, Judiciary Committee, 1987-1992;
- (d) Resident Judge, Seventh Judicial Circuit Court, 1992-present.

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

Yes, 1992-2018, Circuit Court Seventh Judicial Circuit. Elected by the South Carolina General Assembly. General civil and criminal jurisdiction and limited appellate jurisdiction.

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

- (a) The State v. Willie Earl Pilgrim, 326 SC 24 (1997); 320 SC 409 (Ct. App. 1995) cert granted.
- (b) Dennis Nelson v. Yellow Cab Co., 349 SC 589 (2002); 343 SC 102 (Ct. App.) cert granted.
- (c) The State v. Ricky Dennis Gentry, 363 SC 93
- (d) William D. Curtis v. Brandon T. Blake, 381 SC 189 (2009); 392 SC 494 (Ct. App. 2011) cert granted.
- (e) White Oak Manor, Inc. v. Lexington Insurance Company, 407 SC 1 (2014); 394 SC 375 (Ct. App. 2011) cert granted.

Judge Cole further reported the following regarding unsuccessful candidacies:

Circuit Solicitor, Seventh Judicial Circuit, general election, 1984.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Upstate Citizens Committee on Judicial Qualification found Judge Cole 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.

Judge Cole is married to Candace Linn Carlson Cole. He has three children.

Judge Cole reported that he was a member of the following Bar and professional associations:

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- (a) Spartanburg County Bar Association
- (b) South Carolina Bar Association
- (c) American Bar Association - Judicial Division
- (d) National Conference of State Trial Court Judges - Delegate  
- 2011 - 2015
- (e) South Carolina Commission on Judicial Conduct 2001-  
present, panel chairman
- (f) S.C. Association of Circuit Court Judges - V.P. 2008-2010,  
President 2010-2012
- (g) S.C. Supreme Court Historical Society

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

- (a) The Piedmont Club
- (b) The Bobby Chapman Junior Invitational Golf Tournament  
Board of Directors
- (c) The Peggy Gignilliat Society - Chapman Cultural Arts  
Center
- (d) The Spartanburg Area Conservancy
- (e) The Converse Heights Neighborhood Association

**(11) Commission Members' Comments:**

The Commission commented that Judge Cole is an outstanding jurist  
and noted he is sharp and even-handed.

**(12) Conclusion:**

The Commission found Judge Cole qualified and nominated him  
for re-election to the Circuit Court, Seventh Judicial Circuit, Seat  
1.

**The Honorable Deadra L. Jefferson  
Circuit Court, Ninth Judicial Circuit, Seat 1**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

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Judge Jefferson was born in 1963. She is 55 years old and a resident of Charleston, South Carolina. Judge Jefferson 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 1989.

### (2) Ethical Fitness:

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

Judge Jefferson 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 Jefferson reported that she anticipates to spend less than \$100 in furtherance of her candidacy.

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

The Commission received and heard testimony regarding a formal complaint filed against Judge Jefferson. The Commission found the complaint to be *unfounded*, and the Commission commented that Judge Jefferson was very forthright with her answers. The Commission further commented that Judge Jefferson was very calm and even-keeled in her handling of the complaint.

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**(3) Professional and Academic Ability:**

The Commission found Judge Jefferson to be intelligent and knowledgeable.

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

- (a) Business Law Instructor, Trident Technical College Paralegal Program, 1993-1994;
- (b) March 20, 1998, "Rules, Rules, Rules" South Carolina Practice and Procedures Update, Presenter on the issue of Family Court Rules, SC Bar;
- (c) October 24, 1998, Speaker/Panel Participant Wiley A. Branton Symposium, National Bar Association;
- (d) November 6, 1998, "Current Issues in Attorney's Fees," Presenter, SC Bar Association;
- (e) December 10, 1998, Recent Developments in Family Law, "Six by Six" CLE Seminar, Presenter, Charleston County Bar Association;
- (f) May 20, 1999, "Adjudication Hearings," Presenter and Contributor to Family Court Judges Juvenile Workbook, SC Association of Family Court Judges;
- (g) February 25, 2000, "Tips from the Bench," Adoption, Presenter, SC Bar Association;
- (h) April 14, 2000, "The Role of the Judge and Guardian ad Litem in Abuse and Neglect Proceedings" Judges Panel, South Carolina Guardian ad Litem Conference;
- (i) September 22, 2000, "Women, Leadership and the Law," Brown Bag Lunch Panel Participant, SC Women Lawyers Association and College of Charleston Women's Studies Program;
- (j) May 2, 2001, Family Law Update and Tips from the Bench, Presenter, Charleston Lawyers Club;
- (k) May 18, 2001, "The Use of Psychological Evaluations in Juvenile Proceedings," Panel, Children's Law Center;
- (l) May, 2001, Judges Panel, 3<sup>rd</sup> Annual Children's Law Conference;
- (m) December 13, 2002, Hot Tips III, "Appeals and Motions,"
- (n) April 11, 2003, Speaker, Women Lawyers in the New Millennium, "Ethics Issues"

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from Various Judicial Perspectives;"

- (o) November 15-19, 2004, National Judicial College, Advanced Evidence, Group Discussion Leader;
- (p) June 20, 2003, SCDTAA Trial Academy Judge;
- (q) September, 2005, SC Black Lawyers Association, Judicial Selection in South Carolina, Judicial Panel;
- (r) September 26, 2005, SC Solicitors' Association Conference, Criminal Law Update, "Recent Court Decisions;"
- (s) October 20, 2005, Charleston School of Law Professionalism Series, "Civility and Ethics;"
- (t) November 4, 2005, SC Defense Trial Lawyers Ethics and Civility \*\*In Trial unable to make the presentation;
- (u) February 15, 2006, Charleston School of Law Ethics & Professionalism Series Panelist, "Civil Justice Reform;"
- (v) May 1, 2006, Law Day, Panel Presentation "Judicial Selection in South Carolina" Charleston School of Law;
- (w) June 10, 2006, National Judicial College, Handling Capital Cases, Group Discussion Leader;
- (x) September 29, 2006, SC Black Lawyers Association, "Civil Practice."
- (y) November 16, 2006, Young Lawyers Division, New Admittees Reception, Presentation;
- (z) May 24, 2007, Young Lawyers Division, "Tips for Young Lawyers in Circuit Court;"
- (aa) March 1, 2008, "We Shape the World" Charleston School of Law, Minority Law Day, Speaker;
- (bb) March 8, 2008, Women of Wisdom Expo 2008 "Daring to Embrace New Beginnings," Bibleway Church, Columbia, SC;
- (cc) March 10, 2008, National Association for Court Management, Mid-Year Conference, Welcome Presentation;
- (dd) June 11, 2008, Pro-Bono Legal Service Summer Intern Class, In-Court Seminar;
- (ee) June 12, 2008, "Governors' School of SC" Summer Class;
- (ff) July 29, 2008, Magistrate Seminar, Presenter, "Appeals, Returns and Ethics;"

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- (gg) August 21, 2008, Annual Judicial Conference, South Carolina Access to Justice Commission, Panelist;
- (hh) December 9, 2008, Young Lawyers Association Luncheon, Speaker, "Professionalism Series;"
- (ii) March 19, 2009, Charleston School of Law Professionalism Series Lecture, Panelist, "Access to Justice;"
- (jj) July 31, 2009, CLE "Limitations on Questioning Judges under the Judicial Cannons;"
- (kk) February 24, 2010, Charleston Lawyer's Club CLE "Advice from the Bench: Likes and Dislikes in Motion Practice, Briefs and Oral Argument;"
- (ll) February 26, 2010, Stono Park Elementary Career Day;
- (mm) March 10, 2010, Junior Girls Day Out Community Project- Courthouse Observation, Question and Answer Session on Judicial Proceedings;
- (nn) July 22, 2010, Metanoia Freedom School "Read-A-Loud," Chicora Elementary;
- (oo) November 19, 2010, South Carolina Legal Services Statewide Conference, Panelist;
- (pp) April 29, 2011, South Eastern Chapter of the American Board of Trial Advocates Annual Conference CLE, "Excellent, Advocacy and the Preservation of the Civil Jury Trial: Views from the Bench," Panelist;
- (qq) June 20, 2011, SC Supreme Court Institute for Middle and High school Teachers, Panelist;
- (rr) July 22, 2011, Seminar "What Works for Me in Practice"; "Practical tips from the Bench;"
- (ss) April 24, 2012, Charleston Lion Club Luncheon, "SC Court Structure," Speaker;
- (tt) July 20, 2012, "Seminar "What Works for Me in Practice: Practical tips from the Bench;"
- (uu) July 10, 2014, Berkeley County School District 8<sup>th</sup> Annual Junior Scholarship Institute;
- (vv) September 22, 2014, SC Solicitor's Association Fall Conference Panelist Covering "Significant Cases: 2013-2014;"
- (ww) May 6, 2015, Military Magnet Academy Law Enforcement Class, "Law Day;"
- (xx) July 10, 2015, Orientation School for New Circuit Court Judges; Presenter, "Civil Non-Jury;"

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- (yy) February 16, 2016, "Seminar "What Works for Me in Practice: Practical tips from the Bench;"
- (zz) February, 25, 2016, Memminger Elementary 4<sup>th</sup> grade students, Court Observation, The Judicial Branch of Government, Questions and Answers;
- (aaa) March, 22, 2016, "Seminar "What Works for Me in Practice: Practical tips from the Bench;"
- (bbb) July 22, 2016, "Charleston Pro Bono Legal Services, "What works for Me in Practice," Seminar;
- (ccc) March 14, 2017, Memminger Elementary 4<sup>th</sup> grade Students, Court Observation, The Judicial Branch of Government, Questions and Answers;
- (ddd) March 22, 2017, Military Magnet Academy Law Enforcement Class "Law Day;"
- (eee) July 6, 2017, Orientation School for New Circuit Court Judges; Presenter, "Civil Non-Jury;"
- (fff) November 3, 2017, SC Young Lawyers Division, Law Week, Mock Trial Judge, Deer Park Middle School;
- (ggg) June 22, 2017, Charleston County Junior Scholars, Court Observation, The Judicial Branch of Government, Questions and Answers;
- (hhh) June 28, 2017, Charleston County Junior Scholars, Court Observation, The Judicial Branch of Government, Questions and Answers;
- (iii) July 12, 2018, Orientation School for New Circuit Court Judges; Presenter, "Civil Non-Jury."

Judge Jefferson reported that she has published the following:

- (a) Marital Litigation in SC, Roy T. Stuckey and F. Glenn Smith (SC Bar CLE 2001), Editorial Board.
- (b) The Law of Automobile Insurance in SC, Elizabeth Scott Moise (SC Bar CLE 2009), Editorial Board.
- (c) I have provided written seminar materials for the S.C. bar in conjunction with CLE Seminar presentations. These materials have been published by the S.C. Bar as a part of their published seminar materials. I have not published any books or articles.

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**(4) Character:**

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

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

The Commission also noted that Judge Jefferson 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 Jefferson reported that she is not rated by any legal rating organization.

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

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

**(6) Physical Health:**

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

**(7) Mental Stability:**

Judge Jefferson appears to be mentally capable of performing the duties of the office she seeks.

**(8) Experience:**

Judge Jefferson was admitted to the South Carolina Bar in 1989.

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

(a) Law Clerk to the Honorable Richard E. Fields, Ninth Judicial Circuit, Seat 1, Charleston, South Carolina, August 1989 through August 1990. Primary Responsibilities: legal research, preparation of jury

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charges, preparation of Orders, scheduling of motions, all tasks required to prepare the Judge and myself for trials/hearings during the term and all other daily tasks as required by the Judge that ensured the smooth operation of Court.

- (b) McFarland and Associates, Attorney, October 1990 through March 1996. Trial practice focusing on the following areas: Civil Litigation, Domestic Relations, Probate Law, Real Estate Law, Workers Compensation and Criminal Law.
- (c) Resident Family Court Judge, Ninth Judicial Circuit, Seat 5 elected February 14, 1996 and served through June 2001.
- (d) Resident Circuit Court Judge, Ninth Judicial Circuit, Seat 1, elected May 31, 2001 serving continuously

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

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

Yes. Resident Family Court Judge, Ninth Judicial Circuit, Seat Five, elected February 14, 1996. My service began on April 1, 1996, and concluded in June 2001 when I was elected to the Circuit Court. I was elected to this position by the General Assembly. The Family Court is a statutory court of limited and specific jurisdiction. The jurisdiction of the Family Court is set forth in S.C. Code Annotated § 20-7-420, et seq. (i.e. divorce, custody, child support, name changes, juveniles, equitable distribution, adoptions, abuse and neglect, and as further set forth in the statute).

Currently, Resident Circuit Court Judge, Ninth Judicial Circuit, Seat 1. My service began on July 2, 2001. I was elected to this position by the General Assembly on May 30, 2001. The Circuit Court is South Carolina's Court of general jurisdiction. It has a civil court, the Court of Common Pleas, and a criminal court, the Court of General Sessions. In addition to its general trial jurisdiction, the Circuit Court has limited appellate jurisdiction

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over appeals from the Probate Court, Magistrate's Court, Municipal Court, Zoning and any residual Workers Compensation appeals. I have served continuously since July 2, 2001.

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

- (a) Beachfront Entertainment, Inc., et al. v. Town of Sullivan's Island, 379 SC 602, 666 S.E.2d 921 (2008);
- (b) State v. Washington, 367 S.C. 76, 623 S.E.2d 836 (Ct. App. 2006); 379 S.C. 120, 665 S.E.2d 602 (2008);
- (c) Home Port Rentals, Inc. v. Moore, 369 S.C. 493, 632 S.E.2d 862 (2006);
- (d) State v. Stephen C. Stanko, 376 S.C. 571, 658 S.E.2d 94 (2008);
- (e) Donevant vs Town of Surfside Beach, 422 S.C. 264, 811 S.E.2d 744 (2018).

Judge Jefferson further reported the following regarding unsuccessful candidacies:

Candidate- Family Court of S.C., Ninth Judicial Circuit, Seat to be vacated by the Hon. Robert R. Mallard in or about January 1995 through March of 1995. I went through the screening process successfully and was found Qualified to hold judicial office. I voluntarily withdrew from the process prior to the election.

Candidate – Supreme Court of South Carolina, Seat 3, to be vacated by the Hon. Justice James E. Moore in or about September 2007. I went through the screening process successfully and was found Qualified to hold judicial office but not nominated.

Candidate- Supreme Court of South Carolina, Seat 4, to be vacated by the Hon. Justice John Henry Waller, Jr. in or about

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February 2009. I went through the screening process successfully and was found Qualified and Nominated.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Low Country Citizens Committee found Judge Jefferson "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee found her "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

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

- (a) South Carolina Bar Association;
- (b) Charleston County Bar Association;
- (c) S.C. Association of Circuit Court Judges; Secretary, 2011-2013; Vice President, 2013-2015; President, 2015-2017;
- (d) S.C. Women Lawyers Association;
- (e) S. C. Black Lawyers Association.

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

- (a) The Life Center Cathedral, Charleston, S.C., Board of Trustees 2001-2017, Vision Steering Committee 2017-present; Co-Founder and Director of Young Women's Ministry "YWCE", 1999-2015;
- (b) Charleston, SC Chapter of the Links, Inc., Co-Chair Services to Youth 2000-2001; Corresponding Secretary 2004-2006; Recording Secretary 2006-2007; Chair Bylaws Committee 2006-2007; 2014- 2018; Vice President 2007- 2009; President 2009-2013; Parliamentarian 2014-2018; Ethics Chair 2016-present;
- (c) Former member Junior League of Charleston, former Strategic Planning Committee, Community Project Development Committee, Advisory Planning

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Committee, and President's Ad Hoc Committee on Diversity; 1993-2003;

- (d) Delta Sigma Theta Sorority, Inc., 1982-present;
- (e) The Post and Courier Feature Article August 6, 2001;
- (f) The Post and Courier "High Profile" Article May 7, 2005;
- (g) "The Heritage List, 9 Dazzling Women of Spirit and Humility" Celebrate Your Heritage Magazine, Spring 2005;
- (h) NAACP Lifetime Achievement Award 2003;
- (i) Greater Charleston YWCA Lifetime Achievement Award 2004;
- (j) Advisory Board Charleston School of Law 2002-present;
- (k) Converse College Board of Trustees; 2002-2010; 2011-present; Academic Affairs; Legal Affairs Sub-Committee; Enrollment & Marketing Committee; Student Affairs Committee; Investment Sub-Committee; Committee on Trustees; Enrollment and Programs Committee; Legal and Risk Management Subcommittee;
- (l) Converse College Board of Visitors 2001-2002;
- (m) April 24, 2003 Founder's Day Speaker Converse College;
- (n) Governor's Juvenile Justice Advisory Committee 2000-2007;
- (o) South Carolina Commission on Alternative Dispute Resolution 2002-2006, User Education Sub-Committee;
- (p) Co-Chair 9<sup>th</sup> Circuit Courthouse Security Commission August 4, 2006-present;
- (q) Associate Acting Justice South Carolina Supreme Court for the terms December 1, 2005, June 10, 2004 and November 2, 2006;
- (r) Associate Acting Judge South Carolina Court of Appeals for the term June 11-13, 2003, October 7, 2003 and March 17, 2004 during these terms I sat En Banc with the Court, authored two (2) opinions and participated on seven (7) other panels/opinions;
- (s) Designated by Chief Justice Toal as state liaison to The National Consortium on Racial and Ethnic Fairness in the Courts February 7, 2005-present; Board of Directors of April 2011-present;
- (t) Designated as Chief Judge for Administrative Purposes for the 9<sup>th</sup> Circuit as follows: General Sessions July 1, 2002-

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January 5, 2003; Common Pleas January 6, 2003-January 3 2004; General Sessions January 4, 2004-July 3, 2004 and Common Pleas January 1, 2006-December 30, 2006; General Sessions, Jan. 1-July 31, 2008. Common Pleas January 1, 2009-December 31, 2009; General Sessions, January 2011-December 30, 2011; and Common Pleas, January 1, 2012-December 30, 2013; General Sessions, January 3, 2016-July 1, 2017; Common Pleas (Charleston) January 1, 2017-December 30, 2017; Common Pleas and General Sessions (Berkeley) December 31, 2017-present;

- (u) Assigned exclusive jurisdiction of the following cases by the Supreme Court: April 29, 2003 (03-GS-47-4) Statewide Grand Jury, State v. Bunker, et al.; December 2, 2003 (01-CP-18-0074A) Boyd v. Nationwide; June 28, 2004 (03-GS-38-2411-2413) State v. Levi Bing, Jr.; October 3, 2004 (2002-CP-15-471 and 494) Carter v. Steedley, et. al.; May 6, 2005 (05-GS-22-0918) State v. Stephen C. Stanko; October 3, 2005 (1996-GS-32-3341) State v. Jeffrey L. Jones; March 7, 2006 (04-CP-18-1951) Price v. Jones Ford, Inc.; October 5, 2007 State v. Broughton; (2006-GS-082164,2165,2182,2183,2184 & 2185); September 20, 2010 (2004-CP-37-834) Rhoades, et al. v. Kenyon, et al.; April 23, 2014, State vs Timothy D. Rogers (1993-GS-18-0101, Resentencing; May 20, 2016 (2016-GS-47-02 and 2016-GS-47-03) Statewide Grand Jury Case, State vs Emory Roberts, Justin Gordon Hunter, William Orlando Brown, Rosemary Quezada and Lassain Dixon Johnson; May 31, 2017 (1993-GS-10-00090,00091,00092) State vs Corey L. Sparkman, Aiken Resentencing; December 27, 2017 (2017-GS-47-31 and 2017-GS-47-50) Statewide Grand Jury Case, State vs Brantley D. Thomas, III;
- (v) September 6, 2005 Nominated for the inaugural class of the Lowcountry Diversity Leadership Academy developed by the American Institute for Managing Diversity and the Richard W. Riley Institute of Government, Politics and Public Leadership at Furman (had to decline due to the demands of the Court schedule);
- (w) September 21, 2006 Nominated for the Lowcountry

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Diversity Leadership Academy (had to decline due to the demands of the Court Schedule);

- (x) July 2006 Invited by the National Judicial College to be a group discussion leader for the General Jurisdiction Course (had to decline due to the demands of the Court schedule, however, I have been asked to participate when the schedule will allow my participation);
- (y) Supreme Court Access to Justice Commission 2007-2016;
- (z) S.C. Liberty Fellow-Class of 2009. 2007-2009;
- (aa) August 17, 2010, Federal Court, Merit Selection Panel for Magistrate Judges;
- (bb) League of Women Voters of the Charleston Area Women of Distinction Award- August 26, 2010;
- (cc) February 10, 2011, Center for Heirs Property; Presenter, Celebration;
- (dd) Bon Secour St. Francis Hospital Board Member. July 1, 2008-Sept. 20, 2011;
- (ee) Supreme Court Docket Management Task Force, Common Pleas Reform Subcommittee, Rule 40/Status Conference Subcommittee, February 17, 2011-present;
- (ff) Appointed to the Supreme Court to the General Sessions Docket Committee (Langford Committee), January 7, 2014-present;
- (gg) Appointed by Justice Jean H. Toal to the Circuit Court Judges Advisory Committee, June 24, 2014-present;
- (hh) February 9, 2018, Converse College "Celebrating Courage and Charting the Future: Commemorating 50 years of Black Women at Converse," Panel.

Judge Jefferson further reported:

I served as law clerk to the Hon. Richard E. Fields (retired) of the Circuit Court of the Ninth Judicial Circuit. During my time with him I had the unique opportunity to observe and participate in dozens of trials and hearings and observe a "master jurist." He taught me the importance of "people skills." I learned the role of judge is central to the lawyers and the litigant's perception that the system afforded them a fair trial/hearing. In addition, my legal research and writing skills were refined during this process. These skills have been further refined during my time on the bench. I count myself fortunate to have found my vocation in

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life and attempt to walk worthy of that vocation. It is a rare privilege to have been allowed to serve the citizens of South Carolina as a Family Court Judge and Circuit Court Judge for the past twenty-two (22) years. The past twenty-two (22) years have been enjoyable, rewarding and intellectually challenging. I have learned much about the law and human nature. I was taught that the position of a judge should be a continual growth process. I believe that I have continuously grown in my judicial perspective. I still have the same enjoyment for my work as the day I began twenty-two (22) years ago. The Circuit Court has one of the largest caseloads within the judicial system with over five thousand (5000) filings per judge. I believe that I have been a productive member of the Court. My re-election to the Circuit Court would allow the opportunity for continued intellectual growth while allowing my continued contribution to the court system and the welfare of this state.

### **(11) Commission Members' Comments:**

- . The Commission noted that Judge Jefferson displayed excellent temperament and demeanor in her appearance before the Commission. The Commission appreciates her service on the bench.

### **(12) Conclusion:**

The Commission found Judge Jefferson qualified and nominated her for re-election to Circuit Court, Ninth Judicial Circuit, Seat 1.

**Meredith L. Coker  
Circuit Court, Ninth Judicial Circuit, Seat 2**

### **Commission's Findings: QUALIFIED AND NOMINATED**

#### **(1) Constitutional Qualifications:**

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

Ms. Coker was born in 1973. She is 45 years old and a resident of Charleston, South Carolina. Ms. Coker provided in her

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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 Virginia Bar in 1998.

**(2) Ethical Fitness:**

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

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

Ms. Coker 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. Coker 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. Coker to be intelligent and knowledgeable.

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

- (a) I was an Adjunct Professor at the College of Charleston from 2007 through 2011. I taught Advanced Mock Trial, offered by the department of Political Science. Selected students prepared a single case each year, provided by the American Mock Trial Association, for purposes of

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competing in several mock trial tournaments throughout the Southeast.

- (b) I was an instructor for the Washington DC Metro Police Academy, teaching court procedure to officer trainees and using and used a mock trial scenario in order to prepare them as future witnesses in criminal matters.
- (c) I drafted the written materials, compiled examples, and lectured at the 2007 CLE program, "Real Estate Transactions Made Painless and Efficient."

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

**(4) Character:**

The Commission's investigation of Ms. Coker did not reveal evidence of any founded grievances or criminal allegations made against her. The Commission's investigation of Ms. Coker did not indicate any evidence of a troubled financial status. Ms. Coker has handled her financial affairs responsibly.

The Commission also noted that Ms. Coker 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. Coker reported that she has not sought a rating or membership with any legal rating organization.

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

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

**(6) Physical Health:**

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

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**(7) Mental Stability:**

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

**(8) Experience:**

Ms. Coker 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 Clerk for the Honorable J.M.H. Willis, Jr., Court of Appeals of Virginia, 1998-2000. I reviewed and analyzed cases assigned to the relevant judicial panel for purposes of drafting bench briefs and conferring with the Judge, drafted opinions and edited opinions drafted by others for content and merit.
- (b) Associate, The Falk Law Firm, 2000-03. I returned to this boutique law firm after having been its summer associate for two summers during law school. Clients included international manufacturers, government contractors, owners associations for sports leagues, and small and large corporations. Due to the size of the firm, I was immediately given a tremendous amount of responsibility and access to complex litigation matters, international antitrust matters, Winstar plaintiff committee meetings, collective bargaining, government contract disputes, and NLRB matters. I also researched and prepared presentations to the National Institute of Justice relating to the constitutionality of a variety of matters.
- (c) Associate, Finkel and Altman, LLC, 2003-06. My practice focused on commercial litigation and complex civil litigation including trust litigation and government takings.
- (d) Member, Coker Law Firm, LLC, now known as Altman & Coker, LLC, 2006-present. I have acted as managing member of my firm, in charge of all financial operations to include IOLTA accounts. I have a diverse practice that includes commercial litigation, property rights litigation, and other civil matters. My practice also includes significant transactional work, including

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corporate formation and commercial and residential real estate.

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

In the past five years, I have handled a wide variety of cases. These matters have included large construction defect matters, complex commercial matters, property rights and property association issues, title disputes, landlord/tenant disputes, insurance coverage matters, and professional negligence claims. While I am proud to say that many of these matters were satisfactorily resolved, I have appeared often in Circuit Court, US District Court, and in front of Masters in Equity.

I commenced the practice of law in the “rocket docket” of the Eastern District of Virginia, as well as in state courts which followed the same basic tenets of judicial economy. As such, I have been able to structure my time and practice to personally handle a large number of matters concurrently while maintaining a high level of professionalism and preparedness. Examples of cases handled in the past five years include:

(a) CresCom Bank v. Terry, No. 2:12-cv-00063-PMD

This suit was brought for breach of multiple notes and guaranties in the District Court. The matter involved numerous substantive and procedural motions. During the pendency of the action, one of the defendants filed bankruptcy, and the guarantor moved for stay, which was denied. See CresCom Bank v. Terry, et al., 499 BR 494 (D.S.C. 2013). Plaintiff was awarded summary judgment, which award was substantially upheld by the Fourth Circuit Court of Appeals.

(b) Anchorage Plantation Homeowners Association v. Walpole, CA No. 2010-CP-10-00482

This suit was brought by a homeowners association against neighboring property owners arising from the use of a roadway and certain amenities. This matter is currently pending appeal.

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(c) Daniel Island Riverside Developers, LLC, et al., v. Weather Shield Manufacturing, Inc., et al., multiple cases consolidated under CA No. 2009-CP-08-1068  
Multiple lawsuits were filed alleging construction defects, which were consolidated with the construction manager's suit against certain manufacturers and contractors. This matter was an extremely complex litigation; the matter was partially resolved prior to trial and is currently pending appeal.

(d) Daniel Island Riverside Developers, LLC, et al., v. The Oaks at Rivers Edge Property Owners Association, Inc., et al., CA No. 2010-CP-08-4318  
This matter arose from insurance coverage issues resulting from the matter above. Plaintiffs successfully defeated removal to District Court and were able to partially resolve the matter prior to trial. Plaintiffs have been awarded judgment (to include punitive damages), pending the trial court's determination of post-trial motions.

(e) Walbeck, et al. v. I'on Company, LLC, et al., CA No. 2010-CP-10-10490  
This matter was brought by a homeowner against the HOA, developer, purchaser of certain parcels in the community, and related entities and individuals. Issues which arose included development law, association law, title claims, and other contractual and tortious claims. We were able to successfully resolve claims against our clients subsequent to the jury empanelment.

(f) Church of God, et al., v. Estes, et al., CA No. 2013-CP-10-01686  
We were successful in assisting co-counsel in obtaining summary judgment in favor of the defendant lender, which has been upheld on appeal. This matter is related to an ongoing declaratory judgment action in District Court in which I am primary counsel representing lender with regard to insurance coverage issues. The District Court matter has been stayed pending final remand to the trial court of the underlying matter.

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I am a prior member of the Practices and Procedures Committee of the South Carolina Bar. Due to the size of my law firm, I handle all facets and stages of litigation, from commencement through discovery and pretrial, trial, and appeal. In the past five years, I have appeared in front of Circuit Court judges dozens of times, and have prepared matters for the appearance by others just as often.

With regard to criminal matters, I have handled no criminal matters as primary counsel while in private practice. Due to the structure of the Virginia appellate courts, however, most of my caseload as a judicial clerk involved criminal matters. I have taught criminal procedure and analyzed substantive criminal law in my positions with the DC Metro Police Academy and the College of Charleston. I have substantial background in researching constitutional issues, including those arising from innovative and developing law enforcement technology, for work performed for the National Institute of Justice and other clients.

In direct response to inquiries relating to my level of criminal trial experience, I have been assisting a local criminal defense attorney, James Falk, who has been gracious enough to allow me to do so. I have assisted Mr. Falk in two felony jury matters this year to date. I have prepared and attended pre-trial hearings, to include successfully arguing a motion for separate trials in a murder trial; prepared for and participated in jury selection; attended trial; and attended the entry of a plea with regard to one of the matters.

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

- (a) Federal: 5-10 times per year;
- (b) State: 10-30 times per year;

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

- (a) Civil: 65%
- (b) Criminal: 0%

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- (c) Domestic: 0%
- (d) Other: 35%.

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

- (a) Jury: 40%;
- (b) Non-jury: 60%

Ms. Coker provided:

My trial practice has been evenly divided in the past five years between serving as chief counsel and as co-counsel with my law partner, Charles S. Altman.

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

- (a) Walbeck, et al. v. I'on Company, LLC, et al., CA No.

2010-CP-10-10490

We were able to resolve claims against our clients the evening before opening statements due to the intense efforts of the parties, legal counsel, and the presiding judge. Prior to such resolution, however, this matter was complex due not only to the legal issues but also to the disparate roles of various defendants, insurance counsel, private counsel, property owners, and lender. I never ceased to be impressed by the sheer preparedness and legal acumen of all the attorneys involved with this matter and our ability to work together while in direct conflict with one another throughout the pendency of the matter.

- (b) Fuisz v. Biovail Technologies, Ltd., No. Civ.A. 18004

(Court of Chancery of Delaware).

I was associated with this case after plaintiff retained The Falk Law Firm, LLC, to substitute as counsel for Manatt, Phelps & Phillips, LLP. The case arose from the acquisition of a pharmaceutical company by a large multi-national company, and spawned additional lawsuits relating to non-competition agreements and intellectual property rights. I was responsible for all pre-trial discovery review and analysis, to include extensive document review in Virginia and Delaware, and all

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motions practice in a related matter brought in the Fairfax (Virginia) Circuit Court. The total amount of claimed damages by all parties was in excess of half a billion dollars. We were nevertheless able to satisfactorily resolve all claims against all parties.

(c) CresCom Bank v. Terry, No.2:12-cv-00063-PMD.

I represented plaintiff creditor in District Court and at the Fourth Circuit Court of Appeals. The matter was intensely contested due to the size of the outstanding debt and the sheet complexity of the defendant guarantor's corporate holdings. Service on the individual defendant even proved difficult and costly. Through perseverance and extensive research, as well as the ability to deduce certain relationships, we were able to personally serve the individual, defend successfully numerous motions filed by defendants related to both substantive and procedural matters, and prevail on our motion for summary judgment. Plaintiff substantially prevailed at the Fourth Circuit Court of Appeals and we were able to obtain judgment against the debtor and guarantors. We were also able to assist in an informal way with counsel retained to execute the judgment thereafter. This matter recently finally concluded with a settlement agreement between the parties.

(d) Cambridge Lakes Condominium Homeowners

Association, Inc., et al., v. Bostic Brothers

Construction, Inc., et al. CA No. 2008-CP-10-03506

This case arose from alleged construction defects in a condominium project converted from apartments. The sheer number of defendants added to the complexity of this matter. Discovery in the matter was extensive, as was motions and pleadings practice. We were able to keep litigation defense costs reasonable for our clients, however, by focusing on the issues relating to our position. We were able to resolve all claims against our clients efficiently and satisfactorily.

(e) Hammond v. The Pacific Mutual Life Insurance Company,

No. Civ.A. 01-386-A (E.D. Va.).

This matter arose after the death of Marjorie Hammond and was brought by her Personal Representatives

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alleging breach by the life insurance company for failure to pay life insurance benefits. This matter is significant to me as Professor Stephen A. Saltzburg was associated with our firm representing the plaintiffs. While I primarily drafted the pleadings and motions, Professor Saltzburg was chief counsel at trial. While I had worked on other jury trials prior, I had the distinct honor of learning from no less than a master of evidence, procedure, argument, and litigation. In granting partial summary judgment to the plaintiffs, the District Court was able to narrow the contested issues of fact to one: whether a portion of the policy was attached at either issuance or delivery, and as such whether it was part of the contract. Plaintiffs prevailed in the trial court, and I was fortunate enough to witness Professor Saltzburg's argument at the Fourth Circuit Court of Appeals, which was successful.

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

- (a) CresCom Bank v. Terry, Appeal No. 13-2467, United States Court of Appeals, Fourth Circuit. Decided May 21, 2015. Unreported decision may be found at 610 Fed.Appx.221;2015 W1 2405232.
- (b) Fine Housing, Inc. v. Sloan, South Carolina Court of Appeals. Case No. 2017-002517. Final briefs have been submitted and this matter is pending desicion.
- (c) Anchorage Plantation Homeowners Association v. Walpole, South Carolina Court of Appeals Case No. 2016-000281. Unpublished Opinion No. 2018-UP-337, filed July 25, 2018.
- (d) Hammond v. The Pacific Mutual Life Insurance Company, United States Court of Appeals, Fourth Circuit. Decided January 23, 2003. Unreported decision may be found at 56 Fed.Appx. 118 (slip op.); 2003 WL 152823.
- (e) Deep Keel, LLC v. Atlantic Private Equity Group, LLC, et al., South Carolina Court of Appeals. Case No. 2017-000487. Finals briefs have been submitted and this matter is pending decision.

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

Ms. Coker further reported the following regarding unsuccessful candidacies:

I was found qualified but not nominated for Judge of the Circuit Court, At-Large, Seat 9, for which the election was held in 2018.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Lowcountry Citizens Committee on Judicial Qualification found Ms Coker 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 mental stability, physical health, and constitutional qualifications. The Committee stated in summary that Ms. Coker is "intellectual," "poised," and has "good experience."

Ms. Coker is married to P. Cooper Coker IV. She has one child.

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

- (a) Virginia Bar Association (I currently hold Associate Member status).
- (b) South Carolina Bar Association. I am a past member of the Practices and Procedures Committee (2005-06)
- (c) Charleston County Bar Association
- (d) American Land Title Association

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

- (a) Member, Grace Cathedral Church
- (b) United States Equestrian Federation
- (c) United States Hunter Jumper Association

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(d) For the past five years my primary volunteer efforts have focused toward contributing my time to my daughter's schools, church groups, and activities.

Ms. Coker further reported:

Education is extremely important to my family and I am grateful that my parents, an elementary school teacher and naval officer, prioritized my education throughout my childhood. I received multiple academic scholarships to both college and law school. In college I was a varsity athlete and an officer for my sorority and the Panhellenic Executive Board, while participating in various other extracurricular activities; nevertheless I was able to complete two majors and a minor. I have been inducted as a member in the academic honor societies Phi Eta Sigma; Omicron Delta Epsilon; and, Pi Sigma Alpha.

My law school curriculum included significant practical experiences and courses. I was afforded the chance to work with and learn from several practicing attorneys in a variety of fields. My judicial clerkship exposed me to issues primarily relating to criminal, domestic relations, and administrative matters, as these cases were the purview of the Virginia Court of Appeals. I have had a unique career path which enabled me to take an active role in a wide array of complex matters from the very start of my career in private practice. I have had the opportunity to work with and learn from immensely talented and capable attorneys, and I strive to live up to their examples. My practice has ranged from small collections matters to multinational corporate disputes. My research and analysis has been relied upon by local and international CEO's, government officials, and policy makers. I relish the chance to learn and have been fortunate in the opportunities presented to me.

I have been fortunate enough as well to have varied life experiences which have augmented my empathy as well as my resolve. I have had colleagues, acquaintances, and friends from virtually every conceivable social, economic, cultural, and professional background. I aspire to treat everyone with respect, grace, and integrity. While I invite intellectual challenges and look forward to the overall view of and ultimate solution to an issue, I have never shirked from rolling up my sleeves and dealing with the necessary minutiae that often make the

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resolution work. I believe both traits are necessary for an efficient, professional, and courteous courtroom. I would be honored and humbled for the opportunity to use everything that I have learned and everything that I hope to learn.

### **(11) Commission Members' Comments:**

The Commission commented that Ms. Coker is bright, poised, intelligent, and has a good sense of humor. The Commission commended Ms. Coker's efforts to gain more experience in criminal law. The Commission appreciated that Ms. Coker listened to their feedback from her prior screening.

### **(12) Conclusion:**

The Commission found Ms. Coker qualified and nominated her for election to the Circuit Court, Ninth Judicial Circuit, Seat 2.

**The Honorable Bentley Douglas Price  
Circuit Court, Ninth Judicial Circuit, Seat 2**

## **Commission's Findings: QUALIFIED AND NOMINATED**

### **(1) Constitutional Qualifications:**

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

Judge Price was born in 1976. He is 42 years old and a resident of Charleston, South Carolina. Judge Price 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 2002.

### **(2) Ethical Fitness:**

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

Judge Price 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.

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

Judge Price 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 Price 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 Price to be intelligent and knowledgeable.

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

- a) I have lectured at the College of Charleston on the topic of the legal and judicial field and alternative professions that relate to a legal degree.
- b) I have lectured at the Charleston School of Law on the topic of the stresses of being a judge and criminal defense attorney.
- c) I have lectured at The Citadel's graduate school on the topic of "How the Solicitor's Office really works."

**(4) Character:**

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

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

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The Commission also noted that Judge Price 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 Price reported that he is not rated by any legal rating organization.

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

Judge Price reported that he has never held public office other than judicial office.

**(6) Physical Health:**

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

**(7) Mental Stability:**

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

**(8) Experience:**

Judge Price was admitted to the South Carolina Bar in 2002.

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

- a) Assistant Solicitor, Ninth Judicial Circuit 2002-2004. I was hired under a Federal grant called the "Cease Fire Task Force" whereby I prosecuted major violent crimes, gun crimes, white collar crimes, and drug crimes. I was also the liaison to U.S. Attorney's Office for all gun related crimes.
- b) Query, Sautter, Price and Forsythe, 2004-2013. The firm is a general practice firm that handles complex criminal and civil cases with an entire sector also dedicated to domestic cases. I was the partner that oversaw the criminal and civil sector of the practice focusing on state court, federal court and magistrate courts. I worked hand in hand with the partners on all civil matters and we emphasized plaintiff's work in personal injury and both plaintiff and defense work

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in business litigation. I handled all administrative duties associated with being a partner to include overseeing all the staff and hiring and firing of paralegals and support staff. There were two associate attorneys and seven staff members that I oversaw. We had a full time bookkeeper that handled the day-to-day financials and trust accounts.

- c) Bentley Price Law Firm, LLC, 2013-Present. I am a solo practitioner continuing to handle all criminal matters and have continued in personal injury cases on the plaintiff's side only. I handle the daily operation of the firm to include my trust account and it's monthly reconciliation.

Judge Price further reported regarding his experience with the Circuit Court practice area:

I began my criminal practice as an assistant solicitor from a Federal grant titled "The Cease Fire Task Force." The task force was established to prosecute gun related cases more diligently and to allow for better communication between the state and federal levels. I met with United States Attorney's office regularly to assess cases that were currently being prosecuted on the state level and determine if there were stiffer penalties if the Federal government were to adopt the cases. This experience allowed me to handle gun related violent crimes and I prosecuted murders, arm robbery, major drug cases as well as criminal sexual conduct. I handled hundreds of guilty pleas and tried countless jury trials to verdict during my employment at the Solicitor's Office. In my current practice, I have defended all levels of magistrate, state, and federal court crimes to include a five day murder trial last year and a six day Federal Conspiracy to Commit Armed Robbery trial two years ago both to a verdict.

My civil practice has been comprised of mostly plaintiff's work but I do represent several large businesses in all facets of issues including contract disputes and labor and employment law. I have handled civil cases from the pleadings stage to motions to trials. I have successfully participated in mediation and arbitration of cases on both the defense and plaintiff's side.

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In 2007, I was appointed Associate Municipal Court Judge for the City of Folly Beach. In March of 2012, I became the Chief Municipal Court Judge. Since that time I have disposed of over ten-thousand (10,000) cases for the City of Folly Beach either by accepting of pleas, trials either bench or jury or allowing litigants to participate in alternative programs. My duties also require me to sign arrest warrants and search warrants when requested by the police department. I work hand in hand with the defense attorneys, prosecutor and clerk to run our court smoothly and efficiently.

I enjoy the challenges of crafting sentences, orders, and other dispositive actions in a fair and judicious manner. My time on the bench has served me well and taught me the humility required to maintain such a position.

I have practices primarily in the Circuit Court my entire career and my frequency in the past have years is monthly if not weekly.

Judge Price reported the frequency of his court appearances during the past five years as follows:

- a) federal: Depending on case load it could be monthly.
- b) state: Depending on case load it could be weekly.

Judge Price reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- a) civil: 25%
- b) criminal: 75%

Judge Price reported the percentage of his practice in trial court during the past five years as follows:

- a) jury: 99%
- b) non-jury: 1%

Judge Price provided that during the past five years he most often served as sole counsel.

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

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- a) State v. Antoine Goodwin – In this trial in Charleston County Court of General Sessions, I was an assistant solicitor prosecuting Mr. Goodwin for murder. This case had a number of unique aspects. The case involved eyewitness testimony that Mr. Goodwin was the shooter and we had a jury viewing at the scene of the crime to determine the angle of the witnesses' view. We were also successful in subpoenaing federal grand jury records in which the crime was discussed. There was a contempt hearing at trial and a witness changed his testimony mid-trial thus allowing us to have him declared a hostile witness and use his testimony to our advantage. Mr. Goodwin was found guilty and sentenced to life in prison.
- b) State v. Marvin Bryan – Mr. Bryan was charged with one count of murder and three counts of attempted murder. Mr. Bryan and three co-defendants were in a car when Justin Wilson open fire on a car in an apparent gang shooting in Park Circle. Franklin Williams was killed and three other occupants of the car were injured. The case was unique in the fact that both Mr. Bryan and Mr. Wilson went to trial together without a joint defense agreement. Two co-defendant's testified against both defendants. One victim testified that he was not aware of either of the defendants whereabouts on the night of the crime and had never seen either of them before. Both cooperating co-defendants testified that my client, Mr. Bryan, was not the shooter and that Mr. Wilson was in fact acting alone. Unfortunately Mr. Bryan was convicted under the hand of one hand of all theory and when I later spoke to a juror she acknowledged her perceived unfairness of the law but felt she took an oath and administered her duties accordingly.
- c) United States of America v. Charles Johnson – Mr. Johnson was a jewel thief from Oakland California. On several occasions he flew to Atlanta and then to Charleston. It was alleged that Mr. Johnson and two co-defendants went to Demetries Jewelers in Charleston and another store in Columbia and robbed the stores of Rolex watches. The interesting factual issues are that the FBI took over the case and utilized is Cellular Analysis System or “CAST” to track Mr. Johnson’s phone for months. They were able to utilize

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the phone to physically track the whereabouts of Mr. Johnson from Oakland to Charleston either in airports or interstates on the days of the crimes. Mr. Johnson confessed in text messages to the crimes and that the phone that was tracked was his. The FBI combed through years of text messages to extract only a handful of useful information. The reports they used were in the thousands. The robbers used masks and gloves to commit the robberies and Mr. Johnson vehemently denies robbing the stores or conspiring to commit these crimes. He's appealed.

- d) Knowles v. Crawford – In this civil case Mr. Crawford shot Mr. Knowles in the abdomen from his boat and later utilized the Castle Doctrine as a defense to criminal liability. The Solicitor's Office reviewed SLED's finding and refused to prosecute. I brought a civil action for negligence under the theory that Mr. Crawford maintained throughout the case that it was an accident and that he was attempting to un-cock the hammer when it discharged. Since the shooter claimed the shooting was accidental, the civil defense section of the Castle Doctrine statute was inapplicable. Therefore we were able to bring a suit for negligence and were successful.
- e) United States of America v. Wendy Moore - This was a two week federal trial where the U.S. Attorney's Office was alleging that my client, Wendy Moore, had contracted with her ex-husband to have her boyfriend's soon to be ex-wife murdered. The allegations were that Ms. Moore contacted her ex-husband, who is a convicted murder/arsonist, and asked him to travel to Charleston to kill Nancy Cannon. He agreed and brought an accomplice but when they arrived in Charleston and received five thousand dollars they wired the money home and became paranoid that their girl friends would spend the money so they immediately traveled back to their home state of Kentucky. The accomplice then returned to Charleston to commit the murder but was subsequently arrested on drug charges and attempted to get immunity by confessing to the murder-for-hire. The two-week trial was riddled with complex legal issues and factual posturing. Ms. Moore was convicted on all counts and is appealing.

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

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

I am currently the Chief Municipal Court Judge for the City of Folly Beach and have been employed in this capacity since 2007. Jurisdiction does not extend beyond the City of Folly Beach. The court is limited to handling cases in which the penalty does not exceed ninety days incarceration and/or a \$500 fine. I was appointed by the Mayor and approved by city counsel.

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

None

Judge Price reported the following regarding his employment while serving as a judge:

- (a) Query, Sautter, Price and Forsythe 2004-2013, full time. Was a partner that oversaw the criminal sector of the firm and managed the staff including the attorneys and law clerks.
- (b) Bentley Price Law Firm, 2013 to Present. Full Time

Judge Price further reported the following regarding unsuccessful candidacies:

I have applied and been screened as Qualified or Well Qualified but not nominated for Circuit Court At-Large Seat 15 in 2013, Seat 9 in 2014 and seat 10 in 2015.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Lowcountry Citizens Committee reported Judge Price 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

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remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Judge Price is married to Melissa Ann Price. He has two children.

Judge Price reported that he was a member of the following Bar and professional associations:

- a) Charleston Bar Association
- b) Berkeley Bar Association
- c) Dorchester Bar Association
- d) SC Bar
- e) Summary Court Judge's Association

Judge Price provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:  
Country Club of Charleston

Judge Price further reported:

My entire legal and judicial career has been devoted to the trial courts and my wide area of practice in criminal and civil cases at all levels of the court system will enable me to be a fair, courteous, and understanding judge. I understand what the litigants are facing with stressful schedules and deadlines and will do my very best to maintain my continued humility to balance a fair but efficient court.

**(11) Commission Members' Comments:**

The Commission noted that Judge Price has earned an outstanding reputation as a municipal judge. They commented that his varied experience makes him an excellent candidate for the bench.

**(12) Conclusion:**

The Commission found Judge Price qualified and nominated him for election to the Circuit Court, Ninth Judicial Circuit, Seat 2.

**The Honorable Dale E. Van Slambrook  
Circuit Court, Ninth Judicial Circuit, Seat 2**

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**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Van Slambrook was born in 1958. He is 60 years old and a resident of Goose Creek, South Carolina. Judge Van Slambrook 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 1983.

**(2) Ethical Fitness:**

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

Judge Van Slambrook 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 Van Slambrook reported that he has spent \$433.80 in campaign expenditures for postage and printing.

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

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**(3) Professional and Academic Ability:**

The Commission found Judge Van Slambrook to be intelligent and knowledgeable.

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

- (a) I have lectured at the April 26, 2018 Berkeley County Bar Day CLE
- (b) I made presentation on the topic of Partition Actions on December 15, 2017

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

**(4) Character:**

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

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

The Commission also noted that Judge Van Slambrook 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 Van Slambrook reported that he is not rated by any legal rating organization.

Judge Van Slambrook reported that he has not served in the military.

Judge Van Slambrook reported that he has never held public office other than judicial office.

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**(6) Physical Health:**

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

**(7) Mental Stability:**

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

**(8) Experience:**

Judge Van Slambrook was admitted to the South Carolina Bar in 1983.

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

In 1983 he began working as The Steinberg Law Firm, LLP, where he became partner in 1986. From 1983 to 2000, he engaged in general law practice including: divorce, child custody disputes, workers' compensation cases, Chapter 7 and 13 bankruptcy cases, personal injury litigation, probate, social security, and real estate closings and litigation. In 2000, he mostly practiced personal injury, social security, probate, and miscellaneous litigation.

He took the bench in 2009 and has served as Municipal Court judge for the City of Goose Creek and has been serving as the Berkeley County Master-in-Equity since 2014. In his PDQ he also mentions serving as Special Circuit Court Judge and Associate Judge in the Berkeley County Adult Drug Court.

Judge Van Slambrook reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: 10-15 times
- (b) State: 10-15 times

Judge Van Slambrook reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 95%;
- (b) Criminal: 0%;

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- (c) Domestic: 0%;
- (d) Other: 5% - probate

Judge Van Slambrook reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 50%;
- (b) Non-jury: 50%.

Judge Van Slambrook provided that during the past five years he most often served as sole counsel.

The following is Judge Van Slambrook's account of his five most significant litigated matters:

- (a) Ruth Atkins (Pinckeny) vs. Atkins, 317 SC 340 (1995).
- (b) Coleman Dangerfield vs. Rainbow Carpets, et al. (2011).
- (c) Tamson Susor vs. Tommy Lee Schmidt (2012).
- (d) Sheryl Elliot vs. Three D Metal, Inc., et al. (2012).
- (e) Estate of Catherine Wall vs. La Hacienda, et al. (2011).

The following is Judge Van Slambrook's account of the civil appeals he has personally handled:

- (a) Ruth Atkins (Pinckeny) vs. Atkins 317 CS 340 (1995).

Judge Van Slambrook reported he has not personally handled any criminal appeals.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Lowcountry Citizens Committee on Judicial Qualification found Judge Van Slambrook 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, reputation, experience, and judicial temperament. They commented "EXCELLENT!".

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Judge Van Slambrook is married to Darlene J. Van Slambrook. He has three children.

Judge Van Slambrook reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association 1983- present
- (b) Charleston County Bar Association 1983- present
- (c) Berkeley County Bar Association 1983- present
- (d) South Carolina Master-In-Equity Judges Association 2014- present

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

- (a) St. James United Methodist Church
- (b) National Rifle Association
- (c) Goose Creek International Triathlon Club

Judge Van Slambrook further reported that:

I have lived in Berkley County Since 1974 and graduated from Goose Creek High School, Clemson University and University of South Carolina School of Law. I have practiced law with The Steinberg Law Firm, LLP for more than thirty (30) years primarily out of the Goose Creek office and later in a Summerville office.

I began my legal career as general practitioner and handled a variety of cases including but not limited to domestic, criminal, probate, civil cases, high volume of real estate closing and real estate litigation and personal bankruptcy cases.

I have tried cases Jury and Non-Jury in various Courts in Charleston, Berkeley and Dorchester County Common Pleas, Family Court, General Sessions, Master-In-Equity, Magistrate and Municipal Courts. I have handled almost all manner of disputes in these various Courts.

For the last years of my private practice, I focused primarily on personal injury litigation and Social Security Disability.

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I presided over Criminal Jury Trials as a Municipal Judge for the City of Goose Creek from 2009 to 2014.

I served as Berkeley County Master-In-Equity primarily in Non-Jury matters that frequently involved Pro Se Litigants during the extremely stressful Foreclosure process. I also have been able to serve as a Special Circuit Court Judge and handle routine matters and have accepted Guilty Pleas and Probation Revocations. As Associate Judge of the Berkeley County Adult Drug Court, I interact on a weekly basis with participants and the Drug Court Team.

My experience as a Master-In-Equity, Special Circuit Court Judge, Berkeley County Adult Drug Court Judge and as Municipal Court Judge has provided me an insight into the difficulties and enormous responsibilities which face every person serving on the Bench.

I believe that based upon my depth of experience as a practicing attorney, service as a Criminal Court Judge, Master-In-Equity, a Special Circuit Court Judge and as Associate Adult Drug Court Judge, I have the training, education and experience to effectively perform the duties of a Circuit Court Judge. I believe that I would be able to apply a common sense and practical approach to the many duties of a Circuit Court Judge.

### (11) Commission Members' Comments:

The Commission commented that Judge Van Slambrook is composed and well rounded. They noted he has a wealth of experience which will serve him well in discharging his responsibilities should he be elected to the bench.

### (12) Conclusion:

The Commission found Judge Van Slambrook qualified and nominated him for election to the Circuit Court, Ninth Judicial Circuit, Seat 2.

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**The Honorable Rivers Lawton McIntosh  
Circuit Court, Tenth Judicial Circuit, Seat 1**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge McIntosh was born in 1960. He is 58 years old and a resident of Williamston, South Carolina. Judge McIntosh 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 1986.

**(2) Ethical Fitness:**

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

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

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

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**(3) Professional and Academic Ability:**

The Commission found Judge McIntosh to be intelligent and knowledgeable.

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

- (a) I made a presentation on Canine Search and Seizure to the South Carolina Association of Justice at the August, 2012 Conference.
- (b) I made a presentation on What does a Circuit Court Judge Look For in a Return Filed On Appeal? And Ethics to the upstate Summary Court Judges at the annual meeting in the May, 2012.
- (c) I made a presentation on E-Discovery at the NBI seminar in Columbia, South Carolina, May, 2012.
- (d) I sat as a panel member in the following continuing legal education programs:
  - (i) Ethics with the Judges - South Carolina Bar Sporting Clays Seminars (Colleton County - October 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2017 and 2018) (Boiling Springs - Spring 2017)
  - (ii) What Criminal Judges Want You to Know - NBI Seminar, Columbia, South Carolina (February 2012)
  - (iii) Annual Solicitor's Conference: 2015-2016
- (e) I also served as a judge in Furman's Mock Trial Competition (March, 2015, 2017)
- (f) I served as a judge in the South Carolina Bar Mock Trial Competition (Greenville, 2014, 2015)
- (g) I spoke to the T. L. Hanna High School Law Class. (February, 2014, 2015)

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

**(4) Character:**

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

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

The Commission also noted that Judge McIntosh 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 McIntosh reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV.

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

Judge McIntosh reported that he has never held public office other than judicial office.

**(6) Physical Health:**

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

**(7) Mental Stability:**

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

**(8) Experience:**

Judge McIntosh was admitted to the South Carolina Bar in 1986.

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

- (a) Law Clerk: Honorable Luke N. Brown (1986-1987)
- (b) Associate: McIntosh and Sherard (1987-1990)
- (c) Partner: McIntosh, Sherard & Sullivan (1990-2009)
- (d) Subsequent to my clerkship, I was hired as an associate by McIntosh and Sherard in May of 1987. I continuously worked as either an associate or partner with McIntosh, Sherard and Sullivan from May of 1987 through May, 2009, when I was elected to serve the remainder of the unexpired term of the Honorable J.C. Nicholson, Jr.

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(e) May of 1987 through approximately (1990) - The general character of my practice included primarily handling civil and domestic cases. The civil cases I assisted with or handled ranged from representing individuals and businesses as plaintiffs or defendants in business and real estate related litigation. I also represented or assisted with representing plaintiffs in personal injury cases. My domestic practice primarily included representing both wives and husbands as either plaintiffs or defendants. A small percentage of my practice involved representing criminal defendants with charges such as grand larceny, criminal sexual conduct (1<sup>st</sup>), simple possession, DUI and traffic offenses. Although I represented criminal defendant in Circuit Court on guilty pleas, I did not try any criminal cased above the magistrate's court level. I also occasionally closed loans.

(f) (1990-2000) I discontinued representing criminal defendants and performing loan closings. My civil and domestic practice continued as I described above. I also started representing claimants in workers' compensation cases. Approximately thirty (30%) percent was devoted to domestic abuse; approximately forty (40%) percent of my practice was devoted to personal injury and workers' compensation; and approximately thirty (30%) was devoted to representing individuals and businesses in business and real estate related litigation. In this category, I represented both plaintiffs and defendants.

(g) (2000-2006) While the focus of my practice remained the same the percentage of my practice devoted to each area changed. In March, 2003 our firm hired an associate to assist me with litigation. Our associate focused primarily on domestic cases, enabling me to stop handling domestic cases in 2006 (with the exception of Court-appointed cases). During the period, the number of personal injury cases I handled declined to approximately twenty (20%) percent of my practice, which, together with representing workers' compensation claimants, constituted approximately

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thirty (30%) percent of my practice. I also began handling probate matters, mostly litigation, which constituted approximately five (5%) percent of my practice. The remainder of my practice continued to focus on representing individuals and businesses as plaintiffs or defendants in real estate and business litigation, as well as my Court appointed cases. I also defended the County of Anderson in two (2) cases.

- (h) (2006-2009) Approximately thirty (30%) percent of my practice involved representing plaintiffs and claimants in personal injury and workers' compensation cases. Approximately five (5%) percent involved handling probate matters, mostly litigation. The remainder of my practice continued to involve representing individuals and businesses as plaintiffs or defendants in real estate and business-related litigation as well as my Court-appointed cases.
- (i) (May, 2009 to Present) Judge of the Circuit Court, Tenth (10<sup>th</sup>) Judicial Circuit, Seat #1.
- (j) As an associate I did not frequently deal with the firm trust account other than meeting with the office manager to make deposits into the account or disbursements from it. As a partner I received monthly reports on the trust and general accounts and met with the office manager at least monthly to review the reports. Only partners in the firm were allowed to sign firm checks, trust or otherwise.

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

Yes. Elected to Circuit Court, Tenth Judicial Circuit, Seat 1, 2009 and re-elected in 2013. Currently running for re-election to the same seat. The Circuit Court is a court of general jurisdiction.

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

- (a) Smith v. Tiffany, 419 SC 548, 799, SE2nd 479 (2017)
- (b) Williams H. Bell, Jr. v. State of South Carolina, Case Number: 2003-CP-04-1859

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- (c) Encore v. Keone Trask, et al. Case Number: 2015-CP-23-05757
- (d) Stevens Aviation Inc. v. Dyna Corp. International, 407 SC 407, 756 SE2d 148 (2014)
- (e) Archadect, Inc. v. Isaiah L. Rice et al. Case Number: 2015-CP-04-01662

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Upstate Citizens Committee on Judicial Qualification found Judge McIntosh 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.

Judge McIntosh is married to, but currently separated from, Jessie Ruth Wilson. He has one step-child.

Judge McIntosh reported that he was a member of the following Bar and professional associations:

- (a) Anderson County Bar Association (no offices held)
- (b) South Carolina Bar Association (no offices held)
- (c) American Bar Association (no offices held)
- (d) South Carolina Circuit Court Judges Association (no offices held)

Judge McIntosh further reported:

I was born and raised in Anderson County. My father was an attorney and my mother a homemaker. My parents instilled fiscal conservatism and a strong work ethic in my siblings and me. My parents taught us to treat people with respect and dignity regardless of their origin, color or station in life. During high school and college, I was involved with organized sport which required me to budget my time and to be physically disciplined. I have tried to continue these traits and to incorporate them in my career. I am married to an orthopedic surgeon. We built our

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home on her family farm. The family has lived on and operated the farm for over one hundred years. My wife and I have strong values and a traditional view of the value of hard work.

**(11) Commission Members' Comments:**

The Commission commended Judge McIntosh on his temperament and demeanor. The Commission noted it was impressed with Judge McIntosh's respectful handing of attorneys in his courtroom. They stated that he is an outstanding jurist.

**(12) Conclusion:**

The Commission found Judge McIntosh qualified and nominated him for re-election to the Circuit Court, Tenth Judicial Circuit, Seat 1.

**Ryan Kirk Griffin  
Circuit Court, At-Large, 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 Circuit Court, At-Large, Seat 2, six candidates applied for this vacancy, three candidates withdrew before the commission voted, and one candidate was found not qualified. Accordingly, the names and qualifications of two candidates found qualified and nominated are hereby submitted in this report.

**(1) Constitutional Qualifications:**

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

Mr. Griffin was born in 1974. He is 44 years old and a resident of Sumter, South Carolina. Mr. Griffin provided in his application that he has been a resident of South Carolina for at

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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. Griffin.

Mr. Griffin 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. Griffin reported that he has spent \$335.77 in campaign expenditures.

Mr. Griffin 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. Griffin 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. Griffin to be intelligent and knowledgeable.

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

From 2013-2016, I presented a thirty minute program on preliminary hearings at the Intensive Training Program for Magistrates and Municipal Judges.

Mr. Griffin reported that he has published the following:

Mitigation of Civil Penalties under the Clean Air Act, 7 S.C. Envtl. L.J. 271, Fall 1998.

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**(4) Character:**

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

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

The Commission also noted that Mr. Griffin 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. Griffin reported that he is not rated by any legal rating organization.

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

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

**(6) Physical Health:**

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

**(7) Mental Stability:**

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

**(8) Experience:**

Mr. Griffin 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 Thomas W. Cooper, Jr. – Judicial Law Clerk, August 2000 – July 2001
- (b) Nexsen, Pruet, Jacobs and Pollard, Associate Attorney, August 2001 – December 2001. After my Judicial clerkship, I worked for Nexsen, Pruit, Jacobs and

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Pollard as an associate attorney in the firm's litigation department. While my job focused on litigation, my primary job duties consisted of research, writing, and document review.

- (c) Bryan, Bahnmueller, Goldman and McElveen, LLP, Associate Attorney – December 2001 – April 2004. I returned to my hometown to work with my father's law firm. My practice focused on personal injury and workers' compensation. In addition to these practice areas, I also served as a prosecutor for the Sumter County Sheriff's Office in Summary Court.
- (d) The Griffin Law Firm, LLC, Sole Proprietor, 2004. During 2003, my father was forced to retire from law practice due to health concerns. Upon his retirement, I decided to open my own law practice. While on my own, I engaged in a general law practice, including a brief period where I served as a part time, contract public defender in Sumter County. During this time, I did all of the bookkeeping for my firm, to include management of operating and trust accounts. In the fall of 2004, two colleagues and I merged law practices to form Bryan, Horne and Griffin, LLC.
- (e) Bryan, Horne and Griffin, LLC, Partner - 2004 – September 2006. In this three partner law practice, I handled all the litigation practice areas for the firm. I handled personal injury, workers' compensation, social security disability, and family court cases. I also resumed serving as the Summary Court Prosecutor for the Sumter County Sheriff's Office. In September 2006, one of my partners was hired as the full time Sumter County Attorney. As a result, our partnership dissolved in September 2006.
- (f) R. Kirk Griffin, LLC, Sole Proprietor – September 2006 – July 2007. I resumed working as a sole proprietor engaging in a general law practice. I resumed managing a law office, including management of operating and trust accounts. I closed my practice in June 2007 to become a full time Assistant Solicitor.
- (g) The Honorable C. Kelly Jackson, Third Circuit Solicitor - Assistant Solicitor – July 2007 – January 2011. In 2007, I decided to become a full-time prosecutor. Since I had

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prior prosecution experience, I was given a full case load immediately. I prosecuted various criminal offenses in Circuit Court, to include murder cases. I worked continually for Solicitor Jackson from July 2007 until his retirement in January of 2011.

(h) The Honorable Ernest A. Finney, III, Third Circuit Solicitor - Deputy Solicitor – January 2011 – Present. I currently serve as Deputy Third Circuit Solicitor. I maintain a full case load and have day to day management duties as delegated by the Solicitor. I, along with an administrative staff person, am responsible for the administration and planning of the Sumter County Court appearance system. I am in the courtroom for two weeks of every month, participating in guilty pleas and jury trials. I continue to handle a wide array of criminal cases, ranging from drug offenses to most serious offenses.

Mr. Griffin further reported regarding his experience with the Circuit Court practice area:

I have been a full time prosecutor in Circuit Court for the past ten years. I have prosecuted a wide array of criminal offenses, from relatively minor traffic and drug offenses to murder. Simply put, I am in the courtroom before a Circuit Court Judge for two weeks every month. During my time as a prosecutor, I have handled every aspect of criminal trial practice. In preparation for trials, I make decisions which bear on my ability to introduce particular pieces of evidence at trial. I believe that trial preparation and trial practice uniquely prepare a prosecutor for ascension to the bench. In my role as a prosecutor, I am also very familiar with the non-jury aspects of criminal practice in the Circuit Court. I am very familiar with the mechanics of guilty pleas and motion practice, specifically motions dealing with issues raised under State v. Blair and M'Naughten. I believe my career in prosecution has prepared me to be a candidate for Judicial office.

Because I am a full time prosecutor, I have not practiced in the Court of Common Pleas in the past five years. Before I became

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a full time prosecutor, I did handle cases in the Court of Common Pleas. I tried an automobile accident case to verdict, and I handled numerous Post Conviction Relief matters in the Court of Common Pleas. I believe my experience in civil court coupled with my experience as a prosecutor makes me qualified to be a Circuit Judge. Certainly, I will have to re-familiarize myself with certain areas of civil court practice. I feel that I have the energy, intellect and work ethic necessary to bridge this gap quickly.

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

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

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

- (a) Civil: 0%
- (b) Criminal: 100%
- (c) Domestic: 0%
- (d) Other: 0%

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

- (a) Jury: 50%
- (b) Non-jury: 50%

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

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

- (a) State v. Antwan June, 2011-GS-43-1328

To my knowledge, this case was the first criminal case tried in Sumter County where the Protection of Persons and Property act was raised as a defense. In this murder case, the State was successful in proving that the

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defendant was not entitled to immunity from prosecution.

(b) State v. Christopher Rodko, 2011-GS-43-1187

This was a brutal murder case. The victim was shot 6 times by her sister's boyfriend. The defendant confessed to the killing. He claimed immunity under the Protection of Persons and Property act. The prosecution decided that we would present our entire case in defense of the claim for immunity. After a 3 and ½ day immunity hearing, the claim for immunity was denied. The defendant immediately appealed the denial of immunity. While the appeal was pending, the defendant passed away at the Sumter Lee Regional Detention Center.

(c) State v. Bernard McFadden, 2010-GS-43-257

In this case, the defendant was charged with Burglary in the Second Degree, Violent. The defendant broke the glass front door of a convenience store with a piece of concrete. As he stepped through the door, he cut himself on the broken glass. A trail of blood was left from the front door to the register area of the store where the cigarettes and lottery tickets were kept. The State provided the defendant committed the crime largely by the testimony of the SLED DNA analyst who matched the defendant's DNA to the blood left at the crime scene. The defendant was convicted and sentenced to the maximum fifteen-year sentence for Burglary in the Second Degree, Violent.

(d) State v. Joseph Dunbar, 2010-GS-43-543

This was an armed robbery case. The State's best evidence in this case was the photo lineup where the victim identified the defendant and her testimony and in court identification of the defendant. The defense chose to present an alibi defense. This case came down to a question of the victim's credibility versus the credibility of the alibi witness. The Defendant was convicted of Armed Robbery and sentenced to thirty years imprisonment.

(e) State v. Camara Jordan, 2014-GS-43-219

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In this case, the defendant and two of his friends came to the victim's residence to purchase marijuana. An argument ensued, followed by a physical altercation outside the residence. The physical altercation was broken up. After telling the defendant and his friends to leave his home, the victim went back inside. Minutes later, the defendant re-entered the victim's home with a weapon. After a physical struggle inside the residence, the defendant shot the victim in the chest. This shot killed the victim. The defendant claimed self-defense. At the end of the defendant's case, the trial judge refused to charge self-defense to the jury, citing that the defendant was not without fault in bringing upon the difficulty he faced. Before closing arguments, the defendant decided to plead guilty to voluntary manslaughter.

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

Mr. Griffin further reported the following regarding unsuccessful candidacies:

I was a candidate for the Circuit Court, Third Circuit, Seat Two in January 2018. I was one of the three candidates found qualified and nominated. I withdrew from the race on January 23, 2018.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Pee Dee Citizens Committee on Judicial Qualification found Mr. 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.

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Mr. Griffin is married to Suzanne Burch Griffin. He has two children.

Mr. Griffin reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association, November 13, 2000-present
- (b) Sumter County Bar Association- 2001 - present

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

- (a) The Epicurean Club, Sumter, South Carolina
- (b) YMCA Church League Youth Basketball Coach, 2014-2016

Mr. Griffin further reported:

I entered law school in 1997 with a desire to become a trial lawyer. My father is a retired attorney. While I was growing up, I always admired the work he did. I wanted to be like him. After graduation, I worked as judicial law clerk observing trials and learning by watching great trial lawyers. After my clerkship, I sought to build a private practice focusing on trial work.

In private practice, I handled cases in various areas of the law. I represented plaintiffs in civil court, defendants in criminal court and plaintiffs and defendants in Family Court cases. I represented individuals in post-conviction relief cases and probation violation hearings. I defended individuals in abuse and neglect cases in Family Court. My experience gives me a unique perspective. I have been on both sides of the courtroom. I know the pressure involved in going to the top of a civil roster at a roster meeting. I know the pressure that comes along with a criminal trial term. If I am elected, I believe this perspective will enhance my decision making, and insure that all litigants and lawyers are treated fairly.

Throughout my life, I have always tried to treat people like I want to be treated. This has served me well in my legal career. I believe it is important that lawyers, litigants and judges bring this mindset to the courtroom. All participants deserve to be treated courteously. I believe my experience in civil and criminal

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court, love of the courtroom and my demeanor will make me a good judge. If I am elected, I will never forget what it's like to be on the other side of the bench.

**(11) Commission Members' Comments:**

The Commission commented that Mr. Griffin has an excellent reputation in his community and has the respect of his peers. The Commission was impressed with his professional experience and also noted he was a "lawyer's lawyer."

**(12) Conclusion:**

The Commission found Mr. Griffin qualified and nominated him for election to the Circuit Court, At-Large, Seat 2.

**John Patrick (Jack) Riordan  
Circuit Court, At-Large, 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 Circuit Court, At-Large, Seat 2, six candidates applied for this vacancy, three candidates withdrew before the commission voted, and one candidate was found not qualified. Accordingly, the names and qualifications of two candidates found qualified and nominated are hereby submitted in this report.

**(1) Constitutional Qualifications:**

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

Mr. Riordan was born in 1967. He is 51 years old and a resident of Greenville, South Carolina. Mr. Riordan provided in his application that he has been a resident of South Carolina for at

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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. Riordan.

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

Mr. Riordan 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. Riordan 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. Riordan to be intelligent and knowledgeable.

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

I was a Speaker/Presenter/Panelist at a SC Bar Association transportation litigation conference within the past seven years or so (held at the SC Bar offices near the end of the year - Attorneys with Fried, Rogers and Goldberg were involved, as was then SCHP Trooper Matt Sims).

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I have spoken on multiple occasions at CLE approved events of the SCDTAA over many years. SCDTAA events would have been both at the Summer and Annual Meetings, would have been personal injury litigation/Tort related and many involved transportation/trucking topics (Chair of Summer Meeting in 2016).

I have lectured numerous times and assisted in all facets of the SCDTAA Trial Academies (Chaired the event in Greenville within the past 3 years, co-chaired a couple more). Those lectures touched upon many different aspects of trial practice, with specific recollection of pre-trial matters, trial notebooks and opening and closing statements.

Most recently (first quarter of 2018) I co-chaired a Webinar hosted by my firm's Transportation Practice Group titled "Managing Truck Accident Litigation," which had over 240 participants.

Mr. Riordan reported that he has published the following:

Contributing author to an article in the January 16, 2006 Lawyers Weekly regarding the Underwood v Coponen Opinion. Served as Assistant Editor of the SCDTAA Defense Line magazine for 2012 (two issues).

Counsel on at least 14 reported opinions, serving as primary author on all but 5 of the Final Briefs. For three of those cases: State v. Hammitt, 341 S.C. 638, 535 S.E.2d 459 (Ct. App. 2000); State v. Vasquez, 341 S.C. 648, 535 S.E.2d 465 (Ct. App. 2000); and State v. Harris, 342 S.C. 191, 535 S.E.2d 652 (Ct. App. 2000), I may have been the prime author, but I do not recall. Anne Hunter Young and John Ozmint were fellow members of those Statewide Grand Jury cases and all of us likely had some input in approving the Final Briefs. Sam Outten was primary counsel and would have approved all my work for the briefs for Lydia v. Horton. Finally, Stringer v. State Farm was nearly exclusively created by co-counsel, Charles Norris. I primarily drafted the briefs in Underwood v Coponen, with assistance by

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co-counsel, Zandra Johnson. I primarily authored all briefs for Hueble v. SCDNR and Vaughn, but had assistance from Johnny Gasser. All other AG matters were of my primary authorship. Don Zelenka would have reviewed/approved those briefs (the actual AG and the Deputy were always listed, but as a formality).

**(4) Character:**

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

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

The Commission also noted that Mr. Riordan 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. Riordan reported that his last available rating by a legal rating organization, Martindale-Hubble, was AV Preeminent. Mr. Riordan reported that he was recognized by a legal rating organization, The Best Lawyers in America, in the area of personal injury litigation since 2012. Mr. Riordan reported that his last available rating by a legal rating organization, Greenville Business Magazine, was Legal Elite.

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

Mr. Riordan reported that he has held the following public office(s):

Perhaps inapplicable, but out an abundance of caution:

- (a) Assistant Solicitor, Fifth Judicial Circuit, 1992-1996
- (b) Assistant Attorney General, SC Attorney General's Office 1996-1999

No reporting requirements, never subject to penalty.

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(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Riordan was admitted to the South Carolina Bar in 1992.

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

- (a) I believe I continued work for at least a brief time following graduation in May of 1992 with King & Vernon as a law clerk. Though Kermit and counsel primarily handled domestic work, we were also involved with civil litigation claims (property and personal injury) and also represented former USC President James Holderman during his initial legal battles (Dick Harpootlian prosecuting).
- (b) My first job following the taking of the Bar was with Dick's Fifth Circuit Solicitor's Office as an Assistant Solicitor from October, 1992 - July 1996. I handled the entire range of criminal offenses (DUI to Murder), eventually serving as the youngest member of the Violent Crime Task Force established by Solicitor Barney Giese following his election and to close my service. During my tenure I tried at least 50 cases before a jury (my first, a DUI conviction, being obtained a week after being sworn in).
- (c) I then took a position with the SC Attorney General's Office in July of 1996, initially with Don Zelenka's Capital Litigation Team, handling direct appeal murder cases. I was primary counsel, filing briefs and defending at least twenty murder appeals, eight of which provided argument in the Supreme Court. I assisted Don in defeating the final appeals of serial killer Larry Gene Bell (represented by Steve Morrison and Nelson Mullins) and Thomas Lee Davis (Lander Fountain

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Murder over Fall Break in 1988) with final hearings on both being held in Greenwood. I additionally served on the Statewide Grand Jury from October of 1997 to May of 1999, assisting with numerous public corruption cases (mostly police, but others, including at least one school board member for embezzlement) and multi-county drug operations. Finally, I handled some conflict prosecution matters involving the prosecution of jailers in Marlboro County over the death of an inmate (should have never been indicted) and of a Greenville County Sheriff's Deputy for Reckless Homicide (auto accident) throughout my tenure with the Attorney General's office.

- (d) In late May of 1999 I became an associate with Leatherwood Walker Todd & Mann. I became a partner at the end of 2002. Since the firm's merger in August of 2008, I have continued as a litigation shareholder with Smith Moore Leatherwood. My private practice has primarily involved Civil Litigation Defense (vehicular accidents (primarily transportation related for last decade), slip and falls, medical and legal malpractice, church defense and products liability). However, I have handled a number of Criminal Defenses cases each year (from Substantial Felonies to White Collar to magistrate level offenses, mostly in State Court, but some Federal); have been involved in Domestic, Probate, Church related and Condemnation actions; and have initiated at least two §1983 Suits (civil rights claims). Additionally, I have been able to initiate at least a few Plaintiff actions and am presently involved in a few substantial Plaintiff claims. Overall, I have tried at least 50 civil matters before juries. As a civil practitioner, I have at least briefed and argued a few appellate matters.
- (e) I have not undertaken prime administrative or financial management (including management of trust accounts) at any of the entities but have assisted in training/mentoring younger attorneys, including litigation associates in my firm, both via firm committee and individually.

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Mr. Riordan further reported regarding his experience with the Circuit Court practice area:

My criminal experience has lessened during my time in Private Practice. I have been involved in at least two lengthy and contested General Sessions' trials since 2006. The first of which, alleging Burglary and Grand Larceny by a former employee of a DMV, resulted in a not guilty verdict and the successful § 1983 suit against the arresting agencies. The second trial, in May of 2014, regrettably resulted in a guilty verdict of Arson and related offenses, but the convictions remain on appeal and the client was sentenced to home detention. That loss and another adverse matter which ended with a regrettable guilty plea by a young client with no record to First Degree Burglary, Armed Robbery and Weapons Charges admittedly lessened my appetite for significant criminal matters for the past few years, but I believe my overall experience will allow me to quickly regain my procedural "competence" in the Court of General Sessions. I remain a member of the Greenville Association of Criminal Defense Lawyers (GACDL), attending many of our monthly meetings. Given my past as a prosecutor, any case in my firm that remotely suggests a criminal component is likely to garner my involvement. I have good relationships with our past and present Public Defender and staff and our Solicitor (who was an associate with my firm long ago - I sat with him during his first, successful, trial) and one of his deputies, who was co-counsel on several civil matters before he moved into public service. I have handled a number of guilty pleas in General Sessions in private practice over the years and handled many hundreds as a prosecutor.

My civil trial experiences, like many others, have lessened over the past few years. I once tried four Common Pleas matters (all wreck cases) through to positive results for my clients over seven full Court days (Thursday and Friday to close a trial term in Anderson, then back to back to back to close out Joe Watson's final term on the bench in Greenville - the first two were verdicts for Plaintiff, but for less than offered; the final two were pure verdicts for the defense). Comically, I have now tried five cases TOTAL since May of 2014. However, each case lasted at least

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four days (full week for two) and the stakes were much higher. The initial trial was the previously mentioned Arson case (General Sessions). The other four consisted of two wrongful death cases (one a logging truck wreck, the other a medical malpractice allegation) and two significant personal injury cases. Both of the wrongful death cases resulted in the obtainment of defense verdicts. The final trials were a truck/dirt bike accident wherein the cycle driver lost his lower left leg and a logging truck/motorcycle involved accident that was the first civil case tried in the new Florence County Courthouse. Following a week-long trial in the truck/dirt bike case, a mistrial was granted due to the jury being hung and a retrial date will likely be set for later this year. The Florence County matter resulted in a verdict for far less (one-fifth) than demanded/requested by Plaintiff.

In the civil defense realm I have likely been one of the more active participants before Circuit Court Judges in my career, though certainly less so these past five years. Beyond trials, I have been involved in many other civil hearings, including successful grants of Summary Judgment (denials have assuredly been issued as well) and relief from default. Though my firm has one of the strongest transportation/trucking practices in the State/Region and I maintain heavy involvement in that area, I continue to have a diverse practice, which presently includes: numerous premises liability matters; a few dram shop actions, including one wrongful death claim; property disputes; actions both defending and pursuing claims against nursing homes and a claim against a reckless driver with drug involvement who caused a significant head-on collision, with great injury to my client. Finally, I was able to assist in the successful resolution of the primary claims in a significant wrongful death and personal injury claim in Watauga County, NC (I was co-counsel for the Williams family of Rock Hill, whose eleven year old son was killed and mother injured by Carbon Monoxide exposure from a pool heater at a Best Western in Boone), which resulted in a \$12 million dollar settlement in early 2018 (claims against state actors remain with the NC Industrial Commission). I have always sought to expand my exposure/experience in legal

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matters and expect that breadth of experience will be of benefit in filling this Judicial seat.

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

- (a) Federal: minimal-- less than 5%
- (b) State: greater-- encompassing 95% of such "appearances" but still less than in previous years;
- (c) Other: none listed

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

- (a) Civil: 88%;
- (b) Criminal: 10%;
- (c) Domestic: 1%;
- (d) Other: 1%.

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

- (a) Jury: 90%;
- (b) Non-jury: 10%.

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

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

- (a) Green v Ebel – Greenville trial in the Fall of 2016 - successful defense of Dr. Ebel in a wrongful death, medical malpractice claim involving the death of a fourteen year old girl. This was a terrible death within fifty hours following her ER discharge by Dr. Ebel, the proper investigation of which would likely have prevented the plausible assertion of medical negligence. Fortunately, Plaintiff experts and opinions were exposed, a wonderful and brave doctor was vindicated

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and further injustice was prevented after a week-long trial.

(b) State v Larry Gene Bell - I was not involved in the initial trial or appeal, but assisted in the final, week-long litigated hearing regarding a petition by renowned counsel to prevent execution as cruel and unusual punishment in violation of the eighth amendment due to Bell's mental incapacity. Serial killer Bell's determination to have death by the electric chair (in effect at time of original sentence) rather than lethal injection was raised as one of the reasons in support of Bell's mental incapacity. Rejection of Bell's petition and execution of Bell was greatly significant to the families of the two KNOWN victims of Bell's brutality. The case was additionally significant given infamy of Bell and the renown of counsel and the experts involved (top members of the FBI profile team).

(c) Ken and Janice Bear v. Duke Energy - my first significant Plaintiff's case - I held prime deposition and trial responsibility against numerous defense attorneys. The Bears discovered that their newly constructed home was built on property formerly utilized to "strip" Duke Energy transformers/equipment for scrap metal, resulting in PCB contamination. A remediation agreement was obtained, resulting in an initial one million-dollar clean up, but PCB remained beneath their home. A multi-day trial resulted in an agreeable settlement/resolution for the Bears for property/stigmatic damage.

(d) State v Paula Reed - I defended Reed (former DMV employee referenced earlier), with a criminal not guilty verdict obtained on all counts after a lengthy trial. The successful defense of these initial criminal charges (3 separate "cases" had been indicted, with over 70 years of potential sentencing) revealed the prime investigator to be providing "inaccurate" and/or "mistaken" testimony during trial, after having created "mistaken/inaccurate" incident reports in support of the charging decisions. The obtainment of the not guilty verdict and subsequent dismissal of all other cases

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allowed the successful pursuit and resolution of the ensuing §1983 matter via mutual agreement prior to trial in Federal Court.

(e) State v Paris Fant - my final criminal prosecution. Fant was a Greenville County Sheriff's Deputy who was involved in the T-bone collision with another vehicle, resulting in a twenty-six year old mother's death. No charges initially (SCHP representative commented that the deceased had failed to yield right of way, but since she was dead and could not be charged, it would be unfair to charge Deputy Fant). After much adverse publicity a traffic ticket was issued, but Deputy Fant thereafter simply forfeited bond. The victim's family appealed to the Attorney General's office for help. Despite assertions of double jeopardy in further pursuing, I determined this was not so and the mother of the victim was allowed to appear before the Grand Jury. The case was true billed/indicted. Plea offers were rejected. Deputy Fant was convicted of Reckless Homicide after a lengthy trial, which included testimony from representatives of the SCHP MAIT that the headlights from Fant's patrol car were fully removed prior to their arrival and Fant was traveling at least 69 in a 40 mph zone (running late for work). This matter remains significant by ensuring justice is blind and exists for ALL, no matter how unpleasant the facts or repercussions.

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

- (a) Hueble v SCDNR and Vaughn, 416 S.C. 220, 785 S.E.2d 461 (2016)
- (b) Stringer v. State Farm Mut. Auto. Ins. Co., 386 S.C. 188, 687 S.E.2d 58 (Ct. App. 2009, En Banc)
- (c) Dorothy L. Sides and Arthur L. Sides v. Greenville Hospital System, Rodgers Builders Inc. and F. T Williams Co., Inc. 362 S.C.250; 607 S.E.2d 362 (Ct. App. 2004)
- (d) Underwood v. Copenen 367 S.C. 214; 625 S.E. 2d 236 (Ct. App. 2006)

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(e) Lydia v. Horton, 355 S.C. 36, 583 S.E.2d 750 (2003) and  
343 S.C. 376, 540 S.E.2d 102, (Ct. App. 2000)

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

(a) State v. Timmons, 327 S.C. 48, 488 S.E.2d 323 (1997) S.C. Supreme Court  
(b) State v. Avery, 333 S.C. 284, 509 S.E.2d 476 (1999) S.C. Supreme Court  
(c) State v. Taylor, 333 S.C. 159, 508 S.E.2d 870 (1999) S.C. Supreme Court  
(d) State v. Collins, 329 S.C. 23, 495 S.E.2d 202 (1998) S.C. Supreme Court  
(e) State v. Weston, 329 S.C. 287, 494 S.E.2d 801 (1997) S.C. Supreme Court

Mr. Riordan further reported the following regarding unsuccessful candidacies:

Yes. I was deemed qualified and screened out as a finalist for Judge of the Thirteenth Judicial Circuit, Seat 4, but eventually withdrew in deference to The Honorable Alex Kinlaw, Jr., who was elected to the seat in February of 2018.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Upstate Citizens Committee on Judicial Qualification found Mr. Riordan to be "Well Qualified" as to ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament, and "Qualified" as to constitutional qualifications, physical health, and mental stability.

Mr. Riordan is married to Leora Caroline Patterson. He has three children.

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Mr. Riordan reported that he was a member of the following Bar and professional associations:

- (a) SC Bar
- (b) ABA
- (c) SCDTAA-- Board Member from 2012-2017

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

- (a) Sharpshooters Gun Range
- (b) Stone Lake Community Pool
- (c) Metropolitan Arts Council
- (d) Clemson Alumni Association
- (e) Pi Kappa Alpha Fraternity

Mr. Riordan further reported:

I have been blessed with a rewarding and interesting life thus far. I do believe my life experiences will influence and benefit the type of Judge I plan to be: one who strives to ensure all who must have interaction with our judicial system are afforded and receive the respect and justice they deserve. I am unsure whether the following is the type of info requested, but I am proud of my family, my accomplishments and the great relations I have had with all throughout my life. I strive to respect all and pre-judge none. Like the law itself, I agree that all are best served when we are blind to any perceived physical differences. The information below, in addition to all related thus far, supports those criteria, including physical health and mental stability.

I am one of six children born to my mother (three boys, three girls), with my older three half-siblings born to her first husband, Dennis Friedman. Mr. Friedman died soon after my older half-brother was born. Within a few years my young widowed mother met and married my father, Pat Riordan, more than three years her junior. Both of my parents were from small towns in Illinois. Mom did not attend college; Dad graduated from the University of Illinois. Dad was born with a deformed right arm and, with two younger brothers, was largely raised by a single mother after their World War II Vet father abandoned the family. Upon the marriage of my parents, Dad became the immediate father of three at twenty-four years of age and was the father of six before

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he was thirty (yes, they are Catholic). Dad was an engineer in the paper industry. He initially worked with one of the prime paper machine manufacturers in Beloit, WI, where I was born. He later took positions with paper manufacturers who utilized the Beloit machines, allowing us to live in Somers, Connecticut and Baton Rouge, Louisiana before we moved to Rock Hill. I had a largely middle class upbringing and benefitted from the diversity provided by our numerous moves and homes. All of my siblings obtained college degrees, have large families and (with the exception of my sister in New York, whose three grown children live in SC and who will likely move here upon her and her husband's retirement) remain South Carolinians. My parents have been married over fifty years and their direct family "lineage" should number forty-nine by the fall of 2018. My parents continue to provide me a great example regarding education, work ethic, the importance of family and the fair treatment of all.

I played most sports in some fashion into junior high, but concentrated solely on basketball after breaking my foot during eighth grade football (forcing me to miss basketball for the junior high team after making the team as a seventh grader). I was fortunate enough to continue playing basketball regularly into early 2016, running our year round "Up the Hill" League at Buncombe Street United Methodist Church (we refused to admit we were yet "over the hill") for about a decade. Though I have played with my old team periodically each year since, my playing days are definitely (and sadly) numbered and "play" is mostly relegated to solitary shooting sessions. My wife earned a Master's Degree in Education and taught in public schools until the day before the birth of our son. She was the 2017 20K State Champ and has made fitness her livelihood. She has been an aerobics instructor since college. She has held positions with the Columbia Athletic Club, The Firm/Body Firm (she is in one of the videos), the Life Center in Greenville and the gym of a private company in downtown Greenville; she is a certified personal trainer as well. Our children have followed suit: all eventually swam year round, with my son still swimming for the Clemson Swim Club (they dropped the swim program a few years ago) and my oldest daughter, after only running her final year of high school, now a member of the University of

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Tennessee Track/Cross-Country team. My youngest daughter should continue to be a valued runner in Track and Cross-Country during her senior year at Wade Hampton High School. My oldest and youngest have served as Assistant Coaches for the Stone Lake Swim Team (SAIL swimming) and all three provide private swim instructions. All of these athletic endeavors have provided great community interaction with players, referees, families, clients and administrators of varying races, ages and backgrounds. The clocks, fields and scoreboards (just like the administration of justice) SHOULD be blind to other than the participants' performance and conduct.

My wife and I have been married 26 years, having met at the end of my first year at Clemson. Her father was a Judge and sparked my interest in the law. Her mother eventually worked as the secretary for both Judge Kittridge and Judge Hill and my in-laws' positions allowed me to have unique insight and affinity for service on the bench and relations with Court personnel. My service as a prosecutor and civil litigator has likewise provided great opportunity for constant interaction, community and friendship with persons within the justice system and from most walks of life. I have been on most sides of both criminal and civil practice and can easily empathize/sympathize (likely having been there before) with the varied circumstances confronting those who appear in Court. All should have confidence they will be treated fairly and impartially when appearing before me.

**(11) Commission Members' Comments:**

The Commission commented positively on Mr. Riordan's intellect and experience and noted that it would serve him well should he be elected to the bench.

**(12) Conclusion:**

The Commission found Mr. Riordan qualified and nominated him for election to the Circuit Court. At-Large, Seat 2.

**The Honorable R. Keith Kelly  
Circuit Court, At-Large, Seat 14**

**Commission's Findings: QUALIFIED AND NOMINATED**

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**(1) Constitutional Qualifications:**

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

Judge Kelly was born in 1958. He is 60 years old and a resident of Spartanburg, South Carolina. Judge Kelly 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 Judge Kelly.

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

Judge Kelly 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 Kelly 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 Kelly to be intelligent and knowledgeable.

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

- (a) I have made a presentation on Ethics to the SC Association of Criminal Defense Lawyers as a Circuit Judge.
- (b) I have made a presentation on Access to Justice to Circuit Judges.
- (c) I have participated as a Circuit Judge on a Panel answering questions from lawyers.
- (d) I have made presentations to members of the bar at the annual Solicitor's Conference while serving as a member of the SC House Judiciary Committee.
- (e) I have made presentations to members of the bar at the annual Public Defender's Conference while serving as a member of the SC House Judiciary Committee.
- (f) I have made presentations to members of the bar at the annual Public Defender's Conference while serving as a member of the SC Sentencing Oversight Committee.
- (g) I have spoken to school students on career days about law in general and described our court system, both state and federal.
- (h) I taught a class to law enforcement officers on prosecuting DUI cases while I was a lawyer.

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

(4) Character:

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

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

The Commission also noted that Judge Kelly 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.

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**(5) Reputation:**

Judge Kelly reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV.

Judge Kelly reported the following military service:

16 May 1981 to 16 May 1984, US Army active duty, Honorable Discharge. 17 May 1984 to 29 Aug 1994 US Army Reserve, Honorable Discharge. Captain; 248-21-2382; no longer serving.

Judge Kelly reported that he has held the following public office(s):

2006-2010, SC House of Representatives, Representative District 35, elected.

All reports were timely filed, no penalty.

**(6) Physical Health:**

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

**(7) Mental Stability:**

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

**(8) Experience:**

Judge Kelly was admitted to the South Carolina Bar in 1988.

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

- (a) Brooks Law Associates, Spartanburg, SC 1988-1999; General practice of law including criminal, civil and family law. No administrative, financial or trust account management.
- (b) R. Keith Kelly Law Firm, Spartanburg, SC 1999-2001; General practice of law including criminal, civil and family law. Sole practitioner. Administrative, financial and trust account management.
- (c) Lister, Flynn & Kelly, PA, Spartanburg, SC 2001-2013; General practice of law including criminal, civil and family law. Partner with supervisory responsibility for administrative, financial and trust account management.

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(d) SC Judicial Department 2013-present; Circuit Court Judge.

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

SC Circuit Court Judge, 2013 to present.

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

(a) Catawba Indian Nation v. State of South Carolina, 407 S.C. 526, 765 SE2d 900(2014). The Indian tribe brought a declaratory judgment cation against the state to determine the Effect of the Gambling Cruise Act on certain gambling rights. The Supreme Court held declaratory judgment action was not precluded by collateral estoppel; the action was not precluded by res judicata; but, the Gambling Cruise Act did not authorize the tribe of offer video poker gambling on its reservation. I concurred in the opinion as an Acting Associate Justice.

(b) West Anderson Water District v. City of Anderson, SC, 2016 WL 3342245 (2016). The Water District brought a declaratory judgment action against the City to determine the proper service provider to supply water service to Michelin's newly constructed facility. The Court of affirmed my ruling determining the Water Sale and Purchase Agreement allowed the City to provide service to Michelin, enabling legislation authorized the local governing body to execute contracts extending past its members terms of office and there was no delegation of power by the district.

(c) State v. Daniel W. Spade, 2016WL3670561. Defendant was charged with Criminal Sexual Conduct with a Minor, First Degree for forcing his then seven year old daughter to perform oral sex on him during non-custodial visitation. Defendant improperly struck juror 199 because she was a grandmother and later alleged due to her age. I ruled the strike unconstitutional based on gender because only females can be grandmothers and the "dual motivation doctrine" did not cure the constitutional defect. Affirmed.

As a trial judge, almost all of my work on the bench is with a jury as the finder of facts. Therefore, it is rare that I issue an order or opinion.

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

Judge Kelly further reported the following regarding unsuccessful candidacies:

1991 SC Senate special election to fill unexpired term of Senator Horace Smith. I lost in the primary to a challenger. 2010 SC House of Representatives, District 35. I lost in the primary to a challenger. 1995 Family Court Judgeship. I withdrew from consideration. 1998 Family Court Judgeship. I withdrew from consideration. 2010 US Magistrate Judge. I was not selected. 2016 SC Supreme Court. I withdrew from consideration.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Upstate Citizens Committee on Judicial Qualification found Judge Kelly 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.

Judge Kelly is married to Cynthia (Cindy) Gail Jackson Kelly. He has three children.

Judge Kelly reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association
- (b) South Carolina Circuit Court Judges Association
- (c) Cherokee County Bar Association
- (d) Spartanburg County Bar Association
- (e) SC Supreme Court Historical Society

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

- (a) Emma Gray Memorial United Methodist Church.

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- (b) Woodruff Rotary Club, past president 2011-12, 2012-13.
- (c) Spartanburg Pilot's Association, former board member.
- (d) Woodruff Investment Club

Judge Kelly further reported:

I respectfully submit that my work ethic is one of my strong suits. I worked to pay my way through college and law school. I repaid all student loans timely, and I applied myself to the practice of law and representing clients with the same work ethic. I applied myself and that same work ethic while serving our state as a circuit court judge. And, I will continue to apply that work ethic to cases before the court.

**(11) Commission Members' Comments:**

The Commission noted that Judge Kelly's courteous demeanor, strong work ethic, devotion to fairness, and insistence upon showing respect, understanding details, and maintaining control in his courtroom demonstrate that he is exceptionally well-qualified to serve as a circuit court judge.

**(12) Conclusion:**

The Commission found Judge Kelly qualified and nominated him for re-election to Circuit Court, At-Large, Seat 14.

**The Honorable Maite Murphy  
Circuit Court, At-Large, Seat 15**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Murphy was born in 1969. She is 49 years old and a resident of North Charleston, South Carolina. Judge Murphy 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 1995.

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**(2) Ethical Fitness:**

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

Judge Murphy 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 Murphy reported:

I have not had any expenditures to date.

Judge Murphy 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 Murphy 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 Murphy to be intelligent and knowledgeable.

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

- (a) I taught business law courses at Midlands Technical College in Columbia in 1996 and 1997.
- (b) I taught the Ethical Issues portion of the Children's Law Center CLE in Orangeburg entitled Training for Attorneys Appointed in Abuse and Neglect Cases on April 30, 2010.
- (c) I taught Courtroom Procedure Training at the Dorchester County Sheriff's Department. January – May, 2010.
- (d) I taught Courtroom Case Presentation to the South Carolina Litter Control Association on February 24, 2011.

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- (e) I have been a presenter during the Orientation School for Magistrates and Municipal Judges on two occasions.
- (f) I served on a teaching panel for the National Business Institute CLE that was titled “What Civil Court Judges Want You to Know” on 5/4/14.

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

**(4) Character:**

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

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

The Commission also noted that Judge Murphy 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 Murphy reported that she is not rated by any legal rating organization.

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

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

**(6) Physical Health:**

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

**(7) Mental Stability:**

Judge Murphy appears to be mentally capable of performing the duties of the office she seeks.

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**(8) Experience:**

Judge Murphy was admitted to the South Carolina Bar in 1995.

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

- (a) I began practicing law in Columbia as a partner with the law firm of Holler, Dennis, Corbett & Garner. I began with said practice in January of 1996 and my practice was a general practice. My practice at that time was primarily focused on civil litigation in the Courts of Common Pleas and General Sessions. I also handled domestic matters in Family Court and cases in Magistrate and Municipal Courts. As a partner in that firm I was responsible for managing trust and firm accounts. My husband and I then moved from Richland County to Dorchester County in March of 1998 and I was employed as an associate for Richard Wern in North Charleston where I handled civil litigation matters in State and Federal Court until I obtained a position at the First Circuit Solicitor's Office in October of 1998.
- (b) During my tenure at the Solicitor's office I rose to the rank of Chief Deputy Solicitor for the First Judicial Circuit. I was second in command to the Solicitor for the entire circuit which is comprised of Calhoun, Dorchester and Orangeburg Counties. I was hired to operate under a grant dedicated to prosecuting crimes of violence against women. I was in charge of prosecuting all violent crimes against women and children. I successfully tried cases of murder, kidnapping, arson, armed robbery, burglary, criminal sexual conduct (all degrees), lewd act upon a child, unlawful conduct towards a child, felony child abuse, sexual exploitation of minors, all levels of assaults, drug and alcohol offenses and criminal domestic violence. I also assisted Solicitor Walter Bailey with the trials of four capital murder cases.
- (c) I left the Solicitor's Office in 2005 to join the practice of Quattlebaum & Murphy, L.L.P. as a partner. The firm as of January 2009 is the Murphy Law Firm, L.L.C. The firm is a general practice firm and during my time there

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I specialized in criminal and civil litigation matters in all courts and also handled domestic litigation. As a partner in the firm I was responsible for the administration and reconciling of financial accounts, trust accounts and personnel matters.

- (d) I was confirmed by the Senate as a Magistrate Court Judge for Dorchester County on April 30, 2009. Chief Justice Jean H. Toal appointed me as Associate Chief Magistrate for Dorchester County on June 17, 2009. I served in that capacity until I was appointed as Chief Magistrate by Chief Justice Toal on July 1, 2010. I served as Chief Magistrate part-time and continued my general practice until I was appointed as Master-in-Equity for Dorchester County in May of 2011.
- (e) I began my term as Master-in-Equity on June 1, 2011. As Master-in-Equity I heard cases referred by the Circuit Court. I presided over matters that dealt with real property disputes, business cases, injunctions, default cases with unliquidated damages and supplementary proceedings. The real property cases included mortgage foreclosures, quiet title actions, partitions, boundary disputes and mechanic's liens. On December 22, 2011 Chief Justice Toal appointed me as a Special Circuit Court Judge which allowed me the ability to try non-jury matters in Common Pleas and General Sessions Court. As Master-in-Equity I was responsible for the administration of the office, all personnel matters and financial accounting requirements of the office.
- (f) I was elected to my current position on the Circuit Court in January of 2013. My duties as a Circuit Court judge include presiding over terms of Common Pleas Court and General Sessions Court. I dispose of motions, pretrial proceedings and perform administrative duties. I hear appeals from Magistrate, Municipal and Probate Courts and approve or disapprove settlements of minor's interests and all other people with an incapacity, and wrongful death and survivor action settlements. I am currently serving as Chief Administrative Judge as appointed by the Chief Justice. I also serve as a Business

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Court Judge. I was appointed to the Business Court in August of 2014 and I continue to serve in that capacity.

Judge Murphy reported that she has held the following judicial offices:

I served as Chief Magistrate for Dorchester county. I was appointed as a Magistrate by the Governor, with the advice and consent of the Senate. My appointment was confirmed on April 30, 2009. As a Magistrate Court Judge I had jurisdiction to hear civil actions within the County where the amount in controversy did not exceed \$7,500.00. This included actions for breach of contract, damages for injury to rights pertaining to the person or personal or real property as well as all landlord and tenant matters, and actions to recover the possession of personal property whose stated value does not exceed \$7,500.00. I had limited jurisdiction of mechanics' liens, agricultural liens, repair or storage liens and animal owner's liens. My Magistrate jurisdiction also included handling of criminal and traffic offenses which are subject to a fine or forfeiture not exceeding five hundred dollars or imprisonment not to exceed thirty days or both. I also heard cases transferred from General Sessions Court where the penalty did not exceed one year imprisonment or a fine of \$5,000.00 or both. These cases were transferred to the Magistrates Court upon petition from the Solicitor and with the consent of the defendant.

I served as Dorchester County Master-in-Equity and my term of service began on June 1, 2011. I was appointed by the Governor and with the advice and consent of the General Assembly on May 19, 2011. As Master-in-Equity I heard cases referred to me by the Circuit Court. I presided over matters that dealt with real property disputes, business cases, injunctions, default cases with unliquidated damages, and supplementary proceedings. The real property cases included mortgage foreclosures, quiet title actions, partitions, boundary disputes and mechanic's liens. I conducted public judicial auctions of real property pursuant to mortgage foreclosure actions.

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I further executed and delivered Master's Deeds conveying title to real property to successful bidders at the public auctions. If appropriate, I also executed and delivered Master's Deeds to parties to suits that established their legal interests in real property. This jurisdiction was limited to Dorchester County. During my tenure as Master-in-Equity I was also appointed by the Chief Justice on December 22, 2011 to serve as a Special Circuit Court Judge. As Special Circuit Court Judge I was able to try non-jury matters in Common Pleas and General Sessions Court. I also disposed of motions and pretrial proceedings.

I was elected to my current position of Circuit Court, At-Large seat #15 on January 30, 2013 by the South Carolina General Assembly. As a Circuit Court Judge I preside over cases in Common Pleas and General Sessions Court. I am currently serving as Chief Administrative Judge and also serve as a Business Court Judge handling complex business litigation matters. I was appointed to the Business Court by the Chief Justice on August 8, 2014. As a Circuit Judge I dispose of motions, pretrial proceedings, perform administrative duties necessary to prepare cases for trial and other disposition, including the sounding of the trial roster and docket. I hear appeals from Magistrate, Municipal and Probate Courts and approve or disapprove settlements of minor's interest and all other people with an incapacity, and wrongful death and survivor action settlements. In General Sessions Court I accept Grand Jury returns, preside over guilty pleas, bond hearings, probation revocations and jury trials and also issue search warrants.

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

- (a) The State v. Shannon Scott, 420 S.C. 108, 800 S.E.2d 793. This Order was significant in that it granted immunity from prosecution to the Defendant under South Carolina Code section 16-11-440(C). This was a unique case in that the victim that was shot by the

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Defendant was not the person which attacked the Defendant and his family, but he was in a car at the incident location and was shot and killed by the Defendant as he was acting within the confines of Section 16-11-440(C). The Defendant was found to have had the right to use deadly force and stand his ground to prevent death or great bodily injury to himself and his family.

- (b) CPM Federal Credit Union v. George W. Lockwood and Sarah Thackston, Civil Action No. 2014-CP-10-7597. This was an Order which addressed the Plaintiff's Rule 59(e) Motion to Reconsider, Defendant's Second Motion for Summary Judgment and Defendant' Motion for Discovery Sanctions. This matter was before me in the Business Court and dealt with numerous claims which included breach of fiduciary duties by former members of the board of directors of the credit union as well as conduct of the officers of the Corporation. The most significant portion of this order dealt with sanctions issued by the court pursuant to South Carolina Rules of Civil Procedure Rule 37. The Plaintiff engaged in a pattern of discovery abuses. The Plaintiff failed to disclose evidence in a timely manner during the discovery process and at one point in the litigation dumped hundreds of thousands of pages of documents on the Defendant's days prior to trial causing a significant delay in the litigation. I felt as if this order was important in that it demonstrated that discovery abuses are not to be tolerated as the parties are charged with participating in discovery as an enhancement to the truth-seeking process to properly prepare for trial and promote an expeditious determination of the matters at hand.
- (c) Erica Butts v. State of South Carolina, Civil Action No. 2014-CP-10-2518. This was an Order of Dismissal in a post-conviction relief matter filed by Erica Butts. Ms. Butts had been sentenced to life in prison subsequent to an Alford plea to homicide by child abuse in Charleston County Court of General Sessions on November 3, 2011. Ms. Butts asserted that her counsel was

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ineffective for failing to prepare an adequate defense based on battered spouse syndrome. The defendant claimed that her co-defendant, Shanita Cunningham, a person she had a romantic relationship with was physically abusive, controlling and aggressive towards her. Both were charged with homicide by child abuse after a toddler in their care was brutally beaten to death over a period of time. I found that the defendant was not entitled to relief as her counsel presented testimony of the co-defendant's alleged abuse as a mitigating factor in sentencing. This was done by trial counsel even though the defendant failed to cooperate in counsel's investigation of her alleged abuse. Further, battered spouse syndrome was not applicable in that the toddler victim who was killed was a third party, and was not the abuser, as contemplated by the syndrome. The alleged abuse of the defendant by the co-defendant could not justify the murder of the child. The defendant did not passively observe the victim's abuse, but actively participated in it and had no justification or excuse for her actions in the killing of an innocent child.

(d) Ryan Sigal, Ryan Miller, and Jefferey Ward v. Shelly Leeke Law Firm, LLC and Shelly Leeke, Civil Action No. 2018-CP-18-0049. This Order was a denial of Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction. This Order is in a matter that is currently still being litigated in the Business Court. The plaintiffs in the case are attorneys that left the firm of the Defendant, Shelly Leeke. Both sides make serious allegations of misconduct in how clients of the Leeke firm were notified of the departure of the attorneys from the firm and how each side may have attempted to be retain the clients of the firm. There are guidelines governing the necessary actions that must be taken to inform clients of an attorney's departure from a firm and explain their options. I did not grant the injunctive relief sought because the plaintiffs did not present sufficient evidence of actual and imminent irreparable injury and in balancing the equities of both parties I found that there is an adequate remedy at law

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and the injunctive relief was denied. This I felt was an important order in that it highlights the duties owed to clients when attorneys depart from a law firm.

(e) Daniel J. Jenkins v. State of South Carolina, Civil Action No. 2016-CP-10-1700. This matter was post-conviction relief case. The defendant was convicted of criminal sexual conduct in the first degree and was sentenced to life imprisonment without the possibility of parole pursuant to S.C. Code Ann. Section 17-25-45 based on defendant's two prior convictions for "most serious" offenses. This case dealt with interesting issues of identification of the defendant, expert testimony qualifications of sexual assault examiners, the proper notice by the State to seek a life sentence based on prior convictions, and sufficiency of a search warrant for the defendant's DNA.

Judge Murphy reported the following regarding her employment while serving as a judge:

The only employment I have had while serving as a judge was when I served as Dorchester County Magistrate on a part-time basis and was still employed as a partner in Murphy Law Firm, L.L.C. as described fully in question ten.

Judge Murphy further reported the following during her unsuccessful candidacies:

I was a candidate for Circuit Court Judge of the First Judicial Circuit in 2008. I was found qualified to serve, but I was not nominated to the office. I was a candidate for the Circuit Court Judge, At-Large Seat #8 position in 2009. I was found qualified to serve and nominated by the Judicial Merit Selection Commission but was not elected to the position by the General Assembly. I was a candidate for Circuit Court, At-Large Seat # 9 position in 2010. I was found qualified to serve, but was not nominated to be elected.

**(9) Judicial Temperament:**

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

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**(10) Miscellaneous:**

The Lowcountry Citizens Committee found Judge Murphy 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 Citizens Committee noted, “Super.”

Judge Murphy is married to Christopher John Murphy. She has two children.

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

- (a) South Carolina Bar Association- 1995 to present;
- (b) South Carolina Women’s Bar Association- 1995 to present;
- (c) Dorchester County Bar Association- 1998 to present. Served as President 2006-2010; Vice-President 2005; Treasurer 2003-2004.

Judge Murphy provided that she has not been a member of a civic, charitable, educational, social, or fraternal organization in the last five years.

Judge Murphy further reported:

I have had the unique opportunity throughout my career to serve on all sides of the bench. From that, I have had the opportunity to learn from other attorneys, judges, litigants and victims of crimes or circumstances. I continually strive to be, and will continue to strive to be, the kind of judge that is above all fair, well-versed in the law, and one that treats all witnesses, jurors, litigants and their counsel respectfully.

**(11) Commission Members’ Comments:**

The Commission stated that it appreciates and is impressed with Judge Murphy’s performance as a judge on the Circuit Court bench.

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**(12) Conclusion:**

The Commission found Judge Murphy qualified and nominated her for re-election to the Circuit Court, At-Large, Seat 15.

**The Honorable Donald Bruce Hocker  
Circuit Court, At-Large Seat 16**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Hocker was born in 1952. He is 66 years old and a resident of Laurens, South Carolina. Judge Hocker 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 1981. He was also admitted to the US District Court on September 10, 1981 and the U.S. Supreme Court, October 11, 1994.

**(2) Ethical Fitness:**

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

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

Judge Hocker 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;

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(c) asked third persons to contact members of the General Assembly prior to screening.

Judge Hocker 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 Hocker to be intelligent and knowledgeable.

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

- (a) I taught at the SCAA-New Judges School, 7-12-18
- (b) I was a speaker at the Eighth Judicial Circuit Seminar-SC Bar, 7-3-18
- (c) I was a Panel Member at the forum sponsored by NBI-"What Judges want to know", 3-9-18
- (d) I was a speaker at the Eighth Judicial Circuit Seminar-SC Bar, 11-3-17
- (e) I taught at the SCCA-New Judges School, 7-5-17

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

**(4) Character:**

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

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

The Commission also noted that Judge Hocker 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.

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**(5) Reputation:**

Judge Hocker reported that his last available rating by a legal rating organization, Martindale-Hubbell, is either a B+ or A.

Judge Hocker did not report any military service.

Judge Hocker did not report that he has previously held any public office.

**(6) Physical Health:**

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

**(7) Mental Stability:**

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

**(8) Experience:**

Judge Hocker was admitted to the South Carolina Bar in 1981.

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

- (a) General Solo Practice, 1981-2013. Sole manager of Finances and Trust Account.
- (b) Associate Probate Judge for Laurens County, 1984-2013.
- (c) Circuit Court Judge (2013-Present)

Judge Hocker reported that he held the following judicial offices:

- (a) 2013-2019 Circuit Court. Elected.
- (b) 1984-2013 Associate Probate Judge for Laurens County. Appointed.

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

- (a) State of South Carolina vs. Joseph Paul Hudgins, 1993-GS-04-227 and 228
- (b) State of South Carolina vs. Adam Rowell, 2015-GS-24-535 and 536
- (c) State of South Carolina vs. John William Dobbins, 420 SC 583 (Ct. App 2017)

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- (d) State of South Carolina vs. David Land, 419 SC 191 (Ct. App 2016)
- (e) Kieara Johnson, et. al. vs. Lander University, 2013-CP-24-651

Judge Hocker further reported the following regarding unsuccessful candidacies:

On two prior occasions (approximately 2008 and 2011) I was found qualified but not nominated. In 2010, I was found qualified and was nominated but lost in a contested race. All three times were for Circuit Court.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Piedmont Citizens Committee on Judicial Qualification found Judge Hocker 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.

Judge Hocker is married to Gayle Lindler Hocker. He has two children.

Judge Hocker reported that he was a member of the following Bar associations and professional associations:

- (a) SC Bar Association
- (b) Laurens County Bar Association
- (c) National Judges Association

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

- (a) Kappa Alpha
- (b) United Methodist Men

Judge Hocker further reported:

Every single day I am honored and very humbled to be a part of the Judiciary for South Carolina as a Circuit Court Judge. As a

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practicing lawyer for thirty-two years, an Associate Probate Judge for twenty-nine years and a Circuit Court Judge for five years, I have seen so many times how the Court impacts people's lives. Consequently, I strive very hard to be fair and courteous to the lawyers and litigants and further strive to be diligent and conscientious in the decisions I make. Finally, my Christian values play a very important role in the type of judge I am.

**(11) Commission Members' Comments:**

The Commission commented that Judge Hocker has demonstrated himself to be a fair, patient, firm, and decisive jurist during his time on the bench. They commented on his thoughtful intellect and work ethic which has ably served him in discharging his responsibilities in the Circuit Court.

**(12) Conclusion:**

The Commission found Judge Hocker qualified and nominated him for re-election to the Circuit Court, At-Large, Seat 14.

**FAMILY COURT  
QUALIFIED AND NOMINATED**

**The Honorable Anne Guè Jones  
Family Court, First Judicial Circuit, Seat 1**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Jones was born in 1965. She is 53 years old and a resident of Orangeburg, South Carolina. Judge Jones 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:**

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

Judge Jones 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 Jones reported that she has spent \$10-20 in campaign expenditures for postage and in copying costs.

Judge Jones 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 Jones 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 Jones to be intelligent and knowledgeable.

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

- (a) Lectured on "Judicial Pet Peeves on Order Drafting", SC Bar Family Law Bench/Bar JCLE on December 3, 2010
- (b) Lectured on "Motions for Reconsideration Under Rule 59(e)", SC Bar Family Law Bench/Bar JCLE on December 2, 2011
- (c) Lecturer at Orientation School for Family Court Judges each year since 2011 on the topics of custody, contempt and evidence
- (d) Lectured on "Updates in Family Court", SC Bar Family Law Bench/Bar JCLE on December 5, 2014

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- (e) Lectured at SC Bar 2016 Annual Guardian ad Litem Training and Update on January 29, 2016
- (f) Course planner and moderator for the SC Bar Family Law Bench/Bar JCLE in December each year for the years 2013, 2014, 2015, 2016 and 2018

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

**(4) Character:**

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

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

The Commission also noted that Judge Jones 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 Jones reported that she is not rated by any legal rating organization.

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

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

**(6) Physical Health:**

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

**(7) Mental Stability:**

Judge Jones appears to be mentally capable of performing the duties of the office she seeks.

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**(8) Experience:**

Judge Jones was admitted to the South Carolina Bar in 1990.

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

Judge Jones worked as a staff attorney for the South Carolina Supreme Court from August 1990-June 1991. From July 1991-June 2001 she was a partner at Bryant, Fanning, & Shuler in Orangeburg, SC. In this capacity she handled all domestic and family court cases for the firm, including divorce, separate maintenance actions, custody and visitation child support cases, adoptions, DSS appointed cases and all other types of cases heard in family court. Since July 2001, Judge Jones has served as Family Court Judge for the First Judicial Circuit, Seat 1.

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

- (a) Family Court Judge, First Judicial Circuit, Seat 1 from July 2001 to present; elected February 2001
- (b) SC Family Court has exclusive original jurisdiction over any action concerning children living within its jurisdiction and over domestic matters outlined in SC Code Annotated Section 63-3-530.

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

- (a) Georgina Anne Dearden v. Ian Hargraves Dearden, issued on September 27, 2014, in Richland County Family Court, Case No. 2010-DR-40-5038, affirmed as Dearden v. Dearden, 2015-UP-023, S.C. Ct. App. dated January 14, 2015. This was a divorce action after a twenty-seven year marriage and involved issues of equitable division, alimony and attorney's fees. I was affirmed by the Court of Appeals in an unpublished opinion.
- (b) James Padgett v. Mary Padgett, issued on May 8, 2012, in Orangeburg County Family Court, Case No. 2012-DR-38-251, affirmed as Padgett v. Padgett, 2013-UP-394, S.C. Ct. App. dated October 16, 2013. This was an

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action for termination or modification of alimony. The Defendant was self-represented. I denied the request to modify the alimony award because the Plaintiff did not meet his burden to prove a substantial change in circumstances. I prepared the Final Order myself and was affirmed by the Court of Appeals in an unpublished opinion.

- (c) Melissa Leaphart Hagood v. James Bucker Hagood and Melody "Suzie" Hagood Sharpe, issued in July 5, 2016, in Richland County Family Court, Case No. 2014-DR-40-1541. This was a divorce action which involved a substantial dispute over custody between the biological parents and a third party relative. I found the biological parents were unfit to parent and awarded custody to the third party relative.
- (d) Ambrose Anoruo v. Florence Anoruo, issued on June 5, 2012, in Orangeburg County Family Court, Case No. 2010-DR-38-410, affirmed as Anoruo v. Anoruo, 2014-UP-202, S.C. Ct. App. dated May 21, 2014. This was a divorce action with a dispute over equitable division and alimony. I was affirmed by the Court of Appeals in an unpublished opinion.
- (e) South Carolina Department of Social Services v. Renauda Brunson, John Doe, Stanley Collins, issued in December 8, 2015, in Orangeburg County Family Court, Case No. 2015-DR-38-388, affirmed as South Carolina Department of Social Services v. Brunson, et al, 2017-UP-008, S.C. Ct. App. dated January 4, 2017. This was a termination of parental rights case. I was affirmed by the Court of Appeals in an unpublished opinion.

Judge Jones reported the following regarding her employment while serving as a judge: N/A

**(9) Judicial Temperament**

The Commission addressed comments raised in the Ballot Box Survey regarding Judge Jones' judicial temperament. In response, Judge Jones stated at the public hearing that she is committed to maintaining a professional environment in her courtroom where every litigant and attorney that appears before

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her feels that they have been treated equally and fairly despite the outcome of their issue. She noted that she always is a stickler for the rules and tries to keep on task on the docket due to time constraints. Judge Jones testified that she has taken the Ballot Box comments to heart and stated that she will work to improve her interactions with the attorneys that appear in her courtroom. The Commission appreciates Judge Jones' admissions and her commitment to improving in this area.

**(10) Miscellaneous:**

The Lowcountry Citizens Committee reported that Judge Jones is "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.

Judge Jones was married to Carl Arthur Jones until his death in 2018. She has three children.

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

- (a) South Carolina Conference of Family Court Judges, Secretary/Treasurer 2012, Vice President 2013, President 2014. She sat on the Family Court Judges' Advisory Committee as an officer of the conference from 2012-2014
- (b) South Carolina Bar Association
- (c) South Carolina Women Lawyers Association
- (d) Orangeburg County Bar Association

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

- (a) First Baptist Church, Orangeburg, SC, Board of Deacons including as Deacon Chair
- (b) Junior Service League of Orangeburg, Sustaining Member
- (c) Govie Parents Organization, SC Governor's School for Arts and Humanities

Judge Jones further reported:

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I was raised by parents who instilled in me a commitment to family, church and community; a strong work ethic, integrity and humility. I have been married for 27 years and have been a working mother for 23 years. My own life experiences make me acutely aware that every person I encounter as a Family Court Judge carries with them their unique personal circumstances. My effectiveness as a Family Court Judge directly depends on my ability to approach all people in the courtroom with a calm, compassionate, respectful and patient temperament. I realize that my daily decisions as a Family Court Judge have life consequences for the participants. I believe it is critically important that all participants leave Family Court confident that their cases were heard patiently and decided fairly, according to the law. I will continue to strive to uphold this personal standard during my service on the Family Court bench. I am thankful for the opportunity to serve in this capacity.

**(11) Commission Members' Comments:**

The Commission noted the continued service of Judge Jones and appreciates, after seventeen years on the Family Court Bench, that she continues to strive to improve in each of the evaluative criteria.

**(12) Conclusion:**

The Commission found Judge Jones qualified and nominated her for re-election to Family Court, First Judicial Circuit, Seat 1.

**The Honorable Angela W. Abstance  
Family Court, Second Judicial Circuit, Seat 2**

### **Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Abstance was born in 1975. She is 43 years old and a resident of Barnwell, South Carolina. Judge Abstance provided in her application that she has been a resident of South Carolina

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for at least the immediate past five years and has been a licensed attorney in South Carolina since 2001.

**(2) Ethical Fitness:**

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

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

Judge Abstance 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 Abstance 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 Abstance to be intelligent and knowledgeable.

Judge Abstance reported that she has not taught any law-related courses:

Judge Abstance reported that she has published the following books or articles:

"Are Employer Credit Checks on the Way Out?" South Carolina Lawyer, November 2013.

**(4) Character:**

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

The Commission's investigation of Judge Abstance did not indicate any evidence of disqualifying financial issues.

The Commission also noted that Judge Abstance 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 Abstance reported that she has not requested a rating by any legal rating organizations.

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

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

**(6) Physical Health:**

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

**(7) Mental Stability:**

Judge Abstance appears to be mentally capable of performing the duties of the office she seeks.

**(8) Experience:**

Judge Abstance was admitted to the South Carolina Bar in 2001.

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

a) The Moore Firm, LLC, 2001-2008. I was an associate attorney at The Moore Firm, LLC, in Barnwell, South Carolina. During this time, I practiced in the areas of family law (including divorce, custody, visitation, equitable distribution, adoptions, domesticating foreign adoptions, defending parents in SCDSS cases, and representation of the volunteer GAL program in DSS cases), civil litigation and

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personal injury, probate, real estate, post-conviction relief cases, Social Security disability cases, and other general practice matters, including drafting wills. I practiced in state and federal courts and participated in civil appeals, including writing appellate briefs. At that time, I was not responsible for the financial management of the firm. My work involved extensive client contact, legal writing, court appearances, representation in depositions, and interaction with other attorneys and judges.

- b) South Carolina Department of Social Services staff attorney, Fourteenth Judicial Circuit, 2008-2011. In this position, I was the sole attorney responsible for handling abuse and neglect cases for the Department of Social Services in Colleton, Hampton, and Allendale Counties. In that capacity, I was usually in court at least three weeks each month. I regularly tried contested cases involving issues of abuse and neglect, including physical and sexual abuse cases where entry of Defendants on the Central Registry of Child Abuse and Neglect was at issue. I was responsible for managing the docket, scheduling cases to be heard in a timely manner, presenting and trying cases in court, supervising the paralegals who assisted in the legal department, ensuring correct data was entered into the case management system, and interacting with attorneys and caseworkers.
- c) Abstance Law Firm, L.L.C., 2014- June 2018. I operated a solo law practice in my hometown of Barnwell, South Carolina, in which I was responsible for the administrative and financial management of my practice, including the trust account. I supervised a part-time administrative assistant. I was a certified Family Court Mediator. I was a 608 contract attorney with the Office of Indigent Defense, and regularly defended parents in abuse and neglect cases in the Second and Fourteenth Circuits. I also handled private Family Court cases and regularly served as guardian ad litem in private court cases. I handled guardianship/conservatorship cases in Probate Court, and I also served as guardian ad litem for minors or unknown heirs in Probate Court when needed. I regularly interacted with clients, attorneys, judges, guardians ad litem, and Family Court and Probate Court

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personnel. I also drafted Wills and Deeds for clients. I had a small percentage of personal injury cases.

- d) Family Court Judge, Second Judicial Circuit, Seat #2, July 1, 2018 – present. I was elected Family Court Judge on February 7, 2018 to fill the unexpired term of the Honorable Dale Moore Gable. I began serving my term on July 1, 2018.

Because Judge Abstance did not begin her term as a judge until July 2, 2018, she did not have any reported orders or opinions to list in response to the question which asked her to describe or list five of her most significant orders or opinions.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Midlands Citizens Committee reported Judge Abstance to be "Well Qualified" in the evaluation 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.

Judge Abstance is married to Robert Manning Abstance, III. She has three children.

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

- a) South Carolina Bar
- b) Barnwell County Bar

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

- a) Barnwell County Rotary Club, former member;
- b) Former Executive Director, Barnwell County Chamber of Commerce
- c) Barnwell County Library Board, former Vice-President, former board member
- d) Barnwell County First Steps Board, former board member

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e) Denmark First Baptist Church, current member, former chairperson of Personnel Committee, served on Pastor Search Committee, currently a member of the Nominating Committee

Judge Abstance further reported:

I grew up in Barnwell County, South Carolina. My father was a self-employed mechanic, and my mother worked as a lab technician at the Savannah River Site. I have two younger sisters. My parents worked hard and expected the best from me. They encouraged good grades in school and celebrated my academic accomplishments. My father worked long hours building his business, and my mother worked shift work. As a result, I learned to be independent, diligent, and responsible. I was the first person in my immediate family to attend college. I graduated from Furman University in Greenville, and I went on to law school at the University of South Carolina. After graduating from law school, I returned to my hometown to practice law. Practicing law in a small town has its unique opportunities and challenges. My involvement in many types of cases over the years has taught me to recognize the challenges many Family Court litigants face in rural areas, where unemployment is an issue and access to drug treatment services and mental health services are limited. I strive to treat each person I meet with dignity, respect, and empathy. Litigants in Family Court are struggling through the most difficult circumstances in their lives. They are under great stress and are often worried about their children and their assets. Children are displaced from their homes, and they endure significant changes that affect them greatly. It is important to ensure the best interests of children are protected, that spouses can present their claims and be heard, and that assets are divided fairly, so that people can leave the court with confidence in our judicial system, even if they are not happy with the result. A Family Court judge should be mindful of the due process rights of litigants as well as the needs and best interests of the children whose lives are being decided in the courtroom.

Managing my own law practice required discipline, diligence, time-management skills, and hard work. These qualities are strengths I bring to the Family Court Bench. My years of handling divorce, custody, and guardian ad litem cases together with my

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work as a staff attorney for SCDSS handling abuse and neglect cases has prepared me for the position. In the area of juvenile justice, I have studied the law and observed our local practitioners in that area to gain the knowledge necessary to handle those issues prior to serving on the bench. I greatly appreciate the opportunity to serve as Family Court Judge for the Second Judicial Circuit.

**(11) Commission Members' Comments:**

The Commission commented that they appreciate Judge Abstance's service thus far and noted the positive comments about her in the Ballot Box survey.

**(12) Conclusion:**

The Commission found Judge Abstance qualified and nominated her for re-election to Family Court, Second Judicial Circuit, Seat 2.

**The Honorable Angela R. Taylor  
Family Court, Third Judicial Circuit, Seat 2**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Taylor was born in 1958. She is 60 years old and a resident of Sumter, SC. Judge Taylor 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.

**(2) Ethical Fitness:**

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

Judge Taylor demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to

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judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

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

Judge Taylor 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 Taylor 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 Taylor to be intelligent and knowledgeable.

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

I made a presentation on October 2, 2015 on the topic of Third Circuit Tips from the Bench. I discussed privacy matters associated with court filings, the sealing of records and settlement agreements.

Judge Taylor reported that she has published the following:

Domestic Violence Handbook Young Lawyers Division of the South Carolina Bar 1986), Contributing Author.

**(4) Character:**

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

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

The Commission also noted that Judge Taylor 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 Taylor reported that she is not rated by any legal rating organization.

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

Judge Taylor reported that she has held the following public office(s):

Assistant Solicitor from 1985 through 2009. She was appointed by the acting Solicitor. She was not required to file an Ethics report in her capacity as an Assistant Solicitor

**(6) Physical Health:**

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

**(7) Mental Stability:**

Judge Taylor appears to be mentally capable of performing the duties of the office she seeks.

**(8) Experience:**

Judge Taylor was admitted to the South Carolina Bar in 1984.

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

(a) Reginald Heber Smith Community Fellow, Three Rivers Legal Services. She was a Staff Attorney. Her office represented low income clients in Lake City, Florida in divorce cases, disability cases, and landlord tenant cases. 1983-1984

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(b) Neighborhood Legal Assistance Program, Conway South Carolina, staff. The office represented low income clients in family law cases, landlord tenant and disability cases. 1984-1985

(c) Third Circuit Solicitor's Office. She was hired in 1985 as the first full time Family Court prosecutor. She prosecuted juvenile cases and abuse and neglect cases in Sumter, Lee and Clarendon Counties. In 1987, she changed to part-time status and only handled juvenile cases in Sumter County. She also became a contract attorney for the Department of Social Services at that time because the state Solicitors stopped representing the Department of Social Services in abuse and neglect cases. She went into private practice as an associate in the Law Office of Larry C. Weston in 1987 as well. She primarily handled domestic cases as an associate and she continued to work as a part-time Assistant Solicitor. She worked as a part-time Assistant Solicitor until 2009. She also continued to work as a contract attorney for the Department of Social Services while working as an Associate with Larry Weston. She worked as a contract attorney for the Department of Social Services until 2005. She opened her own practice in 1997. She was a solo practitioner and primarily handled family law cases. She also prepared wills and handled a limited number of accident cases. She was responsible for hiring, book keeping and was responsible for maintaining the operating account and trust account in her office.

(d) In 2009, she was elected to the Family Court, first to complete the unexpired term of W. Jeffrey Young and in 2012 she was elected to a serve a six year term.

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

Family Court Judge since 2009 until present. she was elected by the General Assembly. The Family Court is a court of limited jurisdiction. It is limited to domestic matters involving divorces, child custody, adoption, abuse and neglect cases and juvenile proceedings to name a few.

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

- (a) Lori C. Reed v. Elton Reed et.al. 2015-DR-31-10
- (b) SCDSS v. Angela Georgia et. al., Op. No. 2018-UP-136 (S. C. Ct. App. Filed March 28, 2018)
- (c) SCDSS v. Tyeshia Miller et. al., Op. No. 2016-UP-265 (S. C. Ct. App. Filed June 2, 2016)
- (d) Johnny Andrew Parsons. V. Tabatha Jacobs Parson, Op. No. 2015-UP-047 (S. C. Ct. App. Filed January 28, 2015)
- (e) In the Interest of Stephen W., a Juvenile Under the Age of Seventeen, Op. No. 27413 (S.C. Sup. Ct. filed July 16, 2014)

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

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Pee Dee Citizens Committee on Judicial Qualification found Judge Taylor 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.

Judge Taylor is not married. She does not have any children.

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

- (a) Sumter County Bar Association
- (b) South Carolina Bar Association
- (c) South Carolina Family Court Judges Association.
- (d) Pee Dee Inn of Court, Master.

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

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- (a) Mount Pisgah African Methodist Episcopal Church, Steward Board
- (b) 2017 Heritage Award for Outstanding Contributions to the Community
- (c) 2015 South Carolina Domestic Violence Task Force
- (d) The Digital Recording Committee in Sumter County one of the pilot counties for the Digital recording systems.

Judge Taylor further reported:

I have been involved in activities related to my church for over 25 years. I have served as a Steward for a significant number of years. A Steward is a very high office in the AME church. I have also served on the Finance Committee in my church. That Committee counts the money taken up in collection following Sunday service. One is selected to serve on the Finance Committee by the pastor.

I have read to elementary school students on reading days at local elementary schools. I have served as a judge in Mock Trial competitions as a part South Carolina Bar Law Related Education program

I believe all litigants should be given an opportunity to be heard whether they are represented by counsel or self- represented. I believe court should be conducted in a calm and dignified manner.

**(11) Commission Members' Comments:**

The Commission was very impressed with Judge Taylor's judicial temperament and reputation of a jurist with great humility. They commented that Judge Taylor's focus on leaving a legacy that she was fair to all who appeared before her is admirable. Her experience, reputation and composed demeanor will serve her well as she continues to serve on the Family Court bench.

**(12) Conclusion:**

The Commission found Judge Taylor qualified and nominated her for re-election to Family Court, Third Judicial Circuit, Seat 2.

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**The Honorable Gordon B. Jenkinson  
Family Court, Third Judicial Circuit, Seat 3**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Jenkinson was born in 1948. He is 70 years old and a resident of Kingstree, South Carolina. Judge Jenkinson 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 1974.

**(2) Ethical Fitness:**

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

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

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

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**(3) Professional and Academic Ability:**

The Commission found Judge Jenkinson to be intelligent and knowledgeable.

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

Business Law, Williamsburg Technical College -- For two years in the late 1970s.

Judge Jenkinson reported that he has published the following:

- (a) Live Oaks (Nimrod House 1996);
- (b) A History of Homes and People of Williamsburgh District (History Press 2007);
- (c) St. Albans Episcopal Church: A Short History of a Small Mission (R.L. Bryan 2007);
- (d) River Road (Pelican Publishing 2011); and,
- (e) Black River and its Tributaries: 300 Years of Lowcountry History (forthcoming 2018).

**(4) Character:**

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

The Commission's investigation of Judge Jenkinson did not indicate any evidence of disqualifying financial issues.

The Commission also noted that Judge Jenkinson 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 Jenkinson reported that his last available rating by the legal rating organization, Martindale-Hubbell, was BV.

Judge Jenkinson reported the following military service:

I served in the U.S. Army and was on active duty from July [to] October of 1974 when I attended and graduated from the Ordnance Officers basic course at Aberdeen Proving Ground,

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Maryland. I was honorably discharged from the inactive reserves approximately [six] years later as a captain.

Judge Jenkinson reported that he has held the following public office(s):

In the mid 1990s, I was elected for a [four] year term to the SC Coastal Council. I did not seek re-election. I filed all required reports with the State Ethics Commission and I was never subjected to a penalty.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Jenkinson was admitted to the South Carolina Bar in 1974.

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

After being discharged from the Army in October 1974, I joined a family practice founded by my father William E. Jenkinson, Jr. in 1945. My brother, William E. Jenkinson, III was a partner, having joined the firm in 1971. We had a general civil and criminal practice, which continued until I withdrew from my old firm in 2002 and founded my own firm where I practiced by myself until my election to the Family Court bench in 2007. Early in my career, I concentrated in the criminal law field and I was a part-time public defender for Williamsburg County from 1981 to 1992. I tried well over a hundred jury trials to conclusion in the Court of General Sessions and was co-counsel on five death penalty cases. During the 1980's, I was also chief counsel for the South Carolina Public Service Authority and I handled a number of condemnation cases to facilitate the construction of a large power line across our county. I was also heavily involved in personal injury litigation. I was successful in arguing the landmark case of Wise v. Broadway in the early 1990's in the

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South Carolina Supreme Court. I also argued approximately 12 cases in the SC Supreme Court. In the early 1990's, I began concentrating on Family Law cases, which I continued until my election to the bench in 2007. My father, my brother and I shared the administrative and financial management of our firm until my father's death in 1991 and thereafter my brother and I shared these duties.

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

Family Court, Third Judicial Circuit, Seat 3 (2007 to present)

Judge Jenkinson provided the following descriptions of his most significant orders or opinions:

- (a) I tried a divorce action in Charleston County about 8 or 9 years ago. The wife was a Family Court lawyer from Horry County, where the parties resided, so venue was transferred to Charleston County. The husband was a pro se disbarred lawyer who had mental health issues. It took seven days to hear the case and was spread out over about five months, as I recall. The valuation issues were very difficult to say the least. The parties owned a front beach house at Garden City Beach that had 14 bedrooms and a creek front home in Murrells Inlet. The action was filed just before the Great Recession in 2008 and, by the time the case was tried, the property values had decreased substantially. The husband ha[d] also purchased hundreds of tax titles in about six states, which added to the valuation issues. I granted a divorce on the grounds of one year's continuous separation and awarded the wife 60% of the marital property. No appeal was filed.
- (b) I tried a visitation case in Dorchester County over three days that had some unique issues. The mother had custody. She was pro se and extremely intelligent, but she had some mental health issues. It was uncontested that the mother had denied the father his visitation rights. The father was a Jewish man living in Israel while he studied to be a rabbi. The wife called as her main witness Dr. Barton Saylor, a highly respected

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counselor in the Charleston area. The child was about 8 or 10 years old, as I recall, and Dr. Saylor testified that it would not be in the child's best interests to try to reunify her with her father because a normal father-daughter relationship could not be restored. The father called as his main witness a Dr. DeFelise, who is also well respected in her field. Dr. DeFelise testified that in her opinion it was in the child's best interest to reunite the child with her father and the best way to facilitate the reunification would be to send the child to a facility in the Columbia area for about six months. I decided in favor of the father and sent the child to the facility in the Columbia area. The guardian, a very conscientious, competent lawyer was so angry at my ruling that she wept in open court. About a year after my ruling I learned that the reunification was successful, that the father had gained full custody, and that the child was living with her father in Israel.

(c) I tried an interesting and significant case in Sumter on June 1<sup>st</sup> and 2<sup>nd</sup>, 2016, David Berry, III vs. Ashley Berry. The parties were never married, but had one very small child, born December 5, 2012, that had been diagnosed with autism. The father filed an action seeking either joint custody or standard visitation. The father had been [ ] granted very limited, supervised visitation with no overnight visitation. The mother filed a counterclaim seeking termination of the father's parental rights for his alleged failure to visit and failure to support. It was uncontested that the mother refused to allow the father to visit his child and the father testified that the mother refused payment of child support. The father was a very credible witness and the mother was not a credible witness. The Court ruled that the mother did not prove by clear and convincing evidence that the father failed to visit or pay child support. The court also ruled that it would not be in the child's best interests to terminate the father's parental rights. Among some of the reasons for denial w[ere] that [ ] the father had good insurance to cover the child, [that the father] had a good job, and the mother's inability to work due to severe

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hearing loss. Also, the court put great emphasis on the mother's expert witness who testified that some individuals that had autism similar to the child's can never function normally. This decision was not appealed.

(d) Undoubtedly one of the most complicated and significant cases that I've heard in my eleven years on the bench was Daisy Wallace Simpson, Appellant/Respondent v. William Robert Simpson, individually and as shareholder/member of Simpson Farms, LLC and William R. Simpson, Jr. as shareholder/member of Simpson Farms, LLC, Respondent/Appellants. The parties were divorced in 2004 and my predecessor in office in Clarendon County divided the parties' extensive landholdings[,] g[iving] the wife 34 percent of the marital property valued at [\$]784,055. The case initially came before me on the Wife's rule to show cause which alleged that the Husband did not transfer all of the land that was awarded the Wife. As it turned out, there was a scrivener's error in the decree. The trial judge set out the tracts that were to be conveyed to the Wife, but in the "Wherefore" clause he left out [two] tracts that were awarded the Wife. To me, it was plain what the intention of the trial judge was and, at a later hearing, I modified the decree to reflect what was clearly the intention of the Trial Judge. The Court of Appeals reversed my decision, holding that the case law was clear that the family court does not have the authority to modify court ordered property divisions. I completely agree with that statement of law, but nowhere in the Court of Appeals decision did it mention the scrivener's error and the resulting discrepancy in the properties awarded. *See* 404 S.C 563 (App. 2013), 746 S.E. 2d 54.

(e) About 4 or 5 years ago, I conducted a [three] day trial in Aiken [where] the custodial parents were seeking to terminate the parental rights of the biological parents. The biological parents were Native Americans so the federal Indian Child Welfare Act applied to this action. The parents were members of the Catawba Tribe of

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York County and the Tribe was represented by their in-house attorney from Miami. At least one expert was also a member of the Tribe and he testified at length about Catawba customs and the Tribe's efforts to perpetuate them. The testimony was fascinating and educational. The children had been previously removed by DSS, so it was not difficult to rule that the parents were unfit and termination of their parental rights was in the best interests of the children. There was no appeal filed.

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

Judge Jenkinson further reported the following regarding unsuccessful candidacy:

In 2002, I ran unsuccessfully for the seat that I currently hold.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Pee Dee Citizens Committee on Judicial Qualification found Judge Jenkinson 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.

Judge Jenkinson is married to Margaret Kelley Jenkinson. He has two children.

Judge Jenkinson reported that he was a member of the following Bar and professional associations:

- (a) I served as [P]resident of the Williamsburg County Bar Association for [two] years in the 1990s;
- (b) I was also a member of the SC Trial Lawyers Association for many years; and,

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(c) I was also a member of the Resolution of Fee Disputes Board for the Third Judicial Circuit for many years.

Judge Jenkinson provided that he has not been a member of any civic, charitable, educational, social, or fraternal organizations during the past five years.

**(11) Commission Members' Comments:**

The Commission commented that Judge Jenkinson has an outstanding reputation as a jurist and thanked him for his years of service on the bench.

**(12) Conclusion:**

The Commission found Judge Jenkinson qualified and nominated him for re-election to the Family Court, Third Judicial Circuit, Seat 3.

**The Honorable Salley Huggins McIntyre  
Family Court, Fourth Judicial Circuit, Seat 2**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge McIntyre was born in 1969. She is 49 years old and a resident of Dillon, South Carolina. Judge McIntyre 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 1995.

**(2) Ethical Fitness:**

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

Judge McIntyre demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important

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to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

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

Judge McIntyre 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 McIntyre 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 McIntyre to be intelligent and knowledgeable.

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

- (a) I taught a business law class through Coker College shortly after being admitted to the bar. It was a night class taught at the National Guard Armory in Mullins, SC and mainly consisted of adult students who were working full time and attending school part time.
- (b) Several times a year, I volunteer to speak to local high schools and middle schools regarding juvenile matters and the law in general. I also volunteer to speak to different schools during Law Education Week.
- (c) I frequently make appearances at schools to encourage students to stay active in school and explain the importance of education and their attendance.
- (d) I have also served on a panel of Family Court Judges for the National Business Institute speaking at several CLEs.
- (e) I have served on a panel of judges for the Family Court Bench Bar and the Horry County Bar during CLE courses.

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

**(4) Character:**

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

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

The Commission also noted that Judge McIntyre 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 McIntyre reported that her last available rating by a legal rating organization, Martindale-Hubbell, was BV.

Judge McIntyre reported that she has held the following public office:

I was elected to serve as the Mayor of the City of Dillon from May 1999 until May 2003. I did not seek a second term. Reports were timely filed with the State Ethics Commission.

I served as the Associate Probate Judge for Dillon County and served from July 2009 until January 2011. I did not have to file with the State Ethics Commission.

**(6) Physical Health:**

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

**(7) Mental Stability:**

Judge McIntyre appears to be mentally capable of performing the duties of the office she seeks.

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**(8) Experience:**

Judge McIntyre was admitted to the South Carolina Bar in 1995.

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

Upon graduating from law school, I clerked for the Honorable James E. Lockemy from August 1995 until June 1996. In June 1996, I became an Associate at the firm of Greene & Bailey, P.A. in Dillon, SC. In June of 1998, A. Glenn Greene, Jr. and I formed Greene & Huggins, P.A. where I practiced until being elected to the Family Court Bench in 2011.

While in private practice, I maintained a general practice in the areas of domestic, real estate, personal injury and probate. As the years passed, my real estate and domestic work increased substantially, and I had less work in the area of personal injury. Practicing in a rural area, I had to have a general practice to service most of the community with its needs.

I also served as attorney for the Dillon County Guardian ad Litem program beginning from 1998 until I was elected in 2011. My work with the program was all volunteer until contracts were offered in 2009. The pay is very nominal compared to the amount of time involved in and out of court.

In June of 2009, the Dillon County Probate Judge passed away after a very brief illness. I was asked to serve as the Associate Probate Judge. The Clerk of Court for Dillon County was the Acting Probate Judge handling all of the personnel matters and my role was to hear all matters and answer all legal questions. I served as the Associate Probate Judge until the newly elected Probate Judge took office on January 4, 2011. When the newly elected Probate Judge took office, I agreed to serve six months as the Associate Probate Judge pro bono to assist her in making her transition successful.

I took office as a Family Court Judge in July 2011 and have served in that capacity since taking office.

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

- (a) Family Court Fourth Judicial Circuit, Seat 2; July 2011-current; elected

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(b) Dillon County Associate Probate Judge; July 2009 – January 2011; appointed

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

- (a) Shaw v. Shaw, Op. No. 2016-UP-380 (S.C. Ct. App. fil May 20, 2015)
- (b) Short v. Short, Op. No. 2016-UP-188 (S.C. Ct. App. Filed May 4, 2016)
- (c) SCDSS v. Spurill, Op. No. 2016-UP-251 (S.C. Ct. App filed June 2, 2016)
- (d) SCDSS v. In re: Samiya Alexander, 2015-DR-16-0109
- (e) Robert Garris v. Elizabeth Garris Weaver and Jason Postlewait, 2010-DR-26-0508

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

Judge McIntyre further reported the following regarding unsuccessful candidacies:

I was found qualified and nominated in the Spring of 2009 election, for the Fourth Circuit Family Court, Seat 3. I withdrew as a candidate prior to the election.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Pee Dee Citizen's Committee on Judicial Qualification found Judge McIntyre to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic abilities, character, reputation, experience, and judicial temperament; and, "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Judge McIntyre is married to Frederick Martin McIntyre, Jr. She has four children.

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

- (a) South Carolina Bar
- (b) South Carolina Association of Family Court Judges
- (c) Dillon County Bar; President 2007

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

- (a) Main Street United Methodist Church, served on both Board of Trustees and Educational Committee
- (b) Through my church we have begun a reading program and mentoring program at a local elementary school.

Judge McIntyre further reported:

I have always been a very hard worker from a very young age. I was blessed with two loving, hard-working parents who taught me to have strong morals, character and value. I lost my father to cancer when I was 20 years old and beginning my junior year in college. My father always taught me that money would never buy happiness and that giving and doing for others would make me a more fulfilled person. I never went into the practice of law for the money. Fortunately, I was able to make a good living to help support my family through my legal career and private practice while helping others in my small rural town. I have served my community and the children in my community for many years and have maintained a well-balanced career and home life. While in private practice, my guardian work was clearly the most fulfilling. Knowing that I, along with the hard work of my office staff, have made a difference in children's lives is very rewarding. I was always very passionate about my private practice and feel that that passion and energy has carried over to the Family Court Bench.

My husband is a high school math teacher and football Coach in Dillon. We see every day that the children of our community are our future. I have on numerous occasions seen him leave the house early to pick up "the boys" for practice or run them home after practice. For years, we have always had extra children come to our house for a ride to school. Knowing they did not have breakfast at home, we would always feed them along with our children. We have a regular breakfast menu and it has always

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been fun to watch these children consistently show up on the days we were having their favorite breakfast. Many times I have seen my husband as well as other coaches take money out of their own pockets to help these less fortunate children who come from single-parent homes or who are being raised by a relative. Our home has been open to so many children who have been less fortunate than us as either athletes that played for my husband or friends of my children. Most importantly, I have seen firsthand, the lives that these children who are a part of our system live.

Two years after my last election, our six year old daughter was diagnosed with Hodgkin's Lymphoma. My family learned the importance of a great support system during her diagnosis and treatment. Most importantly, I learned coping skills on a greater level. Our daughter is doing well and is now 11 years old.

Unfortunately in Dillon County, we have seen a rise in the Department of Social Service cases with the decline in the economy. I have been able to carry the knowledge gained from 15 years of pro bono work as the attorney for the guardian ad litem program onto the bench. I have learned to effectively communicate with litigants in situations where emotions and tempers are high. I feel that I have developed a good sense of humor, civility and compassion when dealing with the public. All these are traits that a judge should possess.

### **(11) Commission Members' Comments:**

The Commission commented that Judge McIntyre had excellent responses on her Ballot Box survey. They noted that she is well-qualified to continue serving on the family court bench.

### **(12) Conclusion:**

The Commission found Judge McIntyre qualified and nominated her for re-election to the Family Court, Fourth Judicial Circuit, Seat 2.

**The Honorable Michelle M. Hurley  
Family Court, Fifth Judicial Circuit, Seat 2**

### **Commission's Findings: QUALIFIED AND NOMINATED**

#### **(1) Constitutional Qualifications:**

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

Judge Hurley was born in 1969. She is 49 years old and a resident of Columbia, South Carolina. Judge Hurley 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.

**(2) Ethical Fitness:**

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

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

Judge Hurley 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 Hurley 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 Hurley to be intelligent and knowledgeable.

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

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The Following are my CLE Presentations:

- (a) *Family Law Update*, SC Black Lawyer's Association, September 26, 2013.  
This was a panel presentation on the new laws regarding family law.
- (b) *Reflection from the Newbies: Is there an Escape Clause?* Family Court Bench Bar, December 2013.  
This was a panel presentation from the newly elected Family Court judges.
- (c) *As Family Court Judges See It: Top Mistakes Attorney's Make in Litigating Divorce*, National Business Institute (NBI), November 7, 2014.  
This was an all-day panel discussion on various issues related to litigating divorce cases.
- (d) *Keep Out! SC and the School to Prison Pipeline*, SC Bar Convention, January 24, 2015.  
This was a panel discussion on the "school to prison pipeline".
- (e) *Now That I Have My Sea Legs-Thoughts from the Bench*, SC Bar, Hot Tips from the Coolest Domestic Law Practitioners, September 25, 2015.  
I provided insight on practicing in Family Court.
- (f) *Tips from the Family Court Bench*, SC Bar, Fifth Circuit Tips From the Bench, January 8, 2016.  
I polled the family court judges and presented our "pet peeves" and helpful tips.
- (g) *Pathway to Judgeship in SC*, SC Women's Law Association (SCWLA), June 9, 2016.  
A panel of female judges from different courts discussed our backgrounds and the process of becoming a judge in South Carolina.
- (h) *What Judges Want You to Know About Family Court*, National Business Institute (NBI), November 14, 2016.  
This was an all-day panel discussion on various issues related to Family Court.
- (i) *Judicial Hollywood Squares*, SC Bar Convention, January 20, 2017.  
This was a fun game to test participants' knowledge of legal issues.

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(j) *Parental Alienation, its Impact on Children and its Remedies*, SC Association for Justice, Annual Convention, August 3, 2017.  
I presented on the issue of parental alienation and the Noojin v. Noojin case.

(k) *Standardizing "Standard" Visitation: A View from the Bench*, SC Bar, Family Court Bench Bar, December 1, 2017.  
This was a presentation on the judicial view of different visitation plans.

(l) *Children and the Family Court: Evidentiary Issues*, Children's Law Center, February 16, 2018.  
I discussed evidentiary issues related to child abuse and neglect cases, such as presenting a child witness and S.C. Code Ann. Section 19-1-180.

(m) *Lunch and Learn* (Nelson Mullins), May 16, 2012.  
I discussed handling DSS Appointments: registering the appointment; meeting with the client; information to gather from the client; discovery requests; avoiding foster care through relative/non-relative placements; time frames for hearings; the purpose of each hearing and the applicable standards of proof.

(n) *Homeless Experience Legal Protection Project Training*, October 27, 2011.  
I presented on the issue of representing the Homeless in Child Protection Cases.

(o) *Training for New Attorneys Subject to Appointment in Abuse and Neglect Cases*, May 13, 2011 and August 6, 2011.  
This CLE was presented in the 5<sup>th</sup> and 9<sup>th</sup> Circuits. This course was aimed at preparing new attorneys for the inevitable DSS appointment. I explained the child protection process and the applicable laws, and provided helpful navigation tips.

(p) *Immigration Issues and Educational Needs of Children in Foster Care*, May 23, 2011, June 22, 2011, July 8, 2011 and July 15, 2011.  
I lectured on the Fostering Connections to Success and Increasing Adoptions Act of 2008. Particularly, the importance of a foster child having as few foster home moves as possible; the importance of school stability and the negative impact multiple homes and schools have on a foster

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child's success in education, relationships, and mental and physical health. Also spoke on the role of caseworkers, guardians ad litem, and foster parents in advocating for the educational and health care needs of foster children, the law in South Carolina as it relates to school enrollment requirements for children, the roles of DSS and schools in ensuring that foster children remain in their schools of origin, and their roles and duties, under the Fostering Connections Act, when foster children must change schools. I discussed other mandates in the Fostering Connections Act such as, the ongoing duty of child welfare agencies to locate and connect foster children with their relatives for placement and/or adoption; placement of siblings in the same foster home; the importance of children to be able to maintain significant relationships with relatives and friends while they are in foster care, particularly when the child's permanent plan is reunification with his/her family; placement of children in foster homes within or near their home communities and school zones; and the duty of child welfare agencies to recruit foster homes near a child's biological home, when a foster home is not available in that community.

- (q) *DSS Upstate/Court Improvement CLE*, 2010.  
I presented on best practices in child protection hearings.
- (r) *Representing Parents in Child Maltreatment Cases*, November 2010  
Provided helpful tips to attorneys hired and/or subject to appointment in child protection cases.
- (s) *SCDSS Child Support Enforcement*, June 4, 2010  
I spoke on child support issues in abuse and neglect cases.
- (t) *Basic Training for Juvenile Public Defenders*, April 2010  
Discussed home assessments vs. home studies; children being placed into emergency protective custody at disposition hearings; coordinating cases and services when both DSS and DJJ are involved with a family.
- (u) *Lunch and Learn, Handling DSS Appointments* (Nelson Mullins), June 2009  
I gave a similar lecture as item "m".
- (v) *Training for Child Support Enforcement Division*, November 2009

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Discussed the duties of DSS county attorneys.

(w) *Representing Volunteer Guardians ad Litem*, March 14, 2008

Discussed the role of the guardian ad litem and his/her attorney in child abuse and neglect and Termination of Parental Rights cases.

(x) *Training for Attorneys Appointed in DSS Cases*, July 27, 2007

I presented on handling DSS appointments.

(y) *Complex Issues in Family Law*, March 2006.

Provided an overview of the grounds for Termination of Parental Rights.

I have taught/lectured the following law related courses:

a) *Trial Advocacy Training for DSS Case Workers and Attorneys*, 2005-2012.

I taught a three-day lecture and mock trial course for newly hired DSS employees. The course entailed a day and a half of lecture and a day and a half of testifying. This course was held on average once per month, except in 2009, when it was held three times per month. I lectured on the family court system, the Children's Code, Family Court Rules, evidence; standards of proof, court preparation and appearance, effective testifying, and the grounds for termination of parental rights.

During the mock trial portion of the course, a retired family court judge presided over the hearings. Using fictional case files, the participants testified in probable cause, merits, permanency planning and termination of parental rights hearings. Newly hired attorneys played the role of the DSS attorney. Both the attorneys and caseworkers were videotaped and were provided constructive feedback.

b) *Advanced Legal Training for Caseworkers*, 2006-2012.

This was an 8-hour course for DSS caseworkers. In 2006 and 2007, I traveled to each of the sixteen circuits to teach this course. From 2008-2012, I taught this course four to five times per year in the four regions of the state. This course

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was designed to help caseworkers gain a better understanding and appreciation of the procedural and legal requirements of their jobs by connecting the South Carolina Children's Code, the 14<sup>th</sup> Amendment, and federal laws to the DSS policy and procedure manual.

This training covered administrative hearings, developing and using case theories, the Indian Child Welfare Act (ICWA), the Adoption and Safe Families Act (ASFA), The Fostering Connections to Success and Increasing Adoptions Act, Title IV-E requirements and the meaning of Reasonable Efforts, making decisions in the best interests of children, child custody and guardianship, avoiding foster care through alternative placements, diligent searches, the Responsible Father Registry, relinquishments for adoption, and termination of parental rights.

c) *Multi-Ethnic Placement Act (MEPA), 2010-2012.*

This training was a result of the South Carolina Department of Social Services being placed under a federal Corrective Action Plan, to correct the discriminatory practices of the agency in the placement of children in foster and adoptive homes. The practices in effect delayed positive permanence and caused children to languish in foster care longer than necessary.

The Multi-Ethnic Placement Act is a federal law enacted in 1994 and amended by President Clinton in 1996. The Act prohibits the delay or denial of the placement of a child in a foster home or prospective adoptive home based on the race, color or national origin (RCNO) of the child, foster parent or adoptive parent. MEPA applies to all public child welfare placing agencies and all private child-placing agencies that receive any federal funding either directly or indirectly.

This training was held twice per year in each of the 16 circuits. I became a federally approved MEPA trainer in 2010.

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- d) Guest Lecturer, *Child Advocacy Studies*, USC Upstate, 2011.  
Lectured to undergraduate students on the mandated reporting laws of South Carolina.
- e) Guest Lecturer, USC School of Social Work, 2010.  
Lectured to graduate students on the laws pertaining to child protection. I discussed each phase of a case and the different avenues a case can take from the moment a report is made of suspected child abuse and neglect. Topics included: the investigation of the allegations, treatment cases vs. removal of children from the home, placement plans, the purpose of each court hearing, reunification, alternative placements, and termination of parental rights and adoption.
- f) Guest Lecturer, Summer Institute for School Guidance Counselors, 2008, 2009, 2010, 2011.  
Lectured to guidance counselors about when and where to report suspected child abuse and neglect; the intake process and response time when a report is made; the information the reporter will need to provide to DSS and/or law enforcement; and their rights and duties as mandated reporters.
- g) Guest Lecturer, *Children and the Courts*, USC School of Law, 2007, 2008, 2009, 2010, 2011.  
Lectured to law students about "a day in the life of a child welfare attorney".
- h) Legal Training for Foster Care Licensing, Adoptions, and Out-of-Home Abuse and Neglect Unit (OHAN), 2007.  
Provided legal training for DSS staff involved in licensing foster and adoptive homes, the unit charged with investigation institutional abuse, and the administrative hearing officers.

Judge Hurley reported that she has published the following:

While employed at the Children's Law Center, I authored or co-authored the following manuals and publications.

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Although many have subsequently been edited and/or updated, several of them can still be found at <http://childlaw.sc.edu>, or by contacting the Children's Law Center.

- (a) A Guide for the Use of Expert Witnesses in Child Abuse and Neglect Cases, 2010;
- (b) Guide to Title IV-E Requirements, 2010 (Provided to Family Court Judges);
- (c) Termination of Parental Rights Evidence Checklist, 2010 (Provided to Family Court Judges and DSS Attorneys);
- (d) Information for Clergy as Mandated reporters, 2010;
- (e) Information for Healthcare Workers as Mandated Reporters, 2010;
- (f) Advanced Legal Training for Caseworkers (Manual), 2005, revised 2007, 2009 and 2010.

**(4) Character:**

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

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

The Commission also noted that Judge Hurley 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 Hurley reported that she is not rated by any legal rating organization.

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

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

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(6) Physical Health:

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

(7) Mental Stability:

Judge Hurley appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge Hurley was admitted to the South Carolina Bar in 2001.

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

- (a) November 2001 to January 2002: I worked for the Finney Law Firm. I had previously worked for the firm as a law clerk, and was offered a position after I passed the bar exam. I mostly handled juvenile and probate matters.
- (b) January 2002 to September 2003: I was employed as a law clerk for the Honorable Alison Rene Lee, South Carolina Circuit Court, At –Large Seat 11. As a judicial law clerk, I managed the judge's docket, reviewed files and briefed the judge on the issues, accompanied the judge to various circuits to hear civil and criminal cases, sat with the judge and assisted her during hearings, prepared civil and criminal charges for the jury, performed research, and drafted orders.
- (c) September 2003 to October 2005: I was employed as a staff attorney for the Richland County Department of Social Services. I handled cases involving abused and neglected children, and vulnerable adults. I represented the agency in probable cause, merits, judicial review, permanency planning, and termination of parental rights hearings.
- (d) October 2005 to April 2012: I was employed as a legal trainer and resource attorney for the Children's Law Center of the University of South Carolina School of Law. As a legal trainer, I trained attorneys and child welfare professionals on such topics as trial advocacy, rules of evidence, effective testifying, legal writing, best practices,

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best interests, case theory, the Indian Child Welfare Act (ICWA), the Fostering Connections to Success and Increasing Adoptions Act of 2008, the Multi-Ethnic Placement Act (MEPA), the Interstate Compact on the Placement of Children (ICPC), mandatory reporting of child abuse and neglect, child custody and guardianship, making reasonable efforts, permanency planning, devising meaningful treatment and placement plans, kinship foster care, alternative placements, and the administrative hearing process.

As a resource attorney, I provided legal guidance to child advocacy professionals and members of the legal community who contacted the children's Law Center. I also presented at CLEs on various topics and authored, co-authored, updated and/or edited manuals and publications. Additionally, I provided research and drafted legal memos for family court judges.

I served as a guest speaker at the South Carolina Foster Parent Association's (FPA) annual convention and at many of the FPA's monthly county meetings, on such topics as foster parents' rights, advocating for foster children, what happens when foster parents are accused of abuse and/or neglect, and independent living services for foster children. I also served as the advisor to the Children's Advocacy Law Society at the University of South Carolina School of Law;

- (e) July 2011 to March 2013: I served as an Associate Municipal Court Judge for the City of Columbia. As a part-time judge, I held court an average of two to five days per month. With exceptions, Municipal Court has jurisdiction over criminal offenses that are subject to fines of not more than \$500.00 and/or imprisonment of not more than 30 days. Municipal Court judges preside over criminal, criminal domestic violence, traffic, quality of life and bond courts.
- (f) April 2012 to April 2013: In April 2012, I left the Children's Law Center to become the Assistant Director of the SCDSS Office of Individual & Provider Rights/Administrative

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Hearings. I served as the legal advisor for the department and as supervisor of four administrative hearing officers. This office is responsible for hearing and deciding appeals from different federal and state social services programs including, but not limited to, foster care licensing denials and revocations, adoption application denials, adoption supplemental benefits, adoption investigator certifications, foster child removals from foster homes, Out-of-Home Abuse and Neglect (OHAN) investigations of foster parents and institutions, placement on the Central Registry of Child Abuse and Neglect, group home and daycare licensing, Family Independence (FI) program, Supplemental Nutrition Assistance Program (SNAP), and the ABC Child Care program. This office also handles civil rights and Health Insurance Portability and Accountability Act (HIPAA) issues. Appeals from decisions from this office are heard in Family Court or the Administrative Law Court.

- (g) April 2013 to Present: I serve as a Family Court Judge for the Fifth Judicial Circuit. As a Family Court Judge, I have jurisdiction to hear and determine a myriad of matters, including, but not limited to, issues related to marriage, separation, divorce, division of marital property and debts, name changes, paternity determinations, child custody, visitation, child and spousal support, abuse and neglect of children and vulnerable adults, termination of parental rights, adoption, juveniles charged with violating laws and/or ordinances, and requests for Orders of Protection by victims of domestic abuse.

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

- (a) July 2011 to March 2013: I was appointed by City Council to serve as an Associate Municipal Court Judge for the City of Columbia. As a part-time judge, I held court an average of two to five days per month. With exceptions, Municipal Court has jurisdiction over criminal offenses that are subject to fines of not more than \$500.00 and/or imprisonment of not more than 30 days. Municipal Court judges preside over

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criminal, criminal domestic violence, traffic, quality of life and bond courts.

(b) April 2013 to Present: In 2013, I was elected by the General Assembly to serve as a Family Court Judge for the Fifth Judicial Circuit. Family Court has jurisdiction to hear and determine a myriad of matters, including, but not limited to, issues related to marriage, separation, divorce, division of marital property and debts, name changes, paternity determinations, child custody, visitation, child and spousal support, abuse and neglect of children and vulnerable adults, termination of parental rights, adoption, juveniles charged with violating laws and/or ordinances, and requests for Orders of Protection by victims of domestic abuse.

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

(a) Noojin v. Noojin, 417 S.C. 300, 789 S.E.2d 769 (Ct. App. 2016), this case addresses the concept of parental alienation and "forced" visitation and is significant because it is the first in South Carolina to address the issue.

(b) SCDSS v. SB, L.B. and O.G., Appellate Case No.: 2015-002008, 2017-UP-091. This was an appeal from a merits/removal hearing involving abused and/or neglected children. This case is significant because it demonstrates the important role Family Court plays in protecting the safety and wellbeing of children against the interests of their parents/guardians.

(c) SCDSS v. Mack, Appellate Case No.: 2014-000815, 2014-UP-363 and Appellate Case No.: 2014-000470, 2014-UP-412. This case is significant to me because it was my first case appealed after I was elected to Family Court. It was a termination of parental rights case and I was affirmed by the Court of Appeals. I listed it only because it was a moment of validation for me.

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(d) Roof v. Steele, 413 S.C. 543, 776 S.E.2d 392 (Ct. App. 2015) This case is significant to me because it was one of the first trials I presided over after assuming the bench and I carry it with me mentally. The case involved the issues of health insurance and alimony.

(e) Thompson v. Thompson, App. Case No.: 2016-000122, 2017-UP-428. This case is significant because it involves bigamy and common law marriage.

Judge Hurley reported the following regarding her employment while serving as a judge:

From 2013 until 2014, I assisted in a family-owned business. I did not receive any compensation for my services, and the business closed in 2014.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Midlands Citizens Committee on Judicial Qualification found Judge Hurley 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. In addition, the Committee found Judge Hurley to be "well-qualified" and "very compassionate with the children." However, the Committee also noted that it has "some concerns about finishing contested cases in the time allotted without mstrying [the] case."

Judge Hurley is married to George Craig Johnson. She has two children.

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

(a) South Carolina Bar Association;

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- (b) American Bar Association (membership expires in August 2018, not certain I will renew);
- (c) Columbia Black Lawyers Association.

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

- (a) The Moles. Inc., co-chair of Resolutions/Recommendations Committee;
- (b) Jack & Jill of America, Inc., Chapter Historian;
- (c) Columbia Historic Foundation, Advisory Committee;
- (d) Delta Sigma Theta Sorority, Inc.

Judge Hurley further reported:

I endeavor every day to live by the Gold Rule. Through my years of experience in the funeral industry, I have learned not to judge people by their appearance, but to treat everyone with dignity and respect no matter their race, creed, color, religion, sexual orientation, age or perceived status in life. I believe that everyone is important and everyone has a story worth telling. A funeral director has to be kind, patient and sympathetic to a family's mourning, but also professional, to ensure the business side is also handled.

Like a funeral director, a judge comes into contact with people going through difficult times, which requires a certain decorum and temperament. As I judge, I hope that I have carried what I have learned to the bench. I always strive to be patient, unbiased, respectful, and understanding, while at the same time decisive, equitable, firm and professional.

**(11) Commission Members' Comments:**

The Commission noted that Judge Hurley's patient, courteous, and firm approach has ably served her in discharging her responsibilities as a Family Court Judge.

**(12) Conclusion:**

The Commission found Judge Hurley qualified and nominated her for re-election to Family Court, Fifth Judicial Circuit, Seat 2.

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**The Honorable Michael Scott Rankin  
Family Court, Fifth 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, Fifth Judicial Circuit, Seat 3, two candidates applied for this vacancy. Both candidates were found qualified and nominated. Accordingly, the names and qualifications of the two candidates found qualified and nominated are hereby submitted in this report.

**(1) Constitutional Qualifications:**

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

Judge Rankin was born in 1965. He is 53 years old and a resident of Camden, South Carolina. Judge Rankin 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 Rankin.

Judge Rankin 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 Rankin reported that he has made campaign expenditures only to pay for postage to submit his application.

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Judge Rankin 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 Rankin 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 Rankin to be intelligent and knowledgeable.

Judge Rankin reported that he has not taught any law-related courses.

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

**(4) Character:**

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

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

The Commission also noted that Judge Rankin 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 Rankin reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV.

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

Judge Rankin reported that he has never held public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Rankin was admitted to the South Carolina Bar in 1993.

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

- (a) 1992 - 1993 Law Clerk; Jack Swerling, Criminal Defense
- (b) 1993 - 1995 Associate; D. Kenneth Baker, P.A., General Practice
- (c) 1995 - Present Law Office of M. Scott Rankin, now known as Rankin Law Firm, Solo practice firm practicing in the areas of Family Law, Family Court Mediations and Personal Injury
- (d) 1998 - 2001 Public Defender; Kershaw County (by contract)
- (e) 2006 - Present Part-time Magistrate, Kershaw County

Judge Rankin further reported regarding his experience with the Family Court practice area:

Divorce and Equitable Division of Property: I have had the opportunity to handle divorce actions involving a one-year uncontested divorce to highly contested actions involving grounds for divorce and division of significant assets. I have handled divorces involving all statutory grounds except for the ground of desertion. I have represented battered women and at times have represented a batterer. In those matters involving domestic abuse, I have filed for ex parte emergency relief and have attended domestic abuse hearings. I have handled divorces

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which have involved issues in Magistrate's Court, Probate Court, Bankruptcy Court and Social Security Disability.

Child Custody: A significant portion of my practice has involved child custody and other child-related issues. I have represented parents whose children range from infants to teens. I have represented a few parents of adult disabled children and special needs children. More recently, I have represented a significant number of grandparents seeking custody due to drug and/or alcohol abuse by the parents. In addition to dealing with drug and alcohol abuse, I have dealt with parental alienation, mental health issues, physical abuse and sexual abuse. Earlier in my practice, I did a significant amount of work as a guardian ad litem. In February of this year, I started taking guardian ad litem appointments.

Adoption: I have served as guardian ad litem and as counsel for a party, or parties, in private adoption cases involving termination of parental rights, both contested and uncontested. Some of my more memorable cases involved adoption and termination of parental rights. In one recent matter, I represented foster parents who sought to terminate the parental rights of the parents. The Department of Social Services was not cooperative initially in seeking to terminate the rights of the parents. The minor child had been placed with the foster parents when she was ten (10) days old. The TPR action was filed when the minor child was twenty (20) months old. The parental rights of the parents were ultimately terminated.

Abuse and Neglect: I have been both appointed and privately retained to represent parties in abuse and neglect cases. In those cases, I have dealt with custody and termination of parental rights. I have represented parents who struggle with addiction and mental illness. I have represented parents who have physically and sexually abused their children. I have represented grandparents who have intervened to get their grandchildren out of foster care.

Juvenile Justice: From 1998-2001, I was Public Defender for Kershaw County. In that role, I represented countless

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parents/juveniles. As a result, I have been involved with DJJ, the solicitors, and other state agencies. I have attended hearings related to that action, including detention hearings, adjudication and sentencing hearings, and dispositional hearings. I have contacted various local and state agencies in an effort to obtain alternative treatment/placement for my clients. I have also attended hearings as a parent of a victim. That one incident provided me a different perspective in dealing with juvenile justice. Over the years, I have also counseled clients whose children have struggled with drug and alcohol abuse. I have assisted them in getting their children treatment including out-of-state placement. I have also helped clients whose children struggled with severe mental illness. Those experiences will assist me in dealing with juvenile justice matters as well as other matters involving children.

Judge Rankin reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: None;
- (b) State: My appearance in state court varies, but on average, primarily with regard to my practice in Family Court, I appear weekly. There are weeks when I may not have any hearings and weeks where I may have four to five hearings scheduled;
- (c) Other: None.

Judge Rankin reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 30%
- (b) Criminal: 0%;
- (c) Domestic: 70%;
- (d) Other: 0%.

Judge Rankin reported the percentage of his practice in trial court during the past five years as follows:

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

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Judge Rankin provided that prior to his service on the bench he most often served as sole counsel.

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

(a) Bower v. Bower This was a divorce action in which I represented Wife. The parties had separated after five (5) of marriage. Wife had a Ph.D. in Economics and was the dean of a business school in Pennsylvania. Husband had a B.A. and at one time, held various licenses used by financial advisors to sell securities and insurance. At the time of the marriage, Husband was drawing unemployment benefits and earning income through his management of his stock portfolio. Husband did not re-enter the workforce during the marriage which was an issue with Wife. Husband managed the parties' investments and essentially acted as a day trader. He was a sophisticated investor and Wife, despite her education, was not. Further, he alleged he could not work due to various health issues. Husband had a vocational expert testify that he would be unable to return to the workforce. He was seeking permanent alimony and a 50/50 division of the marital assets. However, he took the position that some of his assets weren't marital. During the pendency of litigation, it was discovered that Husband had deliberately withheld information from Wife as it related to the management of her stock portfolio and retirement accounts. In fact, he had taken money from her non-marital accounts to cover some of his stock losses. After four (4) days of trial, the Court ruled in Wife's favor denying Husband alimony and granting Wife 54% of the marital estate. In addition, Wife was granted \$15,000 in attorney fees which offset what she owed him through equitable division. This case was significant because we were able to establish that Husband was able to work despite his claims to the contrary and that several assets he claimed were non-marital had actually been transmuted.

(b) Wymer v. Ballentine and Stacey This was a post-divorce custody action in which I represented Mother. Father

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was granted custody of the parties' minor son in the divorce. Approximately two (2) years later, Father was accused of physically abusing the minor child with said abuse being reported to DSS by his own father. DSS made a finding of physical abuse and Father fled to Texas with the minor child. Mother gained physical custody of the minor child six (6) months later. At that time, Mother had remarried. Mother maintained physical custody of the minor child for six (6) months when the minor child sustained 1<sup>st</sup> and 2<sup>nd</sup> degree burns as a result of taking a bath. Due to the burn incident, DSS and the Kershaw County Sheriff's Department became involved. The minor child was placed with Mother's parents. Mother's new husband was accused of holding the minor child in the hot water as some sort of punishment. The husband was never charged despite presentment to the Kershaw County Grand Jury. Further, DSS did not indicate a finding of physical abuse against Mother or her husband. Fifteen (15) months after the investigation by DSS, Mother's parents moved to Florida with the minor child. After much back and forth, Father eventually had a visit with the minor child who he had not seen in two (2) and one-half (1/2) years. Father then took the minor child back to Texas. His reasoning for taking the minor child was that Mother's husband had intentionally harmed him while taking a bath. The Court subsequently issued an Emergency Order requiring the minor child be brought back to South Carolina. Temporary custody was granted to Father's parents. After a forensic interview of the minor child, a supplemental temporary hearing was held and custody was changed to Mother's parents. At trial, Father's attorneys presented expert testimony that a standard temperature for a water heater is 120 degrees and the minor child would have been forced to stand in that water for five (5) to ten (10) minutes to sustain his injuries. We were able to establish that the water heater had been mistakenly set at 140 degrees which could cause the minor child's injuries with exposure of only one (1) second. Ultimately, Mother was granted custody

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of the minor child after six (6) days of trial. This matter took two (2) and one-half (1/2) years to resolve. This matter was significant because I believed my client was a good mother from beginning to end. Despite the multiple twists and turns, she prevailed. In addition, Father had a significant amount of financial resources and Mother was a stay-at-home mom. Further, Father was represented by two (2) very experienced Family Court practitioners.

(c) Pair v. Hardy, Bouknight, and DSS My clients, who are Caucasian, were licensed foster parents to a mixed-race girl. They received her through a DSS action when she was approximately ten (10) days old. The minor child's mother used illegal drugs during her pregnancy with the minor child. The mother failed to comply with her treatment plan and eventually quit trying to see the minor child. The mother did not initially identify the father of the minor child as he was in prison. However, once the father was released from prison, he attempted to become involved in the minor child's life. He was given a treatment plan which he did not complete. He would visit the minor child at DSS for a couple of months and then he would not show up for several months. The minor child did not know this man as her father and at times, the visits were very traumatic for her. DSS kept telling my clients that they were going to file a termination of parental rights action but they never did. We kept getting the run around and all the while, this little girl's life wasn't settled. Something had to give so I filed a TPR action on behalf of the foster parents. Eventually, DSS cooperated with us and we had a successful outcome for the minor child. The parents' rights were terminated and I have filed an action for adoption which is currently pending. The reason this action is significant is a personal one. The foster mother is unable to have children and the foster father is a, Army Veteran who was critically wounded in Iraq by an IED. If ever anyone needed a good outcome, it's this family.

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(d) Campbell v. McCaskill This case involved a post-divorce action for termination of parental rights and adoption by the step-father. Mother and Father initially shared joint custody of the two (2) minor children with Mother having primary placement pursuant to a custody agreement. One (1) year later, the parties divorced and they executed an addendum to their custody agreement allowing Mother to move to Atlanta, Georgia. The addendum also terminated Father's child support obligation. Mother married Stepfather fifteen (15) months later and they continued to reside in Atlanta with the minor children. Mother and Father subsequently executed a Child Custody Agreement one (1) year after Mother remarried wherein Mother would have sole custody of the minor children and Father would begin paying child support. I filed a complaint to have the agreement approved by the Court. Unfortunately, Father avoided service of process and stated he had changed his mind. We dismissed the complaint and filed the TPR/Adoption action two (2) months later. The grounds in the complaint alleged that Father's rights should be terminated as a result of his willful failure to visit the minor children during the six (6) months prior to the initiation of the action and as a result of his willful failure to support the minor children during the six (6) months prior to the filing of the action. Father contested the TPR and filed an answer and counterclaim seeking custody of the minor children. In addition, he filed an order and rule to show cause alleging Mother refused to allow him visitation. He even attempted, through counsel, to force visitation with the minor children during the pendency of the action. Fortunately, the Court didn't grant his request. At trial, I was confident in establishing that Father had not contributed materially during the prior six (6) months. Even though there was not an order requiring Father to pay support, I believed he still had a duty to support his children. I was more concerned over the visitation allegation. Father alleged Mother had prevented him from seeing the children and that he had kept them a little over six (6) months prior

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to filing the action. He also provided evidence that he had contacted Mother on numerous occasions during the six (6) months prior to our filing. After two (2) days of trial, the Court granted the TPR/Adoption on the basis Father willfully failed to visit and not on the support issue. While I was pleased with the result, I was a little surprised by the Court's reasoning. It made me realize that there was more for me to learn and I believe it has made me a more thorough lawyer.

(e) State of South Carolina v. Lionel Williams This was by far the most stressful case I have ever been associated with. I was the Public Defender for Kershaw County when I was appointed to represent Lionel Williams. Lionel had been charged with Armed Robbery and Kidnapping and he had signed a written confession admitting his guilt. The Solicitor offered Lionel twelve (12) years if he would plead guilty. Lionel maintained his innocence from the first day I met him stating that he was forced to sign the confession after hours of interrogation. In addition, the timeline didn't add up as he was in the Kershaw County jail a few hours before the crime took place. Lionel had been in jail for shoplifting a case of beer. When he was released, the prosecution's theory was that he left the jail on foot, obtained a gun and bandana, walked three (3) miles and robbed a man. All would have occurred within ninety (90) minutes of his release. It was illogical that he could pull that off in such a short period of time. But, they had a confession. I was very concerned he would be found guilty and spend a significant time in prison if we went to trial. A couple of months before trial, I met Lionel's brother, his twin brother. Once I met his brother, I knew Lionel was innocent. I actually had an innocent client and it terrified me. What if I failed him? Fortunately, I didn't worry about that too long as I had to focus on making sure Lionel wasn't wrongfully convicted. Given the obvious similarities between Lionel and his brother, I focused on the witness identification. Another lawyer referred me to an expert on witness identification and I was able to convince the Court to approve funding for my expert

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from Florida State University. The expert explained the process of false identifications especially when it involves different races. After short deliberation, Lionel was found not guilty on both charges. That case was significant in that I learned it is vitally important to really listen to your client and not just look at the facts. Sometimes, you learn more by listening. By listening and trusting Lionel, I believe I was able to save his life.

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

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

Part-time Magistrate, Kershaw County. Appointed. Presently I handle the civil cases for Kershaw County and I set bond one (1) week per month.

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

Unfortunately, I do not have any significant orders or opinions since becoming Magistrate in 2006.

Judge Rankin reported the following regarding his employment while serving as a judge:

I am currently a part-time Magistrate for Kershaw County and have been since 2006. During that time, I have maintained my private law practice.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Midlands Citizens Committee on Judicial Qualification found Judge Rankin to be "Well-Qualified" in the fields of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee found Judge Rankin "Qualified" in the fields of constitutional qualifications, physical health, and mental

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stability. Also noted in the Committee report is that Judge Rankin has "lots of experience in the family court and will strive to move cases along."

Judge Rankin is married to Charlotte Wallace. He has two children.

Judge Rankin reported that he was a member of the following Bar and professional associations:

- (a) Kershaw County Bar Association - President; 1995-1997
- (b) South Carolina Bar Association - Member 1993 - Present

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

- (a) Camden Country Club – Board of Directors President 2017-2018, Vice-President 2016-2017 and currently Past President
- (b) Fine Arts Center of Camden - Board Member 2010-2013
- (c) School Improvement Council, President - Camden High School, Kershaw County School District – 2015-2017
- (d) Lyttleton Street United Methodist Church, Camden, South Carolina - Nominating Committee 2013-2016.

Judge Rankin further reported:

When I was 12 years old, I was a voracious reader. I would read anything I could get my hands on. It didn't matter whether it was Sports Illustrated, The Hardy Boys, or even World Book Encyclopedia, I read it. It was during this period that I discovered F. Lee Bailey. I became fascinated with his life as a Criminal Defense lawyer and specifically, his defense of Sam Sheppard. It was amazing how he successfully got a not-guilty verdict after Sheppard had previously been convicted of murdering his wife. I read The Defense Never Rests and For the Defense. After reading those books, as well as a few others, I was determined to become a criminal lawyer. I wanted to get justice for my clients. I knew that was my calling. Fast forward fifteen (15) years and I graduate from the University of South Carolina School of Law. At that time, I had no idea what kind of practice I wanted. Fortunately, Ken Baker hired me in December 1993 and he allowed me to handle a variety of matters. That is

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when I had my first experience with Family Court. I realized then that I enjoyed helping people solve their domestic problems. I believe part of that was due to the fact that my parents had divorced about a year earlier and their divorce wasn't amicable. I wanted to fix things that I couldn't with my parents.

Even today, I try to "fix" things that I can't control. I have learned over the years practicing in Family Court, that I will not always get a favorable result for a client. However, that doesn't make it any easier. It bothers me when I see a client hurting after a hearing and I wonder what I could have done differently. Some may see that as a weakness but I see it as a strength. It's a strength because it demonstrates how much I care. Over the past twenty-five (25) years, I have fought hard for reasonableness and fairness. As a Family Court Judge, I intend to do the same. In addition, I recently had the experience of running into a former juvenile client. Samantha (name changed to protect her identity) was an assistant manager at a restaurant and she saw me walk through the door. After I was seated, she made her way over to our table. While I recognized her face, I couldn't place her name or how I knew her. She then told me her name and I immediately knew. Samantha was a troubled teen who had no respect for authority and she was essentially kicked out of her home by her parents. She ended up committing various crimes and spent some time at DJJ. I was appointed to represent her. This was approximately twenty (20) years ago. Samantha told me that she had turned her life around and had two (2) children of her own. She said she was doing well and even had a good relationship with her parents. She then said "thank you." I was taken aback and asked her why. She stated that throughout her troubles, I was the one who stood by her and didn't abandon her. Needless to say, I was floored. I didn't realize what kind of an impact I could have on someone. It's those moments which make me realize what an even bigger impact I can have as a judge. While I know I can't save every troubled teen, I can try to save as many as possible.

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**(11) Commission Members' Comments:**

The Commission commented that Judge Rankin has an extensive and lengthy practice in Family Court.

**(12) Conclusion:**

The Commission found Judge Rankin qualified and nominated him for election to Family Court, Fifth Judicial Circuit, Seat 3.

**Carrie Hall Tanner  
Family Court, Fifth 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, Fifth Judicial Circuit, Seat 3, two candidates applied for this vacancy. Both candidates were found qualified and nominated. Accordingly, the names and qualifications of the two candidates found qualified and nominated are hereby submitted in this report.

**(1) Constitutional Qualifications:**

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

Ms. Tanner was born in 1971. She is 47 years old and a resident of Elgin, South Carolina. Ms. Tanner 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. Tanner.

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

Ms. Tanner 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. Tanner 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. Tanner to be intelligent and knowledgeable.

Ms. Tanner reported that she has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

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

**(4) Character:**

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

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

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The Commission also noted that Ms. Tanner 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. Tanner reported that she is not rated by any legal rating organization.

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

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

**(6) Physical Health:**

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

**(7) Mental Stability:**

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

**(8) Experience:**

Ms. Tanner was admitted to the South Carolina Bar in 1998.

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

(a) November 1998 – March 1999: Law Office of H. Dewayne Herring, Jr.

I was an associate attorney to Mr. Herring who was a solo practitioner specialist in Estate Planning, Probate and Trust law. I assisted him in drafting complex wills and trusts as well as probate administration. We also handled some residential real estate closings. In addition, my duties included managing the accounts receivables and payables for the firm and maintaining the operating and trust accounts. I handled any law office management issues with computers, office supplies and subscriptions. I trained the support staff in administrative duties and handled these tasks myself when needed.

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(b) March 1999 – June 2000: Fifth Circuit Solicitor’s Office, Kershaw County. I served as an Assistant Solicitor to Barney Giese, assigned specifically to Kershaw County. I assisted the First Assistant prosecute General Sessions cases and handled all juvenile petitions for Kershaw County.

(c) June 2000 – October 2001: Fifth Circuit Solicitor’s Office, Kershaw County. During this period of time, after entering private practice, I served as the Family Court juvenile prosecutor for Kershaw County on a contract basis.

(d) June 2000 – present: Speedy, Tanner, Atkinson & Cook, LLC

I have been in private practice in the same location since June 2000. I began as an associate with the firm then known as Furman, Speedy & Stegner. As a new lawyer I handled primarily Family Court cases but occasionally handled estate planning and probate matters. I assisted the partners with some real estate loan closings and with any research or preparation necessary for their civil or criminal cases.

That partnership dissolved and became Law Offices of George W. Speedy in 2006. I continued my focus on Family Court cases with the occasional estate planning and probate matters.

In January 2009 we became a partnership known as Speedy, Tanner & Atkinson, LLC which then became Speedy, Tanner, Atkinson & Cook, LLC in April 2013. Since 2009 I have devoted my practice exclusively to Family Court cases.

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

My practice has been primarily in the Family Court for the last eighteen years. Within the past five years, I have appeared before a Family Court Judge, on average, once per week. During many terms of Court, I have multiple cases. I have extensive experience in every Family Court practice area.

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I have handled cases involving every ground for divorce including fault cases of adultery, habitual drunkenness and/or drug use and physical cruelty as well as no-fault divorces. I have proven adultery cases both with a private investigator's testimony and with testimony and evidence from my client's family and friends. The habitual drunkenness and/or drug use cases have involved DUI or drug offense arrests and records from rehabilitation facilities. The physical cruelty cases have stemmed from the spouse's arrest for Domestic Violence.

Many of these cases have had contested issues involving equitable division of property and debt. I have handled contested litigation regarding the identification, valuation and division of marital assets, including issues of inherited and gifted property, transmutation and special equity. I have had disputes over marital homes and other real property where a third party claimed an interest and where I have had to employ an expert to testify regarding value. Many of my property cases have issues of valuation of retirement benefits and at times disputes over identification and valuation of marital household items and vehicles. I have had to trace contributions in investment and bank accounts through subpoenaed records to prove assets to be non-marital. In cases involving businesses, I have employed experts to value business interests and determine income. Many cases involve identification and division of marital debts, some with the added issue of bankruptcy. Mediation frequently resolves a lot of the issues surrounding equitable apportionment.

For issues of child custody, I have represented mothers and fathers, both married and unmarried, as well as grandparents and other third parties seeking custody. Although truly contested custody cases are not the norm, there are frequently issues of parenting schedules and often conditions and guidelines for visitation. Most of these cases have involved the appointment of a guardian ad litem for the child(ren), either an attorney or lay guardian. My cases have run the spectrum of first time unmarried parents of an infant to long term married couples with older teens. Every case is unique with its own set of obstacles. Along with the custody and scheduling issues comes the issue of child support which is often more contested. Many of my cases

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require diligence in determining accurate income figures as well as child care and health insurance credits for the parties. My more contested custody cases have required psychological and/or psychiatric evaluations and custody evaluations. Some of these cases have been resolved at mediation. I have represented grandparents in custody actions against the biological parents where drug issues are present or other concerns involving the parents' ability to care for a child. I have also handled cases for "de facto custodians" and "psychological parents."

In the area of adoptions, I have handled numerous step-parent adoptions, both contested and uncontested where consents were secured, as well as other relative and non-relative adoptions. The latter requires securing pre and post placement investigations. I have litigated jurisdiction under the UCCJEA and a contest over validity of a consent to relinquishment of parental rights. Following DSS termination of parental rights actions, I have represented many foster parents in adopting their foster child.

For the first ten years of my private practice, I took nearly monthly appointments over two counties representing defendants in Department of Social Services abuse and neglect actions. I have negotiated and tried numerous cases, helping parents navigate through their treatment plan or identifying appropriate alternatives with relative placement. Over my career, I have handled cases, both appointed and retained, involving parents with drug addictions, in abusive relationships, lacking education, work skills and family support. Some of these cases have involved a shaken baby, babies born addicted and parents using excessive corporal punishment. In addition, I have represented parents in the ultimate termination of parental rights actions that have stemmed from the original abuse and neglect case. Over the last approximately ten years I have also represented many Kershaw County volunteer guardian ad litem in their appointments in these DSS cases.

At the beginning of my legal career, I worked as a juvenile prosecutor for Kershaw County for approximately two years. I handled essentially all juvenile petitions that came through our county during this period, from truancy to assaults, drugs,

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larceny, bomb threats, robbery and sex crimes. I worked closely with the Department of Juvenile Justice, Department of Mental Health, Department of Social Services and the school district in handling these cases, some which had to be waived to general sessions and some that entered pre-trial intervention. Once I left my role as prosecutor, I handled several cases for my firm defending juveniles both at the adjudication and disposition stages.

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

- (a) Federal: None;
- (b) State: Weekly;
- (c) Other: N/A.

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

- (a) Civil: 0%;
- (b) Criminal: 0%;
- (c) Domestic: 100%;
- (d) Other: 0%.

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

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

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

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

- (a) Melissa Leaphart Hagood v. James Buckner Hagood, Melody "Suzie" Hagood Sharpe, Third Party Defendant; 2014-DR-40-1541: I represented the Husband/Father in this case which involved divorce, property division, alimony and child custody. My client's adult daughter was joined as a third party Defendant to take custody of the child during the

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litigation which involved the child being committed at a mental health facility, two forensic interviews (one on a private basis and the other by DSS referral) and two DSS involvements due to allegations of abuse against my client. The Court ordered a counselor for the child and the parties submitted to a custody evaluation as well as psychological evaluations. This was deemed a complex case and spanned two years of litigation with multiple Court appearances. The Mother had seven attorneys during the course of the case. The case was ultimately bifurcated for trial with the child related issues tried over five days and the property division / alimony over two separate days. We had two experts in the child custody trial. My client and his daughter were granted joint custody of the child and the Mother was required to have supervised visitation. The property division portion of the case involved issues of transmutation of real property and investment accounts and the Wife's allegation of her inability to work and request for alimony. My client prevailed in the Court's denial of alimony for the Wife and a determination that his property was non-marital. Both portions of this case are currently on appeal.

(b) Margaret McLaurin Barnes Pennebaker v. Gordon Elliott Pennebaker; 2014-DR-28-523: This case involved a long term marriage between my client and her husband who is a local physician. There were issues of valuation of his business interests, division of marital property, alimony and attorney fees. With the assistance of valuation experts we settled the business and property division issues. The issues of alimony and attorney fees were tried over two days. Our expert testified regarding the parties' standard of living and the Husband had an economic expert to testify regarding his allegation that the Wife was underemployed. The Wife prevailed with an alimony award of \$8,000 per month and her full attorney fees.

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(c) Cherie Morgan Brown and Troy Artis Brown v. Carter, a minor under the age of seven years; 2012-DR-40-4513 consolidated with Jonathan D. Haggler v. Morgan L. Stanfield Hagler; 2012-DR-40-4465: This was a contested grandparent adoption. I represented the maternal grandparents in what began as an uncontested matter. However, the biological father, who lived in the state of Washington, contested the validity of the relinquishment he signed in the state of Alabama and brought a parallel action against the mother who lived in the state of Virginia. The Court first had to address the jurisdictional issues under the UCCJEA with a joint hearing with the judge from the state of Washington. The biological father filed a Notice of Removal to Federal Court and a Motion to Set Aside the Consent in our action. The grandparents prevailed and the adoption was granted.

(d) SCDSS v. George A. McCaskill, Patricia Hancock and Evelyn Grantham; 2009-DR-28-593: This DSS action involved allegations of physical abuse against my client Father. Both parties completed a treatment plan. The contested issue was which parent should receive custody of the child. The parties reached an agreement but prior to the Order being signed, we discovered evidence of the Mother's commitment to a mental health facility that was not previously disclosed. I filed a motion to vacate the agreement under Rule 60(b) which was granted. A two day trial was scheduled to hear the custody matter but the Mother agreed to my client having primary custody immediately prior to the start of trial.

(e) Rumi Lopez v. Megan Elizabeth Reno; 2012-DR-40-1476 (also ending 2013-DR-40-2163): I represented the Defendant/Mother in this custody action between an unmarried couple. The Plaintiff/Father was represented throughout the case until immediately prior to the trial where he proceeded pro se. My client alleged their relationship was physically abusive. An issue in dispute was the Father's ability to work and his

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underemployment as it related to child support. The Mother prevailed by getting custody with the Father's visitation suspended until he completed anger management counseling, parenting classes and a psychological evaluation. The Father's request for a reduction in child support was denied and the Mother was awarded attorney fees.

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

- (a) Melissa Leaphart Hagood v. James Buckner Hagood, Melody "Suzie" Hagood Sharpe, Third Party Defendant, Court of Appeals Case No. 2016-001637, still pending.
- (b) Melissa Leaphart Hagood v. James Buckner Hagood, Melody "Suzie" Hagood Sharpe, Third Party Defendant, Court of Appeals Case No. 2016-001898, still pending.
- (c) John Doe v. Jane Doe, 370 S.C. 206, 634 S.E.2d 51 (S.C. App., 2006), decided July 3, 2006. My partner, George W. Speedy, was the attorney of record but I was solely responsible for the briefing on behalf of the Respondent, John Doe.
- (d) William Settlemeyer v. Katherine McCluney, 359 S.C. 317, 596 S.E.2d 514 (S.C. App., 2004), decided May 11, 2004. My partner, George W. Speedy, was the attorney of record but I was solely responsible for the briefing on behalf of the Respondent McCluney.

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

**(9) Judicial Temperament:**

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

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**(10) Miscellaneous:**

The Midlands Citizens Committee on Judicial Qualification found Ms. Tanner to be “Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee found Ms. Tanner “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee added “Most qualified of two candidates -- will be a great asset to the Judiciary! Great temperament.” In a summary statement, the Committee indicated “very well qualified.”

Ms. Tanner is not married. She has two children.

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

- (a) Kershaw County Bar Association: President, 2000-2001.

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

- (a) None in the last five years.

Ms. Tanner further reported:

My legal career has been devoted to Family Court. I have represented parties in every aspect of domestic law. I have served as guardian ad litem for numerous children in all types of circumstances. In 2008, I was certified as a Family Court mediator. As my experience has grown, so has the quality of my representation. My compassion and genuine concern for my clients has not waned. My personal experience having gone through a divorce in 2015 with children has given me a unique perspective in what litigants face in being involved in a Family Court case. I believe this personal experience coupled with my extensive professional experience and knowledge makes me the best candidate for the next Family Court judge for seat 3 in the Fifth Judicial Circuit.

**(11) Commission Members’ Comments:**

The Commission indicated that it was pleased with Ms. Tanner’s experience in Family Court matters, noting her long career as a

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lawyer in that field. The Commission also noted that it was thoroughly impressed with Ms. Tanner, and believed her to be imminently qualified to serve as a Family Court judge.

**(12) Conclusion:**

The Commission found Ms. Tanner qualified and nominated her for election to Family Court, Fifth Judicial Circuit, Seat 3.

**The Honorable Coreen B. Khoury  
Family Court, Sixth Judicial Circuit, Seat 1**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Khoury was born in 1959. She is 59 years old and a resident of Lancaster, South Carolina. Judge Khoury 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 1985.

**(2) Ethical Fitness:**

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

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

Judge Khoury testified she has not:

(a) sought or received the pledge of any legislator prior to screening;

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- (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 Khoury 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 Khoury to be intelligent and knowledgeable.

Judge Khoury reported that she has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

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

**(4) Character:**

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

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

The Commission also noted that Judge Khoury 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 Khoury reported that her last available rating by a legal rating organization, Martindale-Hubbell, was BV.

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

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

(6) Physical Health:

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

(7) Mental Stability:

Judge Khoury appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge Khoury was admitted to the South Carolina Bar in 1985.

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

- (a) Thomas, Goldsmith, Folks and Hodges; August 1985-  
August 1987
- (b) Goldsmith, Folks and Hodges; August 1987-March 1990
- (c) Goldsmith, Folks, Khoury and DeVenny; March 1990-  
December 1991
- (d) Folks, Khoury & DeVenny; December 1991-March 7,  
2014;
- (e) Family Court Judge, Sixth Judicial Circuit, Seat 1;  
March 17, 2014-present

The law firm of Folks, Khoury and DeVenny was a general practice firm. I became a partner with the firm in January of 2000. I practiced predominantly in the area of family law throughout my legal career. As a partner in the firm, I shared in the administrative and financial management of the firm.

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

- (a) Family Court Judge Sixth Judicial Circuit Seat 1  
March 17, 2014-present  
Elected February 5, 2014 by the legislature  
Family Court is a court of limited jurisdiction. Exclusive and concurrent jurisdictions are conferred on this Court by the SC General Assembly. The Family Court has

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exclusive jurisdiction over all matters involving family relationships including actions for separate support and maintenance, divorce, alimony, custody, visitation, child support, adoption, termination of parental rights, division of marital assets and debts, name changes, minors charged with crimes or status offenses and cases involving the abuse and neglect of minor children and vulnerable adults.

- (b) Lancaster County Juvenile Drug Court  
2005 to present  
Appointed by Chief Justice
- (c) Lancaster County Adult Drug Court  
2018 (as needed)  
Appointed by Chief Justice

My responsibility is to preside over the hearings scheduled during my assigned weeks and impose sanctions for violations of Drug Court rules and conditions.

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

The only Orders issued from Drug Court hearings are bench form Orders. Five of my most significant Family Court Orders are:

- (a) South Carolina Department of Social Services vs. Boulware, 422 S.C. 1, 809 S.E.2d 223 (2018).  
This case is significant because it clarified the issue of standing to pursue a private action for adoption of children in the care of the Department of Social Services. To attain standing, the person who petitions for adoption must first be a resident of South Carolina. Second, the child must not have been placed by the Department of Social Services for adoption at the commencement of the adoption action. The South Carolina Supreme Court reversed the decision of the Court of Appeals and remanded the case to Family Court to proceed with Petitioners' action for adoption.
- (b) Mary Ann Guinta vs. Joseph L. Guinta, 2012-DR-29-364.

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This case involved contested issues of identification and characterization of assets, transmutation and distribution of assets. The property to be divided included real property, trust property, annuities, whole life insurance policies, automobiles, bank accounts, furniture/household belongings and a home health care policy. This case is significant because it is representative of the issues and assets involved in complex equitable distribution determinations.

(c) Sherrie Storey vs. Scott Souzza, 2011-DR-43-1390.

This case was a contested custody action involving two fit parents. Each party possessed strengths and characteristics that would be beneficial to the growth and development of the children. Each parent had the ability to provide for the child financially, physically, emotionally and spiritually. This case is significant in that it is representative of the difficulty faced by Family Court judges in crafting decisions that serves the best interest of the children by allowing the children to spend quality time with both parents but still providing the children with a normal and stable life routine. Contested custody cases are always difficult for children, litigants, lawyers and judges but are representative of decisions made in Family Court affecting family relationships.

(d) Jennifer Martin vs. James Martin, Jr., 2014-DR-23-3632.

This was an action for Separate Support and Maintenance that included the determination of most issues found in family court cases---custody, visitation, parental guidelines, child support, health insurance, uncovered health expenses, tax dependents, life insurance, division of property/debt, alimony, college expenses, transmutation of non-marital assets and attorney fees.

(e) Stradford vs. Wilson, 378 S.C. 301, 662 S.E.2d 491 (Ct.App. 2008).

This was a case that I tried as an attorney but it remains a significant order. I have used the findings and legal arguments in deciding cases involving the name change of minor children. The parties to this action were not married. Father petitioned the Court to change the

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child's surname to the name of his family. The Court determined that both parents have an equal interest in a child bearing their respective surname. The Court held that the party attempting to change the child's name must establish by a preponderance of the evidence that the name change is in the child's best interests. The Court further enumerated the factors to consider when making a determination as to whether the name change is in the child's best interests.

Judge Khoury reported the following regarding her employment while serving as a judge:

- (a) Lancaster County Juvenile Drug Court; 2005-present
- (b) Lancaster County Adult Drug Court; 2018 (as needed)

Judge Khoury further reported the following regarding unsuccessful candidacies:

In 2008, I was unsuccessful in my run for Family Court Judge, Sixth Judicial Circuit, Seat 2. This election was won by W. Thomas Sprott, Jr.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Piedmont Citizens Committee reported that Judge Khoury was "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 that Judge Khoury's "practical, thoughtful approach to her tasks as a Family Court judge is evidence of her deep experience and insight. She also has an easy, accessible manner that bespeaks exemplary judicial temperament."

Judge Khoury is married to Jeff Hammond. She has two children.

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

- (a) Lancaster County Bar Association
- (b) South Carolina Bar Association
- (c) South Carolina Women Lawyers Association
- (d) South Carolina Conference of Family Court Judges

Judge Khoury provided that she was not a member of any civic, charitable, educational, social, or fraternal organizations.

Judge Khoury further reported:

As a parent, community participant, teacher, lawyer and judge, I have seen how decisions made in Family Court affect the lives of litigants, their families and friends. I have dealt with clients in distress and turmoil. I have experienced the stress and pressure of a family court lawyer. As a judge, I hope to never lose sight of the emotions of litigants, the pressures of family court practitioners and the importance of each and every decision made in Family Court. I behave in a way that facilitates conflict resolutions and not in a fashion that spurs emotional strife. I am courteous to litigants, lawyers and court personnel. I am attentive during the hearing, well versed in the law and render decisions in a timely fashion. I try to remember that what is routine and common to me as a regular participant in family court hearings is new and terrifying to most litigants and witnesses. I hope to be viewed as a judge who uses her gut, heart and head to render good decisions. I hope to have litigants and lawyers leave the courtroom, whether successful or not, feeling their stories were heard, their positions considered and they were treated with respect in the resolution of their disputes.

**(11) Commission Members' Comments:**

The Commission commented that Judge Khoury has a wonderful rapport with, and the respect of, the community as well as the attorneys that practice before her. They commended Judge Khoury on her temperament and service on the bench.

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**(12) Conclusion:**

The Commission found Judge Khoury qualified and nominated her for re-election to the Family Court, Sixth Judicial Circuit, Seat 1.

**The Honorable Phillip K. Sinclair  
Family Court, Seventh Judicial Circuit, Seat 1**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Sinclair was born in 1953. He is 65 years old and a resident of Spartanburg, South Carolina. Judge Sinclair 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 1978.

**(2) Ethical Fitness:**

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

Judge Sinclair 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 Sinclair reported that he has spent \$250.00 in campaign expenditures for his former legal secretary's help in completing his application.

Judge Sinclair 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;

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(c) asked third persons to contact members of the General Assembly prior to screening.

Judge Sinclair 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 Sinclair to be intelligent and knowledgeable.

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

- a) Rutlege Business College - Taught income taxation in early 1980's.
- b) Provided Legislative updates in Family Law to South Carolina Trial Lawyers on two occasions.
- c) Provided Legislative updates to South Carolina Family Court Judges Conference on two or three occasions.
- d) Panelist at CLE "What Family Court Judges Want You to Know."
- e) Panelist at S.C.A.J. CLE
- f) Spoke on "Temporary Hearings" at CLE sponsored by Spartanburg County Bar Association.

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

**(4) Character:**

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

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

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

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

**(5) Reputation:**

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

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

Judge Sinclair reported that he has held the following public office:

I served in the South Carolina House of Representatives, District 35, from 2001 to 2006. All Ethics Reports were timely filed, with the exception of the last report due which was due on December 31, 2006. The failure to file was an oversight on my part. Though I had left elective office, I still had a small amount of money in a campaign account. I paid a \$100 fine and filed the report on February 2, 2007.

**(6) Physical Health:**

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

**(7) Mental Stability:**

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

**(8) Experience:**

Judge Sinclair was admitted to the South Carolina Bar in 1978.

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

- a) 1978-1979 -- Served as a law clerk for SC Circuit Judge Paul M. Moore. Assisted Judge Moore with legal research, preparation of orders, etc.
- b) 1979-1982 – Assistant Solicitor for the Seventh Judicial Circuit. Prosecuted criminal cases primarily in General Sessions Court. Also handled preliminary hearings and occasionally handled juvenile prosecutions. During this

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period of time, I prosecuted or assisted in the prosecution of virtually every type of criminal case from driving under the influence to capital murder cases.

- c) 1982-1984 – Thompson and Sinclair, Attorneys at Law. Joined Fletcher D. Thompson, an established practitioner, in his law practice. I initially handled primarily criminal defense, but gradually developed a general practice including Civil Court, Probate and Family Court.
- d) 1984-1995 – Thompson, Sinclair and Anderson, Attorneys at Law. Mr. Thompson and I were joined in practice by David F. Anderson. Though I continued to handle criminal, civil and probate work during this period, more than fifty percent of my time was spent in Family Court. During the early years, Mr. Thompson and I represented a Spartanburg automobile dealership and handled several cases in Federal Court on behalf of the dealership. Mr. Thompson also began to develop an extensive adoption practice and I assisted him in this area of practice. In 1989, we were joined by James Fletcher Thompson.
- e) 1995-1998 – Thompson and Sinclair, Attorneys at Law. David Anderson withdrew from our practice and continued as a sole practitioner in the same location. My practice continued to expand in the area of Family Court.
- f) 1999-2006 – Phillip K. Sinclair, LLC. I continued to practice in all Courts, but primarily in Family Court. By the late 1990's, my practice had become approximately two-thirds Family Court and the balance in Civil and Criminal Court with an occasional trial in Probate Court. I also served during this time in the South Carolina House of Representatives. While serving in the House, I had an associate, Angela J. Moss, who assisted me on days when the House was in session.
- g) 2006-2010 – Sinclair and Collins, LLC. I was joined in practice by David M. Collins, Jr. Both David and I practiced heavily in Family Court, though we both worked in other areas such as criminal law, probate and occasionally in civil law.

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In all of the firms I was a part of from 1982 until I left private practice, I was intimately involved in the administrative and financial management of the law firm.”

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

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

The only judicial office I have ever held is that of Family Court Judge, Seventh Judicial Circuit, Seat One, from July 2010, to the present.

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

- a) Alukonis v. Smith – Case number 2015-DR-42-2977
- b) McLeod v. Starnes – 396 S.C. 647, 723 S.E.2<sup>nd</sup> 198 (S.Ct. 2012)

After this case was heard by the Supreme Court, it was remanded to the Trial Judge, who issued another Order. The Trial Judge retired before motions to reconsider could be heard. I was assigned to hear and decide the motions for reconsideration. My order was not appealed.

- c) Directo v. Department of Social Services – Case number 2016-DR-42-1529
- d) In the Interest of Justin B, a Juvenile under the age of seventeen, Appellant – 419 S.C. 575, 799 S.E.2<sup>nd</sup> 675 (S.Ct. 2017)
- e) South Carolina Department of Social Services v. Destiny McDade and Jonathan Riemann – Op. No. 2017-UP-468 (S.C. Ct. App. filed December 20, 2017)

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

**(9) Judicial Temperament:**

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

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**(10) Miscellaneous:**

The Upstate Citizens Committee on Judicial Qualification found Judge Sinclair 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.

Judge Sinclair is married to Vicki Reynolds Butler Sinclair. He has three children.

Judge Sinclair reported that he was a member of the following Bar and professional associations:

- a) South Carolina Bar Association, 1978 to present.  
Fee Dispute Resolution Committee for Spartanburg County (1986-2010).
- b) Spartanburg County Bar Association, 1978 to present.  
Family Court Committee Member (1999-2010).
- c) American Bar Association (1979-2010).

Judge Sinclair provided that he is not a member of any civic, charitable, educational, social, or fraternal organization.

Judge Sinclair further reported:

I practiced extensively in the Family Court for more than twenty-eight years before becoming a Family Court Judge. The work done in Family Court is extremely important and often deals with the most sensitive issues of people’s lives. It is critical that a Family Court Judge be knowledgeable and competent as well as patient and compassionate. I believe that my education, experience and temperament are a good fit with the Family Court. I enjoy the work that I do as a Family Court Judge and would like to continue my service, if possible. It has been an honor to serve as a Family Court Judge.

**(11) Commission Members’ Comments:**

The Commission commented that Judge Sinclair has an outstanding reputation as a jurist. They noted and were

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impressed by the unanimous positive feedback on his Ballot Box survey.

**(12) Conclusion:**

The Commission found Judge Sinclair qualified and nominated him for re-election to the Family Court, Seventh Judicial Circuit, Seat 1.

**Michael Todd Thigpen  
Family Court, Seventh 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, Seventh Judicial Circuit, Seat 2, three candidates applied for this vacancy. Two candidates withdrew before the commission voted, and one candidate was found qualified and nominated. Accordingly, the names and qualifications of the one candidate found qualified and nominated is hereby submitted in this report.

**(1) Constitutional Qualifications:**

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

Mr. Thigpen was born in 1970. He is 48 years old and a resident of Spartanburg, South Carolina. Mr. Thigpen 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 Mr. Thigpen.

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

Mr. Thigpen 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. Thigpen 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. Thigpen to be intelligent and knowledgeable.

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

- (a) I co-presented and prepared the written materials for the Case Law Update: "Custody, Child Support, and Visitation" at the 2007 South Carolina Trial Lawyers Association Convention;
- (b) In 2010, I lectured to a group of student therapists from Converse College about HIPAA, subpoenas, qualification as an expert witness, a therapist's role in child custody cases, and other areas of family law;
- (c) I was a panel member for a panel discussion at the 2012 Program Attorney Training: Information to Represent Volunteer Guardians ad Litem; and
- (d) I assisted in training volunteer guardians ad litem for the Spartanburg County Volunteer Guardian ad Litem

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Program on four (4) or five (5) occasions between 2002 and 2015.

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

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

**(4) Character:**

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

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

The Commission also noted that Mr. Thigpen 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. Thigpen reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV.

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

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

**(6) Physical Health:**

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

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**(7) Mental Stability:**

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

**(8) Experience:**

Mr. Thigpen was admitted to the South Carolina Bar in 1996.

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

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

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Mr. Thigpen gave the following account on his experience in Family Court in the areas of divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice:

- (1) Divorce: In almost twenty-two (22) years of private practice, I have filed or defended over fourteen hundred (1,400) divorce and decree of separate support and maintenance cases. Although many of those cases were uncontested, many of the cases were contested and also included the issues of child custody, visitation, child support, alimony, equitable division of marital assets and debts, attorney's fees and costs, etc. In addition, I have represented clients in divorces on all statutory grounds, except desertion, including, one (1) year's continuous separation, adultery, habitual drunkenness, and physical cruelty. Moreover, I have filed or defended many annulment and common law marriage cases. Finally, I have served as the guardian ad litem or mediator in hundreds of cases that also included the issue of divorce.
- (2) Equitable Division of Property: I have represented clients in hundreds of cases involving the issue of equitable division of marital assets and debts. Specifically, I have dealt with the identification, valuation, and division of many different types of marital assets, including, but not limited to, real estate, rental properties, time shares, retirement accounts, pension plans, state retirement, military retirement, investment accounts, bank accounts, automobiles, and personal property. In addition, many of the equitable division cases I have handled also included the identification and division of different types of marital debt, including mortgages, equity lines, secured debts, unsecured debts, tax debts, credit card debts, and personal loans. Moreover, several of the equitable division cases I have handled have included the issues of proving whether an asset is marital or non-marital, whether a non-marital asset has been transmuted into marital property, and whether a spouse has acquired a special equity interest in the other spouse's non-marital asset. Finally, I have mediated

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numerous cases involving the issue of equitable divisions of property and debts, a few of which have involved the division of millions of dollars of marital assets.

- (3) Child Custody: I have served as the attorney, guardian ad litem, or mediator in hundreds of child custody cases since I began practicing law. As the attorney, I have represented mothers, fathers, grandparents, and other third parties in all types of child custody cases, including initial child custody determinations, modification actions, relocation cases, third party custody disputes, and other child-related issues. In addition, as the guardian ad litem, I have represented the best interests of hundreds of children in contested child custody cases. Although the majority of the cases settled prior to trial, I have been involved in many child custody cases where the trial lasted anywhere from one (1) to five (5) days. Finally, as the mediator, I would conservatively estimate I have successfully mediated over one hundred (100) child custody cases in the past five (5) years.
- (4) Adoption: Although I mostly represent clients in relative adoptions, I have also represented several clients in non-relative adoptions. In addition to representing clients in adoption cases, I have served as the guardian ad litem in many contested and uncontested relative and non-relative adoptions. The most significant adoption case I have been involved in as the attorney was a case where I successfully defended the biological mother and adoptive father when the biological father attempted to overturn the adoption based on fraud, etc. The most significant adoption case I have been involved in as the guardian ad litem was a case where the biological mother unsuccessfully tried to withdraw her consent. In short, I would conservatively estimate I have served as the attorney or guardian ad litem in hundreds of adoption cases over the past twenty-one (21) years.
- (5) Abuse and Neglect: Because I was a contract attorney for the Spartanburg County Volunteer Guardian ad Litem Program for over thirteen (13) years, I have been involved in hundreds of DSS child abuse and neglect

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

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

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

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

- (a) Federal: 0;
- (b) State: An average of 145 court appearances per year.;
- (c) Other: 0.

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

- (a) Civil: 0%;
- (b) Criminal: 0%;
- (c) Domestic: 99%;
- (d) Other: 1%.

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

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

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

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

- (a) Staggs v. Staggs, 2011-DR-42-3102, was a contested decree of separate support and maintenance action, which lasted over two (2) years, and I represented the wife. The issues that were tried were the wife's request for alimony, both parties' requests for an equitable distribution of the marital assets and debts, and the wife's requests for attorney's fees and costs. After an all day trial, the wife, who was disabled, was awarded \$600.00 per month in permanent periodic alimony, equitable distribution of the marital assets and debts, and all of her attorney's fees and costs. Although the case did not involve complex issues, it was significant to me because the wife, who was not represented by counsel at the temporary hearing, was not awarded any temporary alimony, and I was able to assist her in obtaining permanent periodic alimony and reimbursement for all of her attorney's fees and costs at the final hearing.
- (b) Wright v. Staggs, et al., 2003-DR-42-3288, was an action wherein I represented the maternal grandmother who sought to terminate the parental rights of the biological father in and to his two (2) minor children on the ground that he was convicted of the murder of the children's

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biological mother pursuant to S. C. Code Ann. § 63-7-2570(10). After hearing the testimony of the children's therapist and other witnesses, the court found it was in the children's best interests for the parental rights of the biological father in and to his minor children to be forever terminated. In addition, the court granted the maternal grandmother's request to change the children's surname from the biological father's surname to her surname. Although the biological father appealed the decision, the Court of Appeals affirmed the trial court's decision in an unpublished decision.

(c) Simpson, et al. v. Pham, et al., 2001-DR-23-5811, was an action wherein the biological father sought to overturn his biological daughter's adoption by her stepfather almost two (2) years after the adoption was finalized, and I represented the mother and the adoptive father. The case was interesting because the biological father and his mother sought to have the mother's marriage to the adoptive father annulled; the biological father's mother sought to either directly or collaterally attack the adoption even though she was not a party to the adoption action; and the biological father and his mother also sought to have the biological father's consent/relinquishment set aside even though a final decree of adoption had already been entered. Although the majority of those alleged causes of action were dismissed based on a pretrial motion prior to trial, we were required to try the issue of whether or not the biological father could collaterally attack the adoption based on extrinsic fraud, and the court found the father failed to prove extrinsic fraud by clear and convincing evidence and dismissed the case.

(d) Rollins v. Rollins, 2003-DR-42-1665, was a divorce action wherein the primary issue was child custody and I represented the father. The mother, who initially moved to Tennessee to live with family when the parties separated, was granted temporary custody of the parties' minor child at the temporary hearing, and we learned shortly before the final hearing that she had moved to Georgia. In preparation for trial, I was relying on the

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long-standing presumption against allowing a parent to relocate with a child out of state, as set forth in McAllister v. Patterson, 278 S.C. 481, 299 S.E.2d 322 (1982), but the Supreme Court overruled McAllister in Latimer v. Farmer, 360 S.C. 375, 602 S.E.2d 32 (2004), a few weeks before the final hearing. Fortunately, after a three (3) day trial, I was able to successfully argue that the case of Davis v. Davis, 356 S.C. 132, 588 S.E.2d 102 (2003), allowed the court to consider the mother's avowed desire to continue living out of state if she was awarded custody of the child as a factor in determining which parent should be awarded custody in an initial child custody determination, and the father was awarded custody of the parties' minor child.

(e) Penland v. Penland, 2005-DR-42-2246, was an extremely contested child custody case, which lasted almost three (3) years, wherein I served as the guardian ad litem for the parties' minor children. Due to the mother's allegation that the father was alienating the children from her, the father's allegation that the mother abused prescription drugs and alcohol, and both parents' allegations of domestic violence, I arranged for Dr. Selman Watson to conduct a full custody evaluation of the parties and their minor children, with a specific request that he determine whether or not there was any evidence of parental alienation. The mother, who was represented by three (3) different attorneys at the beginning of the case, was self-represented for the majority of the case, and she filed numerous pro se motions, which resulted in over twenty (20) hearings and Orders during the pendency of the case. After hearing almost five (5) days of testimony, the Honorable Wesley L. Brown issued a fiftyfive (55) page Order awarding the father custody of the parties' minor children and denying the mother any visitation with the parties' minor children until she successfully completed substance abuse treatment.

The following is Mr. Thigpen's account of the civil appeal he has personally handled:

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

The following is Mr. Thigpen's account of criminal appeals he has personally handled:

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

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Court for a new trial, but the charge was later dismissed and expunged.

Mr. Thigpen further reported the following regarding unsuccessful candidacies:

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

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

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Upstate Citizens Committee on Judicial Qualification reported Mr. Thigpen to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. He was found "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability.

The Upstate Citizens Committee Report included the following Summary Statement: "The committee is extremely impressed with Mr. Thigpen's depth of experience. He has practiced in every area of the Family Court. He has significant experience as a Guardian ad Litem. The number of GAL cases he has handled indicates his peers and Judges trust his judgment, ethics and knowledge. Additionally, a candidate with such extensive GAL experience indicates the ability to work well with others and we believe is a positive indicator for a desirable judicial temperament."

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Mr. Thigpen is married to Laurie Lynn Ver-Cauteren Thigpen. Mr. Thigpen does not have any children.

Mr. Thigpen reported that he was a member of the following Bar and professional associations:

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

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

Mr. Thigpen further reported:

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

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

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**(11) Commission Members' Comments:**

Mr. Thigpen was questioned as to his status as being legally blind. Mr. Thigpen testified before the Commission that he is physically able to perform the work of a Family Court Judge. Pursuant to the ADA, he was questioned as to whether he would be able to perform the essential function of the position with or without reasonable accommodations. Based on Mr. Thigpen's testimony, the Commission felt Mr. Thigpen addressed this to their satisfaction and found him to be Qualified and Nominated.

**(12) Conclusion:**

The Commission found Mr. Thigpen qualified and nominated him for election to the Family Court, Seventh Judicial District, Seat 2.

**The Honorable Matthew Price Turner  
Family Court, Eighth Judicial Circuit, Seat 1**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Turner was born in 1978. He is 40 years old and a resident of Laurens, South Carolina. Judge Turner 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 Judge Turner.

Judge Turner 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.

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

Judge Turner 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 Turner 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 Turner to be intelligent and knowledgeable.

Judge Turner reported that he has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

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

**(4) Character:**

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

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

The Commission also noted that Judge Turner 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.

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**(5) Reputation:**

Judge Turner reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV Distinguished.

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

Judge Turner reported that he has never held public office other than judicial office.

**(6) Physical Health:**

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

**(7) Mental Stability:**

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

**(8) Experience:**

Judge Turner was admitted to the South Carolina Bar in 2003.

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

- (a) Turner and Burney, P.C., Associate, August 2003-2007
- (b) Turner and Burney, P.C., Partner, 2007 –March 2018

Turner and Burney is a general practice firm. During my time as a practicing attorney, we had offices in Laurens and Simpsonville. I represented clients in cases in Common Pleas, General Sessions, Probate Court, Family Court, and Magistrate's Court. However, at least fifty percent (50%) of my caseload was devoted to Family Court cases. I was involved in the management of the practice, including the staff and finances. I was also the attorney responsible for overseeing the firms' trust account.

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

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**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Piedmont Citizens Committee found Judge Turner 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 commented that "Though he has only been on the bench a short time, Judge Turner has deep family law experience. The Committee was impressed by his work ethic and seriousness with which he has taken his judicial responsibilities."

Judge Turner is married to Megan Wadford Turner. He has two children.

Judge Turner reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar
- (b) Laurens County Bar; President 2006 - 2018
- (c) Greenville County Bar
- (d) South Carolina Association for Justice (formerly)
- (e) South Carolina Association of Criminal Defense Lawyers (formerly)

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

- (a) First Baptist Church, Laurens- former Chair, Board of Deacons
- (b) YMCA of Greater Laurens- member and former Board Member
- (c) Straight Street Youth Ministry-volunteer

Judge Turner further reported:

I have always been a driven, goal-oriented person. At a young age, I decided to attend the University of South Carolina, go to law school, and return home to practice law with my father. That is

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what I did. I am committed to my wife and children, my church, and my job. When I commit to do something, I put in one hundred percent (100%) effort. I pride myself on being a hard worker. To that end, I have no problem working long hours to ensure that the task is completed thoroughly and precisely. I have continued that practice on the bench. I am relatively young and have the energy and motivation needed to be an effective judge.

I have served on various boards in my community and my church. I have served as chair of the YMCA board and chair of the board of deacons of the First Baptist Church of Laurens. I volunteer at Straight Street Laurens which is a program that gives middle school and high school youth a safe environment where they can spend time together and keep them out of trouble. I have also coached many of my boys' sports teams through the YMCA. My experience coaching and volunteering at Straight Street have given me the opportunity to work with children and youth from all walks of life.

During my time in private practice, I had the pleasure of working with clients through some of the most difficult times they ever faced. I represented individuals from all walks of life, from those who are indigent to those who are very wealthy, from those who had little or no education to those who are well educated and successful. I have also been there for friends and family members who have dealt with unfaithfulness in their marriage, divorce, custody cases, and addiction. I have seen the emotional and financial stress that people go through in Family Court cases as an attorney and as a friend/family member.

I have always tried to be kind and respectful to others, and to treat them the way I want to be treated. Throughout my life, I have made a point to be courteous to everyone and be open to what they have to say, even when I disagree with them. The experiences I have had, both professionally and personally, have served to strengthen my desire to be open minded and to treat everyone with respect.

### (11) Commission Members' Comments:

The Commission was highly impressed with this judge. The Commission commended Judge Turner on his sterling reputation amongst his peers and an impressive demeanor on the

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bench despite his short time on the bench. The Commission advised Judge Turner to “keep up the good work”.

**(12) Conclusion:**

The Commission found Judge Turner qualified and nominated him for re-election to the Family Court, Eighth Judicial Circuit, Seat 1.

**The Honorable Joseph C. Smithdeal  
Family Court, Eighth Judicial Circuit, Seat 3**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Smithdeal was born in 1967. He is 51 years old and a resident of Greenwood, South Carolina. Judge Smithdeal 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 Judge Smithdeal.

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

Judge Smithdeal testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;

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- (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 Smithdeal 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 Smithdeal to be intelligent and knowledgeable. His performance on the Commission's practice and procedure questions met expectations.

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

- (a) Newberry Bar CLE 7/18 – Lectured on use of Court Rules and Practice Tips;
- (b) NBI CLE As Judges See It 12/17 – Group discussion of Trial Strategies;
- (c) SCBAR CLE 1/16 – Panel discussion on various aspects of Family Law;
- (d) VFCF CLE 9/15 – Lectured on changes to the DSS statutes involving children with a plan of APPLA;
- (e) Law School for Non-Lawyers - Lectured multiple times over the years on topics ranging from Family Law, Workers Compensation, Probate, and the SC Court System.

Judge Smithdeal reported that he has not published any books and/or articles.

**(4) Character:**

The Commission's investigation of Judge Smithdeal did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Judge Smithdeal did not indicate any evidence of a troubled financial status. Judge Smithdeal has handled his financial affairs responsibly.

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The Commission also noted that Judge Smithdeal 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 Smithdeal reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV.

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

Judge Smithdeal reported that he has never held public office other than judicial office.

**(6) Physical Health:**

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

**(7) Mental Stability:**

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

**(8) Experience:**

Judge Smithdeal was admitted to the South Carolina Bar in 1992.

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

- (a) Judson Ayers & Associates, P.C. 1992-1995, Associate attorney- Family Court, general civil & Criminal litigation - Circuit Court and Federal District Court, Workers Compensation, real estate and employment law.
- (b) Ayers & Smithdeal, P.C. 1995-1997 Partner – Family Court, general civil & Criminal litigation - Circuit Court and Federal District Court, Worker Compensation, real estate, probate, employment law.
- (c) Ayers, Smithdeal & Bettis, P.C. 1997-2013 Managing Partner and President – practice areas were substantially the same, but I was responsible for administrative and

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financial management of the firm which included the Firm's trust accounts.

(d) Family Court Judge, 2013-present.

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

April 2013-present. Family Court, Eighth Judicial Circuit, Seat 3 – elected.

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

(a) Looney v Looney – This case involved a long term marriage with disabled adult children. Mr. Looney had obtained a Dominican Republic divorce from his first wife while they were both residents of South Carolina. He then married Mrs. Looney. Mrs. Looney claimed that she and Mr. Looney were not validly married because the Dominican divorce was not legal. As the validity of marriages is reserved to the Court of Common Pleas pursuant to §20-1-510, 520 and NOT to the Family Court under its jurisdictional statute, I was forced to dismiss Mr. Looney's divorce complaint so they could litigate that issue in the Court of Common Pleas.

(b) DSS v Walls and Walls, 16-UP-483 and 16-UP-482 (S.C.Ct.App. filed November 16, 2016) – A twenty three day old baby had skull fractures, bleeding on the brain, a fractured vertebra, broken leg, broken ankle, broken ribs, and internal injuries in various stages of healing. Neither parent knew who done it. Based on the evidence presented, I was compelled to remove the child and terminate the parents' parental rights.

(c) Young v Young – This was the second marriage each for an elderly couple. The wife and her attorney presented a prenuptial agreement to the husband before the marriage. Husband willingly signed it as both spouses had substantial pre-marital property to protect. Later wife, through her adult children, attempted to set aside the agreement after she deeded all her property to her children in an effort to lay the cost of nursing home care on the husband. After significant consideration, I denied

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wife's alimony claim and upheld the prenuptial agreement even though the husband was unrepresented at the time of the signing of the agreement.

- (d) Mayo v Mayo – This was a heartbreakin case involving a long term marriage with five daughters. The middle daughter accused the father of sexually assaulting her during the litigation. Several experts testified, but this issue essentially came down to a classic he said-she said, and the preponderance of the evidence did not weigh more heavily on one side or the other. I did not find sexual abuse occurred, but I could not grant visitation to the father with that daughter because of the toxic relationship.
- (e) Johnson v Johnson – Mother was a prison guard and was caught cheating with an inmate. Before Father filed for divorce, mother accused father of molesting the children. Father was charged criminally and accused by DSS of abuse. The divorce case was put on hold – for five years. During these years he had no visitation with his four children. He went to General Session Court and was acquitted. The DSS trial resulted in no finding of abuse or neglect against him. He spent everything he had to defend himself and try and get back together with his children. By the time of this trial, the children had grown up substantially and really did not have much interest in seeing him. I granted graduated visitation so that hopefully they could reestablish a relationship.

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

Judge Smithdeal further reported the following regarding unsuccessful candidacies:

2009 I was nominated by the Judicial Merit Screening Commission and then withdrew my name from consideration before the vote. 2010 I was nominated by the Judicial Merit Screening Commission and then withdrew my name from consideration before the vote.

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**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Piedmont Citizen's Committee on Judicial Qualification found Judge Smithdeal 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 Citizens Committee stated, "Judge Smithdeal acted soon after being sworn in to find innovative ways to end the backlog of juvenile cases in his court. That effort is emblematic of the energy and diligence that he brings to the Family Court bench".

Judge Smithdeal is married to Elizabeth C. Smithdeal. He has five children.

Judge Smithdeal reported that he was a member of the following Bar associations and professional associations:

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

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

- (a) Knights of Columbus. My family received the family of the month award for February.
- (b) Citadel Alumni Association – Life Member
- (c) Our Lady of Lourdes Catholic Church – Sunday school teacher

Judge Smithdeal further reported:

Two of my children are college graduates, one is in college now, one is in high school and one is in middle school. In other words, I understand families and the issues they face. I take my younger two to school almost every day and get to work between 7:30-8:00 a.m. I prepare for court every morning and am ready to start on time with knowledge of the cases which are to come before

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me that day. When I ran for this judgeship I promised to be diligent, hard-working and courteous. I believe I have honored my promise.

**(11) Commission Members' Comments:**

The Commission commented that it has a great impression of Judge Smithdeal and appreciates his service on the bench. They further commented that Judge Smithdeal was very diligent and forthcoming in his testimony before the Commission.

**(12) Conclusion:**

The Commission found Judge Smithdeal qualified and nominated him for re-election to the Family Court, Eighth Judicial Circuit, Seat 3.

**The Honorable Alice Anne Richter  
Family Court, Ninth Judicial Circuit, Seat 2**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Richter was born in 1977. She is 41 years old and a resident of Mount Pleasant, South Carolina. Judge Richter 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.

**(2) Ethical Fitness:**

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

Judge Richter 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.

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

Judge Richter 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 Richter 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 Richter to be intelligent and knowledgeable.

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

- (a) Adjunct professor at Charleston School of Law 2009-2010, legal research and writing.
- (b) Assisted in organizing and spoke frequently at the Charleston Guardian ad Litem Association monthly lunch CLE programs 2013-2015 for lay and attorney guardian ad litem related issues.
- (c) I have been a guest speaker for Judge Brian Gibbons' family law class at the Charleston School of Law for the past three years on custody, termination of parental rights, assisted reproduction and jurisdictional issues.
- (d) I spoke at the Orientation School for New Family Court Judges in June of 2016.
- (e) Family Court Bench Bar CLE, December 1, 2017, speaker on judge's panel regarding issues related to child support, visitation and other family court topics.
- (f) In the Best Interest of the Child: 2018 Guardian ad Litem Training and Update 2018, January 26, 2018. Speaker on judge's panel.

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

**(4) Character:**

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

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

The Commission also noted that Judge Richter 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 Richter reported that she is not rated by any legal rating organization.

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

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

**(6) Physical Health:**

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

**(7) Mental Stability:**

Judge Richter appears to be mentally capable of performing the duties of the office she seeks.

**(8) Experience:**

Judge Richter was admitted to the South Carolina Bar in 2003.

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

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

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

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

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

(a) Scheidweiler v. Phoenix, 2015-DR-10-965, 2018-UP-036.

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

(b) Rebecca Mendez v. Carlos Francisco Franco, 2018-DR-10-871

This order issued from a joint hearing with the court in the state of California on Plaintiff's Motion for Home State Finding under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). This case had a complicated factual history and extensive analysis of the UCCJEA, South Carolina law, specific jurisdictional and substantive issues, and consultation with the court in California was required and ultimately resulted in the joint hearing being held in South Carolina and California to make a determination. California was determined to be the home state of the minor children pursuant to the UCCJEA and South Carolina law.

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

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

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accordingly which required the ruling balance the interests and safety of the community, the victim, and the needs and interests of the juvenile.

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

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

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

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

Judge Richter has reported no other employment while serving as a Judge.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Lowcountry Citizens Committee on Judicial Qualification found Judge Richter to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability,

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character, reputation, experience and judicial temperament; and, “Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Lowcountry Citizens Committee commented Judge Richter is, “bright, radiant, humble... excellent.”

Judge Richter is married to Joseph Paul Cerato. She has two children.

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

- (a) South Carolina Bar
- (b) Charleston County Bar
- (c) South Carolina Women Lawyers Association

Judge Richter provided that she is not a member of any civic, charitable, educational, social, or fraternal organization.

**(11) Commission Members' Comments:**

The Commission commented that Judge Richter has an outstanding reputation as a jurist. They noted her numerous positive responses on the Ballot Box surveys, and appreciated her humble temperament.

**(12) Conclusion:**

The Commission found Judge Richter qualified and nominated her for re-election to the Family Court, Ninth Judicial Circuit, Seat 2.

**The Honorable Wayne M. Creech  
Family Court, Ninth Judicial Circuit, Seat 4**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

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Judge Creech was born in 1951. He is 67 years old and a resident of Pinopolis, South Carolina. Judge Creech 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 1976.

**(2) Ethical Fitness:**

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

Judge Creech 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 Creech reported that he has spent \$250 in campaign expenditures for assistance with the preparation of the judicial application, paid to Lynne Messemer, and \$24.70 for postage, totaling \$274.70.

Judge Creech 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 Creech 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 Creech to be intelligent and knowledgeable.

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

- (a) I taught at the New Judge Orientation School from 2003 through 2009.

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- (b) I have made numerous presentations to the SC Bar Family law Section
- (c) I have made numerous presentations at the SC Family Court Bench/Bar CLE meetings.
- (d) I have made numerous presentations to the SC Family Court Judges Association at the Spring Conferences.
- (e) I have spoken numerous times to Family Law Section at the Charleston School of Law about Family Law issues.

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

**(4) Character:**

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

The Commission's investigation of Judge Creech did not indicate any evidence of disqualifying financial issues.

The Commission also noted that Judge Creech 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 Creech reported that his last available rating by a legal rating organization, Martindale Hubbell, was B.V.

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

Judge Creech reported that he has held the following public office:

Moncks Corner Town Attorney - Elected by Town Council - November 1981-March 1987

**(6) Physical Health:**

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

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**(7) Mental Stability:**

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

**(8) Experience:**

Judge Creech was admitted to the South Carolina Bar in 1976.

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

- (a) Law office of H. N. West – Associate – August 1976 – July 1977 Real Estate / Family Law
- (b) Dennis and Dennis – Associate – July 1977 – January 1978 Real Estate / Family Law / Criminal Law / General Civil Litigation
- (c) Dennis, Dennis, and Watson – Associate – January 1978 – November 1981 Real Estate / Family Law / Criminal Law / Municipal Law / Civil Litigation
- (d) Watson and Creech – Partner – November 1981 – July 1983 Real Estate / Family Law / Criminal Law / Municipal Law / Civil Litigation
- (e) Watson, Creech, and Tiencken – July 1983 – January 1987 Real Estate / Family Law / Criminal Law / Municipal Law / Civil Litigation
- (f) Watson, Creech, Tiencken, and West – January 1987 – March 1987 Real Estate / Family Law / Criminal Law / Municipal Law / Civil Litigation
- (g) Wayne M. Creech, Sole Practitioner – March 1987 – September 30, 1988 Real Estate

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

- (a) Elected by the S.C. General Assembly April 27, 1988 to fill the unexpired term of The Honorable Warren H. Jolly from October 1, 1988 - June 30, 1989.
- (b) Re-elected May 3, 1989 for term from July 1, 1989 - June 30, 1995.
- (c) Re-elected May 25, 1995 for term from July 1, 1995 - June 30, 2001.
- (d) Re-elected February 7, 2001 for term from July 1, 2001 - June 30, 2007.

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- (e) Re-elected February 7, 2007 for term from July 1, 2007 - June 30, 2013.
- (f) Re-elected January 30, 2013 for term from July 1, 2013 - June 30, 2019.

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

- (a) SCDSS v the Father, the Mother and the Step-Father: Case # 88-DR-10-0608

This was the most complex and lengthy trial of my 24 year career. It is a child abuse / Child Custody case that was transferred to SC from the state of Virginia because of adverse publicity that prevented a fair trial of the issues in Virginia. The case involved allegations of ritualistic child abuse and use the child abuse protection “under-ground railroad.” The case gained national and international attention. The trial court order was written by me. The decision was appealed but the appeal was ultimately dismissed by the S.C. Supreme Court.

- (b) State v Annette Moody: Case # 92-JU-10-1738

This is the first S.C. case in which a legal custodian was found in criminal contempt of court for failing to supervise a juvenile released to the care of a custodian on “home detention.” The criminal contempt sanction imposed was affirmed by the S.C. Supreme Court without comment in an unpublished opinion.

- (c) Sharps v Sharps: 342 S.C. 71

In this case, Wife sought an increase in alimony after the emancipation of her children and cessation of child support. Husband claimed that emancipation of the children was a foreseeable future event at the time of the initial alimony award and could not be used as a changed circumstance justifying an increase in alimony. The SC Court of Appeals agreed with Husband and reversed my decision. The SC Supreme Court reversed the Court of Appeals, determined that though foreseeable, the impact of the emancipation of the children could not have been factored into the initial alimony calculation, and therefore the emancipation of the children could be used as changed circumstances for

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modification of the alimony initially awarded. The SC Supreme Court affirmed my decision.

(d) Latimer v Farmer: 360 S.C 375

In this child custody / relocation case, Father sought to move to Michigan with his children. Mother objected and sought custody or in the alternative denial of Father's right to move with the children. I granted Father's request for sole custody and allowed him to relocate to Michigan.

The S.C. Supreme Court upheld my decision and changed S.C. law to eliminate the longstanding "presumption against relocation." This case also contains the first reported instance of computer assisted visitation via webcam.

(e) In The Interest of M.B.H., A Minor Under The Age of Seventeen:

In this case M.B.H. (juvenile) pled guilty to two counts of assault and battery of a high and aggravated nature (ABHAN). As part of the disposition of the offenses, the juvenile was required to register as a sex offender. The issue presented was whether there was "good cause" shown to require registry as a sex offender. The SC Supreme Court affirmed my decision to require registration and clarified the meaning of "good cause". The court found that in this context "good cause" means "only that the judge consider the facts and circumstances of the case to make the determination of whether or not the evidence indicates a risk to reoffend sexually."

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

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualification found Judge Creech to be "Qualified" in the evaluative criteria

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of constitutional qualifications, physical health, and mental stability. The Committee found Judge Creech "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

Additionally, the Lowcountry Citizens Committee commented that Judge Creech was: "A++, Humble, Classy, Courteous, Empathetic, Wise, On and on, We are very lucky to have him as a judge - Gold Standard."

Judge is married to Annette Lewis Cook Creech. He has four children.

Judge Creech reported that he was a member of the following Bar and professional associations:

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

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

- (a) Freedom Church of Moncks Corner - Elder
- (b) Freedom Church of Moncks Corner Community Group Leader

Judge Creech further reported:

I have a wide range of legal problem solving experience. I was in general practice for 11 years prior to my election to the Family Court Bench. During that time, I served as Town Attorney and Prosecutor for the town of Moncks Corner. I was elected to the bench in 1988 and have held court in at least 28 of the 46 counties in South Carolina and have served as Chief Administrative Judge for the Ninth Judicial Circuit and Berkeley County Family Court numerous times. I am the 2010 recipient of the Buchan, Brown, Jacobs Award presented by the South Carolina Conference of Family Court Judges honoring integrity, professionalism, skill, compassion, spirit, optimism and courage.

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**(11) Commission Members' Comments:**

The Commission commented that Judge Creech is to be commended for all that he has accomplished and for his passion and desire to continue to serve after 30 years on the Family Court Bench. Further, the Commission appreciates that Judge Creech holds himself to a high standard and his strict adherence to the letter of the law. Judge Creech is held in high esteem by his colleagues and peers.

**(12) Conclusion:**

The Commission found Judge Creech qualified and nominated him for re-election to the Family Court, Ninth Judicial Circuit, Seat 4.

**The Honorable Edgar Henderson Long Jr  
Family Court, Tenth Judicial Circuit, Seat 1**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Long was born in 1964. He is 65 years old and a resident of Anderson, South Carolina. Judge Long 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 1981.

**(2) Ethical Fitness:**

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

Judge Long 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.

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

Judge Long 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 Long 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 Long to be intelligent and knowledgeable.

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

- (a) lectured at National Business Institute Judicial Forum  
“What Family Court Judges Want you to Know;
- (b) lectured at Anderson County Bar Association CLE  
seminar, Rules to Show Cause in Family Court.

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

**(4) Character:**

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

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

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

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

(5) Reputation:

Judge Long reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV

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

Judge Long reported that he has never held public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Long was admitted to the South Carolina Bar in 1981.

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

January, 1982 – November, 1983, Legal Services Agency of Western Carolina, staff attorney, represented clients in family court matters, not involved in administrative or financial management.

November, 1983 – June, 1984, Law Offices of Edgar H. Long, primarily domestic relations practice, solely responsible for administration and finances.

June, 1984 – July, 1986, Tenth Circuit Solicitor's Office, represented D.S.S. and Dept. of Youth Services. Not involved in administrative or financial management.

July, 1986 – February, 1993, Chapman, King & Byrholdt, associate attorney in a three man firm, Primary responsibility for all domestic relations cases, Not involved in administrative or financial management.

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February, 1993 – May, 2003, Law Offices of Long & Smith, partner (See below)

May, 2003 – June, 2006, Law Offices of Long, Smith and Burrell, partner (below)

June, 2006 – February, 2009, Law Offices of Edgar H. Long, partner

Until my election to the bench I was in private practice as a partner and later, a sole practitioner, since 1993. The primary focus of my practice was domestic relations and family law, including child custody, divorce, and all other issues that may arise in a divorce. I did a great deal of work as a court appointed Guardian ad Litem in private custody cases. I worked as a contract attorney for the Department of Social Services, handling all types of cases involving that agency.

March of 2009 – present, Family Court Judge

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

Family Court Judge since 2009.

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

(a) State v. Jesse Osborne (waiver hearing for juvenile), case still under appellate review, Docket Nos. 2016-JU-04-236 through 2016-JU-04-245. Motion to waive juvenile up to General Sessions Court was heard between February 12, 2018 and February 16, 2018, and was granted by the court.

(b) Mary Ann Beeson v. Joseph A. Beeson, Docket No. 2008-DR-04-2622, fully contested divorce with multi-million dollar estate. Case was heard over an entire week; Order issued by the court was dated May 13, 2013, and consisted of 28 pages. No appeal taken.

(c) SCDSS v. Ngoc Tran, et al, Appellate Case No. 2014-001134, Court of appeals reversed the lower court ruling which granted Termination of Parental Rights to the Plaintiff agency. Basis for reversal was Plaintiff agency failed to ascertain status of earlier custody actions in other states.

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(d) SCDSS v. Holly Smith, et al Appellate Case No. 2105-001095, Court of Appeals affirmed lower court granting of Termination of Parental Rights.

(e) Cauley v. Cauley, Docket No. 2015-DR-23-3763. Contested divorce on issues of custody, Case tried over two days. Instructions issued by the court on October 7, 2016, Order signed on November 14, 2016.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Upstate Citizens Committee on Judicial Qualification found Judge Long to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee found Judge Long "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

Judge Long is married to Amy (Hunt) Tripp Long. He has two children.

Judge Long reported that he was a member of the following Bar and professional associations:

- (a) Anderson County Bar Association 1982 to present
- (b) S.C. Bar Association 1982 to present
- (c) S.C. Trial Lawyers 1986 to 1998(?)

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

Judge Long further reported:

After completion of my college career, I entered U.S.C. Grad School and earned a Master's degree in public administration. Although I never worked in the area of public administration, my education gave me a background to be better organized and to better utilize my time efficiently.

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After receiving my law degree, my first job was with Legal Services.

This allowed me to represent lower levels of society, and gave me an appreciation of the issues that face people in this position.

After leaving Legal Services, I shortly thereafter accepted a position as Assistant Solicitor for Family Court, handling not only Department of Social Services cases, but Department of Juvenile Justice cases as well. This allowed me to gain a wealth of court room experience, as well as substantive knowledge in those areas.

In 1986, I accepted a position with a law firm in Anderson. Although I handled a large variety of cases, my primary area of practice was in domestic relations. I also developed a large practice as a Guardian ad Litem in private custody cases, which I continued until my election as a Family Court Judge.

### **(11) Commission Members' Comments:**

The Commission commented that Judge Long has an excellent reputation in his community. The Commission also noted his good temperament and his years of service.

### **(12) Conclusion:**

The Commission found Judge Long qualified and nominated him for re-election to the Family Court, Tenth Judicial Circuit, Seat 1.

**The Honorable Huntley S. Crouch  
Family Court, Eleventh Judicial Circuit, Seat 2**

### **Commission's Findings: QUALIFIED AND NOMINATED**

Pursuant to S.C. Code Ann. § 2-19-40, the chairman of the Commission waived the public hearing for Judge Crouch, upon recommendation of the Commission members, since she took the bench within the last year, her candidacy for re-election was uncontested, and there was no substantial reason for having a public hearing regarding her candidacy.

### **(1) Constitutional Qualifications:**

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

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Judge Crouch was born in 1972. She is 46 years old and a resident of Lexington, South Carolina. Judge Crouch 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 Judge Crouch.

Judge Crouch 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.

### (3) Professional and Academic Ability:

The Commission found Judge Crouch to be intelligent and knowledgeable.

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

- a) I lectured at the South Carolina Bar Convention 2016 in Charleston, South Carolina as part of the Children's Law Committee CLE. I presented on the topic of Father's Rights, Alienation, and Ethical considerations for practicing family law attorneys.
- b) The Honorable Anne Gue Jones invited me to speak at the December 2016, Family Court Bench/Bar CLE on the issues of Guardians *ad Litem* in Family Court. I also presented on the importance of the Form 4 in Family Court.

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

### (4) Character:

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

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

The Commission also noted that Judge Crouch 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 Crouch reported that she is not rated by any legal rating organization.

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

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

**(6) Physical Health:**

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

**(7) Mental Stability:**

Judge Crouch appears to be mentally capable of performing the duties of the office she seeks.

**(8) Experience:**

Judge Crouch was admitted to the South Carolina Bar in 1998.

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

1998-1999 Law Clerk to the Honorable Wyatt T. Saunders,  
Circuit Court Judge, Eighth Judicial Circuit

1999-2010 Brown, Jefferies & Boulware; contract attorney with general practice firm. No involvement in management from an administrative or financial aspect at all.

2010-2014 Cofield Law Firm: associate attorney hired to create Family Law division in general practice firm. No involvement with financial management of this entity and no authority over and no management of trust

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accounts. Some involvement in management from an administrative/personnel standpoint, as I was included in the hiring and firing of employees and in calling meetings when necessary to address any issues or concerns related to personnel.

2014-2016 Cofield Law Firm: partner in five attorney general practice firm heading up Family Law division. No involvement with financial management of this entity and no authority over and no management of trust accounts. Some involvement in management from an administrative/personnel standpoint, as I was included in the hiring and firing of employees and in calling meetings when necessary to address any issues or concerns related to personnel.

2016-2018 Law Offices of Huntley S. Crouch, LLC: member, solo practice firm practicing in the area of family law and family court mediations. Solely responsible for all aspects of the firm, including management and reconciliation of all accounts.

Judge Crouch further reported the following regarding unsuccessful candidacies:

I ran for Family Court for an at-large seat in Spring 2017. I was found qualified and was nominated. I withdrew prior to the vote, and The Honorable Thomas Hodges was elected.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

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

The Committee commented Judge Crouch was pleasant, she will strive to gain experience, and she is well qualified.

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Judge Crouch is married to Charles “Chuck” Martin Crouch, Jr. She has three children.

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

- (a) South Carolina Bar Association
- (b) Lexington County Bar Association, Executive Committee; Mediation Chair
- (c) South Carolina Bar, Judicial Qualifications Committee Member
- (d) South Carolina Bar, Children’s Law Committee and legislative sub-committee member
- (e) Special Committee, *Guardian ad Litem*

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

- (a) School Improvement Council, Lexington 1 School District; 3 years
- (b) Lexington United Methodist Church, Snack Sacks program; nationally recognized in People Magazine’s Allstars Among Us campaign. Also, I was the recipient of a grant to help expand the program after submitting a favorable application. Currently send home approximately 290 bags of healthy snacks each weekend for school aged children in need.
- (c) Lexington Life magazine’s Best in Lexington Family Lawyer; 3 years

Judge Crouch further reported:

I grew up playing in the law library, back when there were such things, in my father’s law firm. I would pull the books from the shelves, pretending that I was a great lawyer like my father, preparing to argue a landmark case. That was in the fifth grade. As a child, I thought my father was the greatest attorney. As an adult, I still believe that, but now I understand that it is not his skill at arguing a case before a jury which makes him great, but it is his approach to his practice and his treatment of his clients. Even after practicing for over forty years, he still approaches every case as if it is the most important case and every client as

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if he or she is the most important client. All of this is to say that as an attorney, I tried to mimic the very best attributes that I learned from my father. I treated my clients with respect. I approached every case, no matter the size, no matter the issue, very seriously. I was sensitive to the fact that my clients entrusted me with some of the most important aspects of their lives—children, homes, futures. I am a planner. I planned on finishing college in three years. I planned on practicing law with my father, who as I stated above, is the greatest teacher and mentor, while I learned to be the kind of lawyer I am and while I raised my children. I planned on practicing law and establishing myself in the community. And, I planned on becoming a judge. In addition to being influenced in my career by my father, I was also influenced by the late Honorable Wyatt T. Saunders. I served as his very first law clerk when he took the bench in Circuit Court. My employment with Judge Saunders created in me a great respect for the behind-the-scenes in a courthouse. I understand the importance of keeping a docket and being ever mindful of the Court's time and, likewise, the attorneys' and litigants' time. I understand taking matters under advisement and filing the MUA reports. I created a system of keeping up with due dates for orders. I know the organizational pitfalls to avoid. Perhaps the lesson that will serve me best as a judge, though, is that one garners respect when one gives respect. As a judge, I want the litigants and their representatives to leave the courtroom knowing they were treated respectfully and fairly by an ethical and knowledgeable judge. I believe my experience as a researcher, writer, student, advocate, Guardian ad Litem, mediator, and philanthropist lends itself to my being that judge.

**(11) Conclusion:**

The Commission found Judge Crouch qualified and nominated her for re-election to the Family Court, Eleventh Judicial Circuit, Seat 2.

**The Honorable Robert E. Newton  
Family Court, Eleventh Judicial Circuit, Seat 3**

**Commission's Findings: QUALIFIED AND NOMINATED**

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**(1) Constitutional Qualifications:**

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

Judge Newton was born in 1964. He is 54 years old and a resident of Lexington, South Carolina. Judge Newton 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 1989.

**(2) Ethical Fitness:**

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

Judge Newton 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 Newton 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 Newton 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 Newton to be intelligent and knowledgeable.

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

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- (a) I have presented at the Orientation School for New Family Court Judges on the topic of DSS Abuse/Neglect cases on June 3, 2015; June 1, 2016; May 3, 2017; and May 16, 2018.
- (b) I participated as a presenter at the Lexington County Bar Association Judicial Panel CLE on April 16, 2012 and September 28, 2016.
- (c) I have presented at the Lexington County Volunteer Juvenile Arbitrator Training Program in September of 2014, 2015, 2016, and 2017.
- (d) Over the past several years, I have regularly presided over numerous ceremonies which included giving a speech and swearing in of new guardian ad litem for the Lexington Guardian ad Litem Program. Thus far, I have administered the oath to over 88 volunteers who have offered to serve as guardian ad litem in DSS abuse/neglect actions.
- (e) I served as moderator / presenter as an attorney with a panel of Family Court Judges at the Family Court Bench / Bar CLE in December, 2011, on the topic of "How to settle cases in today's economy".
- (f) I served as a panel member for a presentation at the Family Court Bench / Bar CLE in December, 2008, on the topic of "Blended Mediation and Arbitration in Family Court".

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

**(4) Character:**

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

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

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

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

(5) Reputation:

Judge Newton reported that his last available rating by a legal rating organization, Martindale Hubbell, was BV.

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

Judge Newton reported that he has never held public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Newton was admitted to the South Carolina Bar in 1989.

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

(a) 1988 until 1992 – Coleman, Sawyer, Breibart, & McCauley.

I began working as a law clerk during law school for this firm and joined as an associate after graduation. Our firm had offices in Saluda, SC and Lexington, SC. This was a litigation intensive firm where my practice was devoted to approximately 75% domestic / family court matters (including all aspects of divorce, child custody, visitation, child support, alimony, equitable division) 20% civil litigation (including personal injury), and 5% criminal defense (including juvenile matters). This firm dissolved its association when C. David Sawyer was elected to the Family Court bench in 1992.

(b) 1992 until December, 2003 – Breibart & McCauley, P.A.

(subsequently Breibart, McCauley & Newton, P.A.).  
My practice remained essentially as described above

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divided between domestic / family court (approximately 75%), civil litigation (20%), and criminal defense (5%). I assisted in managing and maintaining the firm trust account related to my files. I left this firm and it was dissolved in December of 2003.

- (c) January, 2004 until June, 2012 - The Dooley Law Firm, P.A. This firm was comprised of 3 other attorneys upon my departure. My practice remained devoted to the areas as described above until approximately 2009 when I began to cultivate a practice limited to Family Court Mediation and Arbitration. At the time of my departure to become a Family Court Judge my practice was almost exclusively devoted to Family Court Mediation and Arbitration which I conducted statewide. I managed and maintained my individual trust account as well as assisting in managing the firm operating account as a shareholder.
- (d) July, 2012 until the present time - I am currently honored to serve as a Family Court Judge for the Eleventh Judicial Circuit, Seat 3, and have served continuously since my election in 2012.

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

Judge Newton further reported the following regarding unsuccessful candidacies:

Yes. In 1992 I ran unsuccessfully for the South Carolina House of Representatives, House District 39 (Saluda and Lexington Counties). I ran unsuccessfully for the Lexington School District One School Board in 2002. In the Fall of 2006 (election February 2007) I ran unsuccessfully for Family Court Judge, Eleventh Judicial Circuit, Seat 2.

**(9) Judicial Temperament:**

The Commission noted the temperament issues evidenced in the Ballot Box surveys and in the Midlands Citizen Committee report. Judge Newton stated that he took the comments very

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seriously and intends to genuinely use those to better himself as a judge.

**(10) Miscellaneous:**

The Midlands Citizens Committee on Judicial Qualification found Judge Newton to be “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and experience; and “Qualified” in the remaining evaluative criteria of constitutional qualifications, physical health, mental stability, and judicial temperament. There were comments that Judge Newton is “rude to lawyers, sometimes raised issues that weren’t relevant, and needs to be more pleasant to litigants.”

Judge Newton is married to Caroline Steppe Newton. He has one child.

Judge Newton reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar
- (b) South Carolina Conference of Family Court Judges
- (c) National Council of Juvenile and Family Court Judges
- (d) South Carolina Family Court Judges Advisory Committee
- (e) South Carolina Bar Pro Bono Board
- (f) Children’s Justice Act Task Force with the Children’s Law Center

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

- (a) Member of the American Motorcyclist Association.
- (b) Member of the Harley Owners Group.
- (c) Member of the BMW Motorcycle Owners Association

**(11) Commission Members’ Comments:**

The Commission expressed its concerns regarding negative Ballot Box surveys related to Judge Newton’s demeanor. The Commission observed that Judge Newton had already taken the comments seriously and commended him on already making a conscious effort to use those negative comments to be a better jurist. The Commission was confident that Judge Newton was

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highly capable and competent on the bench, but advised Judge Newton to “wear the robe lightly” going forward and to continue improving on the areas of concern.

**(12) Conclusion:**

The Commission found Judge Newton qualified and nominated him for re-election to the Family Court, Eleventh Judicial Circuit, Seat 3.

**The Honorable Timothy H. Pogue  
Family Court, Twelfth Judicial Circuit, Seat 1**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Pogue was born in 1951. He is 67 years old and a resident of Marion, South Carolina. His application reveals 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. He was also admitted to the Kentucky Bar since 1976.

**(2) Ethical Fitness:**

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

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

Judge Pogue testified he has not:

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- (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 Pogue 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 Pogue to be intelligent and knowledgeable.

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

- (a) A business law class at Francis Marion University many years ago.
- (b) A presentation entitled "*Motions for Reconsideration Under Rule 59(e)*" with the Honorable Anne G. Jones at the 2011 Family Court Bench/Bar Conference on December 8, 2011.
- (c) A presentation at the 2011 Horry County Family Court CLE on December 15, 2011.
- (d) Serving as a mock trial judge at the 2011 Middle School Mock Trial Competition in Conway on November 5, 2011.
- (e) As a panelist at the National Business Institute Judicial Forum entitled "What Family Court Judges Want You to Know" on May 11, 2012.
- (f) A "Hollywood Square" type presentation at the December 7, 2012 Family Court Bench/Bar Seminar with eight (8) other judges and moderated by the late Honorable Tonya Gee.
- (g) A "Hollywood (Judicial) Squares" presentation at the South Carolina Bar Annual Convention on January 24, 2014.
- (h) As a Discussion Group Leader during a four (4) day course at The National Judicial College in Reno, Nevada entitled Child Custody Challenges: Evidence and Orders. The dates for this course were October 20, 2014 – October 23, 2014.

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- (i) Teaching Family Court Rules and Judicial Bypasses at the Orientation School for New Family Court Judges in 2014, 2015, 2016, 2017 and 2018.
- (j) A panel discussion entitled "Alimony Hypotheticals That We'd Like Answered" with three other Family Court Judges at the 2015 Horry County Family Court Continuing Legal Education Seminar held on February 11, 2015.
- (k) Conducting a two hour presentation on Alimony in 2016, 2017, 2018 at the Charleston School of Law. The Honorable Brian Gibbons taught the two week Maymester Class.
- (l) Moderating and presenting at the Lexington County Bar Association: Anti-Human Trafficking and Ethics Seminar held on August 4, 2016.
- (m) As the Program Moderator for a statewide mandatory meeting of all South Carolina Circuit Court and Family Court Judges on Human Trafficking in the South Carolina Courts. The program was held August 16, 2016.
- (n) On February 13, 2017 he participated in another "Judicial Squares" type program at the Horry County Family Court Seminar.
- (o) On December 1, 2017, he and Brendan Barth presented: Top 10 List From and For the Bench and Bar. This was a presentation covered the top 10 pet peeves the Bench had with the Family Court Bar, and Brendan presented the top 10 pet peeves the Family Court Bar had with the Family Court Bench.
- (p) This same presentation to the Horry County Family Court Seminar on February 16, 2018.

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

**(4) Character:**

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

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

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The Commission also noted that Judge Pogue 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 Pogue reported that his last available rating by a legal rating organization, Martindale-Hubbell, was 4.4 out of 5 and was BV.

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

Judge Pogue reported that he has held the following public office(s):

A member of Marion School District #1 Board of Trustees from July 1, 1991 to June 30, 1996, and from July 1, 1997 to June 30, 2003. This Board was appointed by the Marion County Board of Education.

**(6) Physical Health:**

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

**(7) Mental Stability:**

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

**(8) Experience:**

Judge Pogue was admitted to the South Carolina Bar in 1977.

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

- a) An associate with the Law Office of Derrick and Derrick from August of 1976 until December of 1978. They were in the general practice of law including all areas of practice. He had no administrative or financial management of this entity.
- (b) In December of 1978 he became a general partner with the Law Office of Derrick and Pogue and remained so until September of 1985. They continued with the general

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practice of law and were also part-time public defenders. He was an equal partner and shared in the administrative and financial management of the firm and was a signatory on the office trust account.

(c) On October 1, 1985 he opened the Law Office of Timothy H Pogue. He remained in the general practice of law and was also the contract attorney for Marion County DSS, Marion County Attorney, and attorney for Pee Dee Federal Savings Bank until his election to the bench. While a sole practitioner, he was solely responsible for the administrative and financial management of the firm and the only one authorized to sign its trust account documents.

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

(a) Fannie Mason v. Jerry Mason  
Unpublished Opinion No. 2001-UP-548 – Filed December 6, 2011.

This case involved equitable division, alimony, and attorney fees. The parties had been married for almost thirty years. I did not divide the plaintiff's retirement on the same percentage of the marital estate for a variety of factors I cited in my final order. The Court of Appeals upheld my decision in an unpublished opinion.

(b) Kevin Medlin v. Crystal White, n/k/a Crystal Stroud  
Unpublished Opinion No. 2011-UP-170 – Filed April 19, 2017.

This case involved a modification of child support brought by the father. These parties had previously been involved in a very contentious divorce, custody, visitation, and child support action. After the action the mother remarried and the father alleged that the defendant's new husband made false allegations against him, causing him to lose his good paying job. The father then brought this modification action and I found that his reduction in income was through no fault of his own, but rather through the mother's new husband's conduct. I did not find he should be imputed with the income he was making at the

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time of the divorce and reduced his child support obligation. I further allowed him to pay the accumulated arrears over a four year period, and denied the mother's request for attorney fees and costs. The South Carolina Court of Appeals affirmed my decision in an unpublished opinion.

(c) Michael L. Hughes v. Cyndie B. Hughes

Unpublished Opinion No. 2017-UP-304 – Filed July 26, 2017

This case involved the husband requesting a downward modification of his alimony payments to his ex-wife. I denied his request and he appealed alleging he was entitled to a trial de novo because there was no evidence introduced at the original trial about his ability to pay support; that I did not find that he had demonstrated a material and substantial change of circumstances warranting modifications of alimony; and finally in my awarding the wife attorney fees and costs. The Court of Appeals affirmed my ruling stating that I could not overrule an unappealed order of another family court judge because it had become the law of the land, and that I did not abuse my discretion in finding the husband was not entitled to a reduction in his alimony, and for awarding the successful wife's attorney fees and costs.

(d) In the Interest of Kenneth Christian O'Neill 2009-JU-26-721, 722 and 723

Heard on February 5, 2010, my decision was filed February 26, 2010

This case involved a juvenile waiver matter. The minor defendant was 14 years 9 months old at the time of the alleged incident. He was charged with kidnapping, armed robbery, and assault and battery with intent to kill. His biological mother and her boyfriend were adult co-defendants. This waiver hearing last 1.5 days with a lot of expert testimony as to his competency and also whether he should be waived to General Sessions Court. After listening to all of the testimony and reviewing the law set out by the United States Supreme Court, I found that he should be waived to General Sessions Court and tried as an adult. He and his co-defendants subsequently plead

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guilty to some of these charges. This case was not appealed.

(e) Maxie Burgess v. Brook L. Arnold

422 S.C. 154, 810 S.E. 2d 255 (App. 2018)

This case involved an initial custody action between two parents who were not married. I granted joint custody with the father being granted primary custody should the mother relocate to Florida. The mother appealed and the Issues on Appeal were whether I erred in awarding joint custody as being in the son's best interest and whether the award of primary custody to the father in the event the mother relocated to Florida was in the son's best interest. The Court of Appeals concluded that I had correctly characterized the parties' custody arrangement prior to the action being filed; that being one of the joint custody. The Court further stated in its opinion that not only was my finding of joint custody supported by the testimony but also by the report of the guardian ad litem. The minor child (who was eight at the time of the action) also expressed a desire to continue with the joint custody arrangement. However, the Court of Appeals reversed me stating that in their opinion, continuing the prior arrangement was not in the child's best interest. The Court cited Patel v. Patel, 359 S.C. 515, 528, 599 S.E. 2d 114, 121 (2004) and stated that "although the legislature gives family court judges the authority 'to order joint or divided custody [when] the court finds it is in the best interests of the child'... joint or divided custody should only be awarded [when] there are exceptional circumstances." They went on to further opine: "While Son's opportunity to spend more time with Mother will undoubtedly come at the expense of less time with Father and his paternal grandparents, Mother's sole custody of Son, regardless of whether she locates to Florida, is in the Son's overall best interest."

I included this case because it has been discussed in great detail between some of my colleagues and myself as to the status of joint custody versus sole custody in future cases. We felt the legislature and the Court were moving in a direction to favor joint custody. However, I just

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discovered the Supreme Court of South Carolina denied the petition for writ of certiorari on June 27, 2018.

Judge Pogue reported the following regarding his employment while serving as a judge:

I have not been employed while serving as a judge, part-time or full-time other than being on the Board of Directors for Pee Dee Federal Savings Bank.

Judge Pogue further reported the following regarding unsuccessful candidacies:

Yes, I ran for Marion County Board of Education, Seat #1 on April 6, 2004 and lost by fifty-three (53) votes to Rita C. Henney.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Pee Dee Citizens Committee on Judicial Qualification found Judge Pogue to be "Qualified" as to constitutional qualifications, physical health, and mental stability, and "Well Qualified" as to ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

Judge Pogue is married to Deborah Joan Altman Pogue. They have two children.

Judge Pogue reported that he was a member of the following State Bars and professional associations:

- (a) Kentucky, 1976;
- (b) South Carolina, 1977;
- (c) Marion County Bar Association 1977 – President in 1996;
- (d) South Carolina Association of Family Court Judges, Secretary-Treasurer – 2013-2014, Vice President 2014 – 2015, and President – 2015 - 2016

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

- (a) The Marion Chamber of Commerce, Board of Directors from 1987 -1989 and served as President in 1989. He received the Community Service Award in 2003.
- (b) Marion Presbyterian Church for forty (40) years, Elder, Deacon, and Sunday School Teacher for thirty-five (35) years.
- (c) Historic Marion Revitalization Commission.
- (d) Marion County Museum.

Judge Pogue further reported:

I know of nothing that would negatively impact my candidacy. On the positive side, I have worked very hard over the last forty-two (42) years for my family, former clients, church, community, educational system, county, state, judicial system, the people of South Carolina and my God. I feel I have spent my personal, professional, and judicial life giving back to the people, community and state that are so special to me. I believe I have served and helped the people of Marion County and the State of South Carolina as a lawyer, juvenile defender, DSS Attorney, County Attorney, and now as a Family Court Judge. I hope to be fortunate enough to do so until my retirement.

**(11) Commission Members' Comments:**

The Commission commented that Judge Pogue has an outstanding reputation as a Family Court Judge and now has a wealth of experience in presiding over Family Court matters.

**(12) Conclusion:**

The Commission found Judge Pogue qualified and nominated him for re-election to the Family Court, Twelfth Judicial Circuit, Seat 1.

**The Honorable Fitzlee Howard McEachin  
Family Court, Twelfth Judicial Circuit, Seat 2**

**Commission's Findings: QUALIFIED AND NOMINATED**

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Pursuant to S.C. Code Ann. § 2-19-40, the chairman of the Commission waived the public hearing for Judge McEachin, upon recommendation of the Commission members, since his candidacy for re-election was uncontested, and there was no substantial reason for having a public hearing regarding his candidacy.

### (1) Constitutional Qualifications:

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

Judge McEachin was born in 1982. He is 36 years old and a resident of Florence, South Carolina. Judge McEachin 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 2007.

### (2) Ethical Fitness:

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

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

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

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**(3) Professional and Academic Ability:**

The Commission found Judge McEachin to be intelligent and knowledgeable.

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

- (a) I taught Business Law at Florence Darlington Technical College from 2009 to 2016.
- (b) I taught Constitutional Law at Florence Darlington Technical College in 2015.
- (c) I taught Probation, Pardon and Parole Law at Florence Darlington Technical College in 2015.

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

**(4) Character:**

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

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

The Commission also noted that Judge McEachin 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 McEachin reported that he is not rated by any legal rating organization.

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

Judge McEachin reported that he has never held public office; however, he was elected by the General Assembly to Family Court, Twelfth Circuit, Seat 2, on February 7, 2018. He has never been sworn in.

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**(6) Physical Health:**

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

**(7) Mental Stability:**

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

**(8) Experience:**

Judge McEachin was admitted to the South Carolina Bar in 2007.

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

- (a) Law Clerk, Honorable Michael G. Nettles, South Carolina Circuit Court Judge McEachin (2007-2008)
- (b) Twelfth Judicial Circuit Solicitor's Office (2008- present) - switched from full time to part-time in May 2011. As an assistant Solicitor, I have handled a wide range of cases ranging from property crimes and drug crimes, to murders and child-related criminal sexual conduct cases.
- (c) McEachin & McEachin, P.A. (2011-present) - My private practice focuses primarily in the areas of domestic relations litigation and civil litigation. I have been involved in the administrative and financial management of out-two man firm since 2015, and I currently maintain and manage the firm's trust account.

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

No. However, I was elected to the South Carolina Family Court by the South Carolina General Assembly on February 7, 2018. I will not be sworn in until January 2019.

**(9) Judicial Temperament:**

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

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**(10) Miscellaneous:**

The Pee Dee Citizens Committee on Judicial Qualification found Judge McEachin to be “Qualified” in the evaluative criteria of constitutional qualification, 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.

Judge McEachin is married to Erin Olivia Tarte (McEachin). He has one child.

Judge McEachin reported that he was a member of the following Bar and professional associations:

- (a) Florence County Bar Association, 2007-present
- (b) South Carolina Bar Association, 2007-present
- (c) South Carolina Young Lawyers Division, Circuit Representative, 2009-2011

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

- (a) Assistant Scout Master, Troop 477, Florence, South Carolina
- (b) Florence Family YMCA Board of Directors, Vice President for Human Affairs, Florence, South Carolina
- (c) The Pee Dee Area Citadel Club, President, Vice-President,

Judge McEachin further reported:

I was born and raised in Florence, South Carolina. I went to public school from first grade through twelfth grade. I participated in youth baseball at McLeod Park and youth soccer for the Florence Soccer Association. I received my Eagle Scout from First Presbyterian Church. I attended Palmetto Boys State. I am a fifth generation, life-long member of St. John’s Episcopal Church. I went to the Citadel and then to the Charleston School of Law. All of these experiences have helped to mold my temperament. My habit and custom in life has been to treat people with courtesy and respect, and that will not change if I am elected to this position.

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**(11) Conclusion:**

The Commission found Judge McEachin qualified and nominated him for re-election to the Family Court, Twelfth Judicial Circuit, Seat 2.

**The Honorable Rochelle Y. Conits  
Family Court, Thirteenth Judicial Circuit, Seat 1**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Conits was born in 1965. She is 53 years old and a resident of Greer, South Carolina. Judge Conits 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.

**(2) Ethical Fitness:**

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

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

Judge Conits 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.

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Judge Conits 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 Conits to be intelligent and knowledgeable.

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

- (a) I taught briefly at the South Carolina Court Administration Orientation for Family Court Judges on July 11, 2007.
- (b) I participated as a judge at the South Carolina Bar High School Mock Trial Competition on February 23, 2008 in Greenville, SC.
- (c) I participated as a judge at the Carol N. Ney National Mock Trial Tournament at Furman University on March 26, 2010.
- (d) I participated as a panel speaker at the National Business Institute Judicial Forum on February 18, 2011.
- (e) I participated as a speaker at the Greenville High School Law Week on April 5, 2011.
- (f) I participated as a speaker at the Children's Law Center Ethical Issues in Abuse and Neglect Cases on November 18, 2011.
- (g) I participated as a speaker at the South Carolina Bar Family Court Bench/Bar Seminar on December 2, 2011.
- (h) I participated as a speaker at the National Business Institute Judicial Forum on February 16, 2012.
- (i) I participated as a judge at the Carol N. Ney National Mock Trial Tournament at Furman University on March 23, 2012.
- (j) I have hosted a student intern each summer through the NMRS Center on Professionalism Judicial Observation and Experience Program.
- (k) I hosted a student from the Access to Justice Commission to observe court on October 2, 2012.

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- (l) I participated as a panel member at the South Carolina Family Court Bench/Bar Seminar on December 7, 2012.
- (m) I participated as a speaker at the South Carolina's Women Lawyer's Meeting in Greenville on December 13, 2012.
- (n) I participated as a speaker at the Greenville County Bar Association Year End CLE on February 15, 2013.
- (o) I taught at the South Carolina Bar Bridge the Gap Seminar at the University of South Carolina on March 11, 2013.
- (p) I participated as a judge at the Carol N. Ney National Mock Trial Tournament at Furman University on March 15, 2013.
- (q) I taught at the South Carolina Bar Bridge the Gap Seminar at the University of South Carolina on August 5, 2013.
- (r) I spoke to the Legal Staff Professionals of Greenville on October 16, 2013.
- (s) I spoke to the Palmetto Girls State in Clinton, South Carolina on June 12, 2014.
- (t) I spoke at the Greenville Bar Luncheon on October 16, 2014.
- (u) I completed the SC Supreme Court Pilot Mentoring Program for the newly elected Summary Court Judge on November 11, 2014.
- (v) I spoke at the SC Bar Convention Family Court Judge's Meeting in Columbia on January 22, 2015
- (w) I participated on the panel presentation of "What do Judges Want from the GAL & Best Practice Tips from the Bench" at the SC Bar Best Interest of the Child: 2015 Guardian ad Litem Training and Update CLE on February 6, 2015.
- (x) I spoke at the SC 2015 Annual Judicial Conference on Access to Justice Issues on August 20, 2015.
- (y) I spoke at the Wade Hampton High School Career Day on October 1, 2015.
- (z) I participated in the South Carolina Summit on Access to Justice for All in Columbia, South Carolina on October 24, 2016.

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- (aa) I spoke at the SC Bar and SC Equality Post-DOMA Litigation Task Force Modern Family Seminar on March 24, 2017.
- (bb) I attended and participated in the 2017 Southern Region CCJ/COSCA Models for Change Juvenile Reform Summit in Nashville, Tennessee on April 19-21, 2017.
- (cc) I spoke at the Best Interest of the Child: 2018 Guardian ad Litem Training on January 26, 2018
- (dd) I spoke at the Northwood Middle School Career Day on May 4, 2018.

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

**(4) Character:**

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

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

The Commission also noted that Judge Conits 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 Conits reported that her last rating by a legal rating organization, Martindale-Hubbell, is AV.

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

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

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(6) Physical Health:

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

(7) Mental Stability:

Judge Conits appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge Conits was admitted to the South Carolina Bar in 1992.

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

- (a) I graduated from law school in May 1992, and my son, Capers was born in October 1992. After law school graduation, I worked part-time as a law clerk/paralegal at Harris & Graves, Columbia, South Carolina and the Law Offices of Betty Gambrell Cobb, Columbia, South Carolina.
- (b) In January 1993, I accepted my first practicing position as an Associate Attorney at the Law Offices of King & Vernon, P.A., Columbia, South Carolina. I worked primarily for Kermit S. King, focusing on private family court litigation.
- (c) In January 1997, my son and I relocated to Greenville, South Carolina, after the death of my first husband, and I accepted a position at Wilkins & Madden, P.A., where I continued my family court practice.
- (d) In March 2000, I was promoted to Partner at Wilkins & Madden, P.A
- (e) In February 2006, Wilkins & Madden, P.A. merged with Nelson Mullins Riley & Scarborough, and I was employed as an Attorney of Counsel with NMR&S until I was sworn in to the Family Court bench in May 2006 and stopped practicing law. I took the bench to fill the unexpired term of Stephen S. Bartlett in September 2006, and started my own term in June 2007.
- (f) I have devoted my entire legal career to the area family law. While I was not involved in the financial management of any of these firms, I did supervise my secretarial and paralegal staff. I did not manage or oversee trust accounts; however, I

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did ensure that my timesheets were accurately reflected on monthly statements to clients.

Judge Conits further reported the following regarding unsuccessful candidacies:

I ran for a seat on the Court of Appeals in 2014; however, I was not selected for the final election although I was found to be well-qualified in all areas.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Upstate Citizens Committee on Judicial Qualification found Judge Conits to be "Well Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament, and "Qualified" as to the evaluative criteria of constitutional qualifications, physical health, and mental stability.

Judge Conits is married to Spero John Conits. She has two children.

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

SC Bar

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

- (a) Co-Chairman Self-Represented Litigants Sub Committee of the SC Supreme Court Access to Justice Commission
- (b) Member of the SC Supreme Court Access to Justice Commission
- (c) Member of the SC Bar Guardian ad Litem Tax Force Committee
- (c) Recording Secretary St. George Greek Orthodox Troupe Adelphia Dance Group

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- (d) President St. George Greek Orthodox Troupe Adelphia Dance Group
- (e) K-3 Sunday School Teacher St. George Greek Orthodox Cathedral
- (h) South Carolina Family Court Judge Specialty License Plate Representative for SC Highway Department.

Judge Conits further reported:

There have been several life experiences which have affected the kind of judge I am. I strongly believe that a judge's personal life experiences come into play when exercising the wide discretion afforded a judge in making decisions and rulings.

I grew up in Lexington, South Carolina. I am 1 of 4 children. My father was a concrete finisher, and my mother was a physical therapist. I have two (2) older sisters and one (1) younger brother. My oldest sister, Barbara, died when she was in the 7th grade of cancer. My older sister, Tracy, is a 7th grade school teacher. My younger brother, Hayne, is a concrete finisher. I married the late Thomas H. Williamson, III, who died in November 1996 from cancer. I have one (1) son from this marriage, Capers, who is now 25 years old. He graduated from The Citadel Military College of South Carolina, earning a Bachelor of Arts Degree in Criminal Justice and a Master's Degree in Sports Management. He currently represents the United States as a professional javelin thrower for Team USA, USA Track & Field. Capers was 4 years old when his father passed away. I remarried in 2007, 11 years after Tom passed away. I was a single mother to Capers during the majority of his childhood. I remarried Spero Conits, and he and I have one daughter together, who is now 8 years old, and a rising 3rd grader at St. Mary's Catholic School.

My father operated his own concrete finishing company, and he worked extremely hard. Although he did not have more than a high school education, his hard work provided us with a comfortable lifestyle. I learned from my father the value and reward of hard work. My father had an incredibly strong work ethic, and he did not let the fact that he did not attend college hold him back or affect his self-esteem in any manner. I gained self-esteem and confidence from my father.

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My mother is a soft-spoken, kind person. She literally sees nothing but the good in every person, even those who were not always nice to her. She treats everyone as if they are wonderful, special, and deserving. I have learned the true value of every person from my mother, and the fact that every person is worthy of fair and decent treatment.

I have learned the hardship of being a single parent from the tragedy of Tom's death. I have a unique perspective of the impact being without a parent can have on a child, as I watched Capers grow up without a father. I have an understanding of the difficulties of single parenthood, and I believe this understanding helps me make good decisions for parents and children leaving Family Court. I also understand how critically important it is for children to have healthy relationships with both parents. I believe I am especially vigilant in promoting and protecting a child's relationship to both parents.

I have the experience of blending children and families from prior marriages. I have three (3) grown step-children from my first marriage, and 3 grown step-children from my current marriage, one of whom primarily resided in my home during the school year. I have a real understanding of the challenges and issues facing families as they blend together and move forward as a new family unit.

As a Family Court judge, I understand the value of every person who comes before me. I try to look at the totality of the circumstances involving litigants and their situations. I believe in the basic goodness of people, and I believe most people generally do the best they can do. I am concerned with the long-term impact of my rulings; and I try to make sure that people leave my courtroom with a sense of being treated fairly and hope for their future. I know how short and unpredictable life can be, having lost a sister and a husband to cancer. These life experiences have afforded me a true appreciation of what is important and what ultimately doesn't matter at all. I have a special place in my heart for the parent/child relationship, having watched Capers miss Tom and learn to grow up without him.

If re-elected I will continue to do all I can to ensure that children have the opportunity to have a meaningful relationship with both parents, even in situations of divorce. I will strive to offer real solutions of permanency, stability, and safety to our

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children who are abused or neglected. I will continue to offer guidance and hope to our juvenile offenders as they seek to re-establish themselves and move on to become productive citizens despite poor or unhealthy choices. It has always been my hope to better the lives and situations of the divorce litigants who come before me so that they may leave Family Court with a sense of fairness and justice and the necessary encouragement to lead productive and meaningful lives.

**(11) Commission Members' Comments:**

The Commission commented that Judge Conits has been a credit to the bench for the last twelve years and appreciates her outstanding service to the State.

**(12) Conclusion:**

The Commission found Judge Conits qualified and nominated her for re-election to the Family Court, Twelfth Judicial Circuit, Seat 1.

**The Honorable W. Marsh Robertson  
Family Court, Thirteenth Judicial Circuit, Seat 2**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Robertson was born in 1963. He is 55 years old and a resident of Greenville, South Carolina. Judge Robertson 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 Judge Robertson.

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

Judge Robertson testified he 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.

Judge Robertson 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 Robertson to be intelligent and knowledgeable.

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

- (a) While in private practice, I lectured multiple times at the annual family law "Hot Tips" SC Bar seminars, on topics dealing with divorce, alimony, and family court procedure.
- (b) In 2011, I presented as a guest lecturer at College of Charleston on issues pertaining to South Carolina adoption law.
- (c) In 2012 and again in 2016, I served as a full-day panelist for a National Business Institute CLE titled "What Family Judges Want You to Know."
- (d) In 2015, I presented at an orientation/training meeting for attorneys who assist Safe Harbor victim's advocates with hearings for orders of protection from domestic abuse.
- (e) In 2017, I participated as a panelist at the SC Bar's Family Court Bench Bar CLE on the topic of visitation.

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- (f) In 2017, I participated as a full-day panelist in the NBI CLE, "As Judges See It: Top Mistakes Attorneys Make in Family Court."
- (g) I annually participate in a court-observation/Q&A session for Furman University's Medical Legal Partnership class on the topic of child support collection and enforcement in South Carolina.

Judge Robertson reported that he has published the following:

- (a) Marital Litigation in South Carolina: Substantive Law, 3rd Ed. (SC Bar - CLE Division 2001), Roy T. Stuckey, Editorial Board;
- (b) Marriage and Divorce Law in South Carolina: A Layperson's Guide (SC Bar – CLE Division 2001), Roy T. Stuckey, Editorial Board.

**(4) Character:**

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

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

The Commission also noted that Judge Robertson 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 Robertson reported that his last available rating by a legal rating organization, Martindale Hubbell, was AV.

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

Judge Robertson reported that he has never held public office other than judicial office.

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**(6) Physical Health:**

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

**(7) Mental Stability:**

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

**(8) Experience:**

Judge Robertson was admitted to the South Carolina Bar in 1988.

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

- a) 1988 through 1990: Lewis, Lide, Bruce, and Potts, Columbia, SC. I was an associate in this law firm and practiced in a wide array of areas but with an emphasis on real estate law. I had no management or trust account responsibilities.
- b) 1990 through 1995: Robertson and Robertson, PA, Greenville, SC. – I practiced for this five-year stretch in a two-attorney partnership with my father, W.F. Robertson III. Our firm practiced family law. I assisted in management of the firm's administration and financial responsibilities, including trust accounts.
- c) 1996 – June, 2010: After the retirement of my father, I continued practicing exclusively in the area of family law, either in sole practice or in the following partnerships: Robertson & Quattlebaum, LLC; Robertson & Coleman, LLC; Robertson, Hodges, and Coleman, LLC; and finally, Robertson & Hodges, LLC. I had significant involvement in management of these firms' administration and financial responsibilities, including trust accounts
- d) July 2010 – Present: Judge, Family Court, Seat 2, 13th Judicial Circuit. I served as Greenville County Family Court's Chief Judge for Administrative Purposes in 2013 and 2017; and as Pickens County's Chief Judge for Administrative Purposes from July 1, 2016 through December 31, 2016.

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

In February 2010, the South Carolina General Assembly elected me to Seat 2, Family Court, Thirteenth Judicial Circuit. I began sitting on or about July 8, 2010. In February, 2013, the same body reelected me to the same seat, where I have continued to serve through the present date.

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

- (a) *Broom v. Jennifer J*, 403 S.C. 96, 742 S.E.2d 382 (S. Ct. 2013): The South Carolina Supreme Court affirmed my order terminating the defendants' parental rights and granting an adoption to Plaintiffs, agreeing with my determination that "the statutory grounds for termination were satisfied and termination of Defendant-Mother's parental rights was in Child's best interest." In the opinion, the Supreme Court also addressed a previous family court judge's erroneous denial of Mother's right to counsel, but found that Mother was not prejudiced by that judge's error.
- (b) *Youngblood v. DSS*, 402 S.C. 311, 741 S.E.2d 515 (S. Ct. 2013): This case involved an adoption dispute between a child's previous foster parents (Plaintiffs) and her current foster parents (Defendants). After declining to overrule a previous family court judge's order finding that Plaintiffs had standing to adopt, I held a 5-day trial and granted adoption to Plaintiffs as being in the child's best interest. The Court of Appeals affirmed my decision. In a groundbreaking decision, the Supreme Court reversed, holding that foster parents do not have standing to adopt a child once the Department of Social Services has placed the child for adoption elsewhere. Rather than granting adoption to Defendants, however, the Supreme Court remanded the child to DSS custody and directed DSS to "consider Child's present best interests in placing her for adoption."
- (c) *Fredrickson v. Schulze*, 416 S.C. 141 785 S.E.2d 392 (Ct. App. 2016): In this published opinion, the Court of Appeals affirmed my identification, valuation and apportionment of a relatively complex marital estate in a case that involved

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considerable transmutation issues. The Court also affirmed my denial of the husband's request for attorney's fees.

(d) *Swicegood v. Thompson*, 2014-DR-23-1184, Appellate Case Nos. 2014-001109 & 2017-\_\_\_\_\_. (Appeal pending). In 2014, I dismissed for want of subject matter jurisdiction an action brought by a female alleging to have established a common law marriage with another female. While the appeal of my order was pending, the Supreme Court of the United States held "that same-sex couples may exercise the right to marry." *Obergefell v. Hodges*, 135 S. Ct. 2584, 2599 (2015). Consequently, the Court of Appeals filed an unpublished opinion remanding the case to me "to consider the implications of Obergefell on its subject matter jurisdiction." (2016-UP-013) In my Order on Remand, I reaffirmed my previous dismissal of the case, finding that under the facts of this case, Obergefell cannot retroactively create a common law marriage between the two litigants.

(e) *Dalsing v. Hudson*, 2016-UP-405 (Ct. App. 2016): In an order consisting of a two-part analysis, I ruled that the father's consent to adoption was not required under applicable statutory law; and that even if the father were a person who must consent to adoption, his parental rights should be terminated to enable the child's foster parents to proceed with adoption. The Court of Appeals affirmed my decision in an unpublished opinion.

Judge Robertson has reported no other employment while serving as a judge:

Judge Robertson further reported the following regarding unsuccessful candidacies:

I was qualified and nominated for Seat 6, Family Court, 13th Judicial Circuit, but withdrew my candidacy prior to the February, 2009 election. I was qualified and nominated for Seat 3, Family Court, 13th Judicial Circuit, but withdrew my candidacy prior to the May, 2008 election.

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**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Upstate Citizens Committee reported Judge Robertson 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.

Judge Robertson is married to Patricia Teasley Robertson. He has three children.

Judge Robertson reported that he was a member of the following Bar and professional associations:

- a) Greenville County Bar Association
- b) South Carolina Bar (Family Law Section)
- c) South Carolina Family Court Judges Association

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

- a) Greenville Country Club
- b) Poinsett Club (resigned March, 2017)

Judge Robertson further reported:

Two weeks ago, I finished a morning docket of juvenile detention and adjudication hearings. As I walked toward the parking lot to go to lunch, a caseworker from the Department of Juvenile Justice stopped me. I had never met this person or spoken to her outside of the courtroom. After saying many immensely kind things about my intellect and my approach to handling juvenile cases, she concluded, "God put you here to do what you are doing. You have a gift and this is your calling." I left the conversation both humbled and inspired. I share this here because I have long believed that serving as a Family Court judge is, in fact, precisely what I am meant to do. I desire no other job.

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**(11) Commission Members' Comments:**

The Commission commented that they appreciated Judge Robertson's service thus far on the bench. The Commission noted the positive comments about him in the Ballot Box survey.

**(12) Conclusion:**

The Commission found Judge Robertson qualified and nominated him for election to the Family Court, Thirteenth Judicial District, Seat 2.

**Kimaka (Kim) Nichols-Graham  
Family Court, Thirteenth Judicial Circuit, Seat 6**

**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, Thirteenth Judicial Circuit, Seat 6, four candidates applied for this vacancy. Two candidates withdrew before the commission voted and two candidates were found qualified and nominated. Accordingly, the names and qualifications of the two candidates found qualified and nominated are hereby submitted in this report.

**(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 46 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.

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**(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.

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- (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 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.

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- (p) I presented a session 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 at 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 continuing legal education 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 law related 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.

Ms. Nichols-Graham reported that she has not published any books and/or articles.

**(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

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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 other than judicial 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.

(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:

Legal Services Agency of Western Carolina, Inc. Greenville, South Carolina.

Staff Attorney. Provided general law practice and community education in housing, probate, and family law cases. November 1998 to September 1999.

Children's Law Attorney. Practiced law for low income children by focusing primarily on adoptions, children's social security cases, special education advocacy, and school discipline cases. September 1999 until December 31, 2001.

South Carolina Legal Services. Greenville, South Carolina.

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Staff Attorney II. Practices law in cases in Greenville County that includes divorce, custody, school discipline, special education, special needs relative adoptions, bankruptcy, credit card defense, and children social security appeals. Appears in Magistrate's Court, Family Court, the Court of Common Pleas, Court of Appeals, and the U. S. Bankruptcy Court in various cases. January 1, 2002 to present.

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 include 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. March 2003 to present.

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. Included supervising petty cash and trust accounts and monthly account reconciliations. September 24, 2007 through December 31, 2007.

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.

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Interim Managing Attorney. Ensures the efficient operation of the Greenville Office and maintains a caseload primarily in family court. The Greenville Office serves Greenville, Anderson, Pickens, and Oconee counties. Reviews, accepts and assigns or denies applicants. Reviews all cases for quality and compliance. Supervises the legal work of attorneys, several support staff, and the financial accounts. Addresses human resource issues. Prepares grant reports. Participates in the statewide management team. Includes supervising petty cash and trust accounts and monthly account reconciliations. April 1, 2013 to present.

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. 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. Permanent Position from June 1, 2013 to present.

As the Managing Attorney (Greenville) I also serve as the Interim Managing Attorney (Low Income Taxpayer Clinic). Supervises and manages 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.

Ms. Nichols-Graham further reported regarding her experience with the Family Court practice area:

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I have extensive experience in filing and defending divorce and the equitable division of property. Over the years I have more experience with divorces based on physical cruelty because of the legal services case acceptance policy but I have also filed and defended divorces including the other grounds for divorce. Some victims of domestic violence were married to individuals with higher incomes and significant assets so I have also represented clients with the equitable division of property that had more property than you would expect for a legal services client. I have secured alimony.

I have significant experience in filing and defending custody actions in family court. My experience in custody cases involves disputes between biological parents and also disputes between biological parents and cases involving non-biological parent or a third party challenging biological parents for custody.

During my first ten years of practicing family law I had more experience with DSS abuse and neglect cases because private attorneys that did not have experience in that area were routinely appointed so legal services would accept some of those cases to ensure the quality of services provided. Since the court appointment system changed to contracts for attorneys with experience in abuse and neglect cases representing parties that cannot afford to pay an attorney we have not used our limited resources to duplicate access to the judicial system.

My experience with filing adoption cases is primarily with relative special needs adoptions but I have also represented biological parents in defending termination of parental rights and adoption cases. One of these cases received national media attention because it successfully secured the return of a newborn from an improper out of state adoption. Nevertheless I have also zealously represented adopting parents in terminating parental rights to adopt children that were abused and neglected.

I do not have significant experience as attorney of record in juvenile justice cases but I believe the vast amount of work that I do for students in school discipline cases has more than prepared me in that area. Many of the students involved in juvenile justice cases in family court are in family court because an incident that happened at school. I have extensive experience representing students in school discipline cases when it is safe for the student to attend school or assisting the family to find

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other educational options. I have also been asked to train school employees, school based mental health workers, and attorneys involved in the juvenile justice cases on the intersection of school discipline and special education law. As the Education Unit Head I have experience in reviewing juvenile justice cases to determine if there are special education or school discipline issues that require attention.

I have significant experience in representing victims of domestic violence in filing and securing Orders of Protection from Domestic Abuse. I have also represented respondents in Orders of Protection cases when an abusive partner uses the Order of Protection process to assert control a partner.

As a Managing Attorney I have gained experience in quickly reviewing the facts and applicable laws in divorce and equitable division of property, child custody, adoption, and abuse and neglect applications for legal services to determine whether we will accept or deny the application. If accepted I assess the level of services that we will provide, and assign the file to a staff attorney or private attorney for legal representation. There are many cases that we cannot accept because of limited resources and at that time it would not be in the best interest of the children to secure custody for the party applying for legal services. When possible I explain the family court process, legal standards, and counsel on what they should do to improve their situation or ask another attorney to provide that counsel and advice when we cannot provide legal representation. Also as the Managing Attorney I am constantly involved in providing legal strategy to attorneys that practice family law.

I have been practicing family law for almost 20 years. I appeared more frequently in family court during the first fifteen years of my practice. However I still appear in family court as a Managing Attorney even when my name is not on the docket because we provide backup for pro bono attorneys on the Order of Protection docket in Greenville, I have a small number family court cases across four counties, and I appear on behalf of other attorneys when there is an emergency. For instance, I was in family court two days the week before last and will be in family court at least one day this week.

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

- (a) Federal: 3%
- (b) State: 97%

Ms. Nichols-Graham reported the percentage of her practice involving civil, criminal, and domestic 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: 0%;
- (b) Non-jury: 100%.

Ms. Nichols-Graham provided that during the past five year 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. Richland County School District Two. Case Number: 2006-CP-40-6545. 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

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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. Decided March 25, 2009. 382 S.C. 656; 677 S.E.2d 610.

- (c) Martha Sue Payne vs. Mary and Ray Patterson, William Scott McFadden. Case Number 2005-DR-23-3223. This case was significant because I successfully defended a change of custody action among relatives for children that were previously abused and neglected. I also represented the third party in the previous contested abuse and neglect case. The court granted my motion an involuntary dismissal at the conclusion of the Plaintiff's case.
- (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. It is important for people to have access to the legal system but the legal system should not be involved in every family dispute.
- (e) Darla Yates vs. Eddie Crooks. Case Number: 2005-DR-39-418. This case was significant to me because I represented a client in a visitation Rule to Show Cause. There was an allegation of a history of abuse in a prior case that prevented my client from being able to represent herself.

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.

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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.

**(9) Judicial Temperament:**

The Commission believes that Ms. Nichols-Graham's temperament would be excellent.

**(10) Miscellaneous:**

The Upstate Citizen's Committee on Judicial Qualification found Ms. Nichols-Graham 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.

Ms. Nichols-Graham is married. She has one child.

Ms. Nichols-Graham reported that she was a member of the following Bar associations 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

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- (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:

- (a) Young Lawyer of the Year Award. South Carolina Bar. 2001-2002.
- (b) Center for Educational Equity, Advisory Board of Directors (2001 to present) and Parent Reconnect Program Coordinator (2001 to 2008).
- (c) Protection and Advocacy for People with Disabilities, Board of Directors, Grievance Committee (2008-2011), Chair of the Personnel Committee (2011-2013).
- (d) United Way of Greenville County. Graduate Greenville Student Enrichment Committee. (2006-2007).
- (e) Bethlehem Baptist Church. Summer Bible Institute Instructor. June 2011.
- (f) Delta Sigma Theta Sorority Incorporated. Greenville (SC) Alumnae Chapter. Co-Chair of Social Action Committee 2016-2017, 2017-2018.
- (g) Springfield Baptist Church. Unsung Heroine Award. March 24, 2013.
- (h) Pro Parents of South Carolina. Board of Directors, 2013-2016. Secretary, 2014-2016
- (i) The Ellen Hines Smith Legal Services Attorney of the Year 2015.
- (j) The Riley Institute Diversity Leadership. Fall 2015. Upstate. Class XX.

Ms. Nichols-Graham further reported:

I have always had an interest and curiosity for family and school law. Family relationships and educational

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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.

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 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 at the same time that 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

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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 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 am allowed to serve as a family court judge.

**(11) Commission Members' Comments:**

The Commission commented on Ms. Nichols-Graham's poised demeanor and noted her vast experience in the family court.

**(12) Conclusion:**

The Commission found Ms. Nichols-Graham qualified and nominated her for election to the Family Court, Thirteenth Judicial District, Seat 6.

**The Honorable Jessica Ann Salvini  
Family Court, Thirteenth Judicial Circuit, Seat 6**

**Commission's Findings: QUALIFIED AND NOMINATED**

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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, Thirteenth Judicial Circuit, Seat 6, four candidates applied for this vacancy. Two candidates withdrew before the commission voted and two candidates were found qualified and nominated. Accordingly, the names and qualifications of the two candidates found qualified and nominated are hereby submitted in this report.

### (1) Constitutional Qualifications:

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

Judge Salvini was born in 1975. She is 43 years old and a resident of Greenville, South Carolina. Judge Salvini 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. She was also admitted to the California Bar in 2000.

### (2) Ethical Fitness:

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

Judge Salvini 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 Salvini reported that she has spent \$5.00 in campaign expenditures for postage.

Judge Salvini testified she has not:

- a) sought or received the pledge of any legislator prior to screening;

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- 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 Salvini 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 Salvini to be intelligent and knowledgeable.

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

- a) On October 29, 2009, I was a speaker on a panel at the Federal Criminal Practice Seminar for the Criminal Justice Act Defense Bar. The topic was ethical dilemmas encountered by criminal defense attorneys.
- b) On or about October 28, 2010, I was a speaker on a panel at the Federal Criminal Practice Seminar for the Criminal Justice Act Defense Bar. The topic was ethical issues confronting criminal defense attorneys.
- c) On October 24, 2013, I was a speaker on a panel at the Federal Criminal Practice Seminar for the Criminal Justice Act Defense Bar. The topic was federal practice in US District Courts in South Carolina.
- d) On October 20, 2016, I was a speaker on a panel at the Federal Criminal Practice Seminar for the Criminal Justice Act Defense Bar. The topic was the Criminal Justice Act and its potential revision resulting from Chief Justice John G. Robert, Jr.'s appointment of a Committee to review the Criminal Justice Act Program.
- e) On February 3, 2017, I was a speaker at the Greenville County Bar's "Year-End CLE". The topic was the Fourth Amendment and providing an overview of search and seizure case law, focusing on the most recent cases decided by the Fourth Circuit Court of Appeals.

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

**(4) Character:**

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

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

The Commission also noted that Judge Salvini 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 Salvini reported that her last available rating by a legal rating organization, Martindale-Hubbell, was 5.0; by Lawyerratingz.com, it was 3.6; and by Lawyers.com, it was 5.0.

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

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

**(6) Physical Health:**

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

**(7) Mental Stability:**

Judge Salvini appears to be mentally capable of performing the duties of the office she seeks.

**(8) Experience:**

Judge Salvini was admitted to the South Carolina Bar in 2001.

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

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- (a) December 2000-August 2002: Law Offices of Jessica Salvini. After passing the California Bar exam, I opened my own law firm in San Francisco, CA. My practice consisted of handling civil (including domestic) and criminal state and federal court cases. I handled pretrial and trial matters for contract disputes, simple divorces, consumer protection actions, bank fraud, various drug crimes and other criminal law matters. I handled these matters in my capacity as an independent contractor for Weinberg & Wilder and as a sole practitioner. As this was my own law firm, I managed the law firm, which included managing its finances. I did not have a trust account at that time as I did not accept retainers from clients that required me to do so.
- (b) August 2002-Present Date: Salvini & Bennett, Attorneys at Law, LLC. Upon relocating to the State of South Carolina, I continued my practice of law by opening a law firm with J. Bradley Bennett, Esq. Over the course of almost sixteen years, I have acted as the senior partner in our firm, which has a general practice handling a wide variety of legal issues for individuals and businesses. I have represented individuals and businesses in civil, criminal and family law matters. My practice areas include: all pretrial and trial matters for contract and real property disputes, all pre-trial and trial matters in domestic law cases; all pre-trial and trial matters in probate court matters; all pre-trial and trial matters in state and federal criminal court cases; appeals to the Fourth Circuit Court of Appeals and appeals to the South Carolina Court of Appeals. During the course of my practice, I have served as one of Greenville County Probate Court's Commitment Proceedings Attorneys. I have also served and still serve as a Criminal Justice Act Panel Attorney for the US District Court for the District of SC and the US Court of Appeals for the Fourth Circuit. I assist our Criminal Justice Act Panel Representative in the Upstate. My law firm now consists of myself, my law partner and an associate attorney. My law partner and I manage the law firm, including the law firm's trust account.
- (c) August 2007 to Present Date: Municipal Court Judge for the City of Mauldin, SC. In August 2007, I was appointed to serve as an Associate Municipal Court Judge for the City of

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Mauldin, South Carolina. In 2009, I sought and was appointed to serve as the Chief Trial Judge for the City of Mauldin and I currently serve in this capacity. As both an Associate Municipal Court Judge and the Chief Municipal Court Trial Judge, I have presided over numerous cases involving: violations and or enforcement of city ordinances, misdemeanor criminal matters, traffic violations, bond hearings and preliminary hearings for felony criminal matters. As the Chief Trial Judge, I hold court for the City of Mauldin every Wednesday (excluding the fifth Wednesday in any given month), presiding over matters involving violations and or enforcement of city ordinances, traffic violations and misdemeanor criminal law matters. The aforementioned proceedings primarily involve motion hearings, guilty pleas and bench trials. Once a month I also preside over preliminary hearings for felony matters arising out of the City of Mauldin. I also now preside over Domestic Violence Court for the City of Mauldin, which occurs once a month. Approximately once a quarter, I preside over jury trials for misdemeanor criminal law matters and city ordinance violations occurring in the City of Mauldin.

Judge Salvini further reported regarding her experience with the Family Court practice area:

For over sixteen years, I have been privileged to have a private practice that includes representing individuals in both criminal and civil matters. Since I began practicing law, I have represented individuals in Family Court in the following areas: divorce and equitable division of property, child custody disputes, termination of parental rights and adoptions, abuse and neglect cases, petitions for name changes and amendments to birth certificates, orders of protection (both defending and bringing the action), contempt proceedings (both defending and bringing the action), modification of child support and or alimony actions, and defending minor children facing criminal charges. I have also served as a guardian ad litem in divorce cases involving child custody disputes. My law practice has consistently comprised of approximately fifty percent domestic litigation cases of all types.

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Since I was admitted to the practice of law, I have handled approximately eight hundred or more cases in Family Court. I have represented individuals in contested and uncontested divorces, including those cases alleging fault grounds on the basis of adultery, drug and or alcohol abuse, and physical abuse. As a result of my extensive practice in Family Court, I have had the privilege of representing individuals with large million dollar marital estates and individuals with small marital estates. In each case, I have attempted to resolve the equitable division of the marital estate amicably. However, there have been instances in which an agreement between the litigants could not be reached. Thus, I have successfully tried several divorce cases in Family Court.

I have also represented various litigants in child custody disputes and I have served as a guardian ad litem in child custody matters. My experience in child custody matters not only includes parents litigating their rights and obligations to their minor children, but also includes bringing and defending against child custody cases in which third parties seek custody of a minor child or children such as extended family, parties asserting they are the psychological parent of the child or children and grandparents seeking contact and or custody of their grandchild or grandchildren. I have litigated almost every type of child custody matter possible. In some of the child custody matters I have handled, I have brought an action on behalf of a step-parent and or a third party seeking to terminate the parental rights and adopt the child and or children who are the subject of the action. Many of those matters could not be resolved by agreement and resulted in complicated contested trials. I can recall several cases in which I successfully defended against termination of parental rights and or was granted the right to adopt the minor child and or children at the conclusion of the proceedings.

While I have never represented the South Carolina Department of Social Services in any abuse or neglect cases, I have represented numerous individuals in matters in which the South Carolina Department of Social Services was involved and or filed an action against my client seeking the removal of my client's child and or children. I have handled various matters defending parents in cases brought by the South Carolina

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Department of Social Services including: abuse and neglect cases resulting from allegations of sexual abuse, drug and or alcohol abuse, and or emotional or mental health abuse/issues. I have tried these types of cases from the time the case was indicated and filed by the South Carolina Department of Social Services through the completion of a contested hearing and or trial.

I have represented individuals seeking orders of protection and defended against petitions seeking them. Many of those types of matters have resulted in contested hearings in which I represented my client throughout the proceeding to the conclusion of a contested hearing.

I have represented parents and children in juvenile justice cases. However, I do not regularly appear in these matters. In those instances in which I represented a parent or child I was able to successfully negotiate a resolution that was beneficial for the parents and their child without the need for a contested hearing.

I am confident that I have represented litigants in almost every type of domestic case possible. Focusing on the past five years of my practice, I have appeared in Family Court approximately 3 times per week, if not more. Further, I have litigated numerous contested matters and tried several cases to completion (including but not limited to divorce, termination of parental rights and adoption cases).

My experience as a Municipal Court Judge has also prepared me to preside over domestic matters. I have presided over hundreds of criminal matters, and in most instances those matters involved pro se litigants. I have had the rare opportunity to navigate those proceedings in a way that provided the litigants with a forum to be heard while still maintaining the integrity of the process. On a consistent basis, I am in a courtroom litigating and or presiding over contested criminal matters. As a result, I daily employ and apply the South Carolina Rules of Evidence, Rules of Civil Procedure and Rules of Criminal Procedure in a manner that offers me what I believe to be unique qualifications for a candidate for the Family Court bench.

Judge Salvini reported the frequency of her court appearances in the past five years as follows:

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- (a) Federal: Approximately 3-5 times per month
- (b) State: Approximately 7-12 times per month.

Judge Salvini reported the percentage of her practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) civil: 10%
- (b) criminal: 30%
- (c) domestic: 50%
- (d) other: 10%

Judge Salvini reported the percentage of her practice in trial court during the past five years on the bench as follows:

- (a) jury: 30%
- (b) non-jury: 70%

Judge Salvini provided that during the past five years she most often served as sole counsel.

The following is Judge Salvini's account of her five most significant litigated matters:

- (a) Justice vs. Justice. This was a matter litigated in the Thirteenth Judicial Circuit Greenville County Family Court. The primary issue was whether a divorced parent could relocate to another state with the parties' minor children. The matter was tried for two days and the outcome not only affected the parties' three minor children, but the children's step-siblings and half-brother. It was a difficult and heart-wrenching case and the outcome impacted not only the parents, but the lives of their children. It was also a unique case as both parents were very involved in the lives of their children and neither wanted to change the custody order in the event the parent's request to move was denied. It required an examination of the law applicable to cases in which a parent seeks to relocate to another state with the parties' minor children. I represented the parent opposing the move and I was successful in obtaining an order that restrained and enjoined the relocation of the parties' minor children. After the litigation, I kept in touch with my client

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and his family. I have personally observed the affect the court's decision had on this family.

- (b) United States vs. Minaya-Mena. This was a criminal matter litigated in the United States District Court for the District of SC. My client was charged in a conspiracy to possess, with the intent to distribute, marijuana. The case involved the possession of more than 100 marijuana plants, some of which were taller than me, found in several "grow houses" in the Upstate. The matter proceeded to a jury trial and my client was found not guilty. The matter is significant to me, not only because of the not guilty verdict, but because I litigated it against an excellent Assistant United States Attorney whose trial skills are exceptional. The matter required extensive preparation and an examination of the law to ensure that any issues to be appealed were properly in the court's record. I also mentored two of my colleagues during the trial. Being able to secure a not guilty verdict, while imparting knowledge to my colleagues, was phenomenal.
- (c) United States vs. Twitty. This was a criminal matter litigated in the United States District Court for the District of SC. My client was charged with being a felon in possession of a firearm, as well as possessing with intent to distribute a quantity of crack cocaine and heroin. I was able to successfully apply recent search and seizure law to the facts of the case. After an evidentiary hearing, my motion to suppress the search of my client and his vehicle was granted resulting in a dismissal of all charges against him.
- (d) Nicholas vs. Pate. This was a civil matter in the United States District Court for the District of SC. Parties in civil actions in District Court are not usually entitled to appointed counsel. However, the court asked if I would be willing to be appointed to represent the Plaintiff pro bono and I agreed. The Plaintiff had filed a civil action in the United States District Court for the District of SC alleging violations of his Federal Constitutional Rights under 42 U.S.C. Section 1983, that is, that he had been subjected to cruel and unusual punishment while serving a state imposed sentence. The matter is significant to me as it required me to assess and try a case that was well into litigation by a pro se defendant.

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After examining the pro se filings to ensure my client was not in any danger of having his action dismissed, the matter proceeded to a jury trial. Although I lost after a jury trial, my client's gratitude was a reward. Handling the matter also reminded me to always examine the statutes and rules of law governing an action in light of the facts and circumstances one is presented before proceeding forward with litigation. This is a rule my mentor, a former Assistant United States Attorney and war crimes prosecutor, ingrained in me and is crucial to abide by in handling every legal matter.

- (e) Collins vs. Murphy. This is a civil matter litigated in Probate Court and Circuit Court. A colleague and I have been litigating this matter throughout the court process from its inception in Probate Court, motions in Circuit Court, appeals to the Circuit Court and we are currently litigating it in the South Carolina Court of Appeals. The matter involves a question of the interpretation and application of a statute in a matter involving the rights of unmarried parents to the receipt of wrongful death proceeds of their deceased infant. The extreme differences in the rulings resulting from the Probate Court and Circuit Court make this case unique in that the South Carolina Court of Appeals will be addressing the interpretation and application of the relevant statute in situations in which unwed parents have a child who dies at birth. Thus, making a determination as to who is entitled to the award of wrongful death proceeds.

The following is Judge Salvini's account of four civil appeals she has personally handled:

- (a) Moore vs. Benson, 390 S.C. 153, 700 S.E.2d 273 (Ct. App. 2010) (South Carolina Court of Appeals, 9/22/2010).
- (b) Nestberg vs. Nestberg, 394 S.C. 618, 716 S.E.2d 310 (Ct. App. 2011) (South Carolina Court of Appeals, 8/31/2011)
- (c) South Carolina Department of Social Services vs. McCrary, Unpublished Opinion. (South Carolina Court of Appeals, 4/28/2009).
- (d) Collins vs. Murphy, Currently pending before South Carolina Court of Appeals. Representing Respondent along with co-counsel.

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The following is Judge Salvini's account of five criminal appeals she has personally handled:

- (a) United States vs. Nicholson, 676 F.3d 376 (4th Cir. 2012).  
(Fourth Circuit Court of Appeals 4/18/2012).
- (b) United States vs. Shippy, Unpublished Opinion. (Fourth Circuit Court of Appeals, 5/4/010).
- (c) United States vs. Wilkins, Unpublished. (Fourth Circuit Court of Appeals, 12/4/2009).
- (d) State vs. Rivera, Unpublished Opinion. (South Carolina Court of Appeals, 2/10/2006).
- (e) United States vs. Cruz, Unpublished Opinion. (Fourth Circuit Court of Appeals, 2/15/2006)

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

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

In August 2007, I was appointed to serve as an Associate Municipal Court Judge for the City of Mauldin in Greenville County, South Carolina. I served in this capacity until 2009 when I was appointed to serve as the Chief Municipal Court Trial Judge for the City of Mauldin in Greenville County, South Carolina. I continue to serve as the Chief Municipal Court Trial Judge for the City of Mauldin in Greenville County, South Carolina.

The Mauldin Municipal court adjudicates criminal, traffic and city ordinance violations that occur within the city limits of Mauldin. As a limited jurisdiction court, it can only hear cases subject to a fine and sentence not exceeding \$500.00 or imprisonment of not more than thirty days. The Mauldin Municipal court may also hear cases that are remanded back from Greenville County General Sessions if the fine and sentence do not exceed \$5,500.00 or one-year imprisonment.

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

- (a) City of Mauldin vs. Paouris, unreported, no appellate review. This matter involved a question of whether a City of

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Mauldin Police Officer's Scribner's error on a uniform traffic citation warranted a dismissal of the violation and or whether the defendant's conviction should be vacated for improper notice to the defendant of his trial date/time resulting in his being tried in his absence. A contested hearing was held in which the Court was required to address the ramifications of a clerical error on uniform traffic citations, as well as whether the defendant received proper notice of his trial date/time and conviction. The Court also addressed whether the defendant took timely action to challenge his conviction and or sentence upon learning of his conviction in absentia. The defendant's motion to vacate his conviction and sentence was denied.

- (b) City of Mauldin vs. U.S. Security Holdings, Inc., unreported, no appellate review. This matter involved an examination of Mauldin Municipal Code Section 10-40 and the defendant's payment of annual licensing fees. The matter required the Court to consider numerous exhibits and each party's position regarding the requirements set forth in the Mauldin Municipal Code and its application. The Court denied the defendant's motion to dismiss in part.
- (c) City of Mauldin vs. Walker, unreported, no appellate review. This matter involved an instance of domestic violence in which the defendant was convicted at a bench trial. The facts and circumstances of the case however, warranted further inquiry and a sentence that enabled the victim to assist her husband in ensuring his compliance with necessary mental health treatment. The Court's sentence was structured to, not only punish the defendant, but to provide for his future mental health treatment and compliance with necessary medications to prevent future instances of violence between the married couple.
- (d) City of Mauldin vs. Baker, unreported, no appellate review. The defendant has had several matters before the court as a result of living in a mental health residential facility located in Mauldin, South Carolina. The primary order of significance focused on a Municipal Court's authority to assess the defendant's competency to proceed to a trial and whether a Municipal Court has the authority to issue an order for the defendant to undergo a psychiatric evaluation.

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The Court ordered the defendant to undergo an evaluation to ensure his competency to stand trial.

(e) City of Mauldin vs. McKinney, unreported, no appellate review. This matter involved an examination of whether the defendant violated the Mauldin Municipal Code when she made repairs to her residence and or created a living space within her attic. The primary issue before the Court was balancing Mauldin Municipal Code's requirement(s) and an adequate remedy as the alleged violation was at the defendant's residence and the construction had been completed. The Court granted the City of Mauldin's motion requiring the defendant's actions to ensure the safety of her residence.

Judge Salvini reported the following regarding her employment while serving as a judge:

2007-Present Date. Self-employed as the Senior Partner at Salvini & Bennett, Attorneys at Law, LLC. I, along with my law partner, own and manage the aforementioned law firm. I handle a wide variety of legal issues for individuals and businesses. I represent individuals and businesses in civil, criminal and family law matters at all stages of the litigation process. My practice areas include: all pretrial and trial matters for contract and real property disputes, all pre-trial and trial matters in domestic law cases; all pre-trial and trial matters in probate court matters; all pre-trial and trial matters in state and federal criminal court cases; appeals to the Fourth Circuit Court of Appeals and appeals to the South Carolina Court of Appeals. I, along with my law partner, handle the administrative duties associated with operating a law firm, to include the management of our law firm's trust account

Judge Salvini further reported the following regarding unsuccessful candidacies:

(a) On or around 2009, I applied for a U.S. Magistrate position in the United States District Court for the District of South Carolina. The selection process for Federal Magistrate Judges requires screening of candidates by a panel. The panel selects five finalists from the applicants. From there,

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the U.S. District Court Judges decide who will fill the vacancy.

(b) In 2017, I applied for the Circuit Court, Thirteenth Judicial Circuit, Seat 4. I was found to be qualified and nominated. However, I withdrew from the race prior to the vote on the candidates for this position.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Upstate Citizens Committee reported Judge Salvini 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.

Judge Salvini is not married. She does not have any children.

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

- a) California Bar
- b) South Carolina Bar
- c) Greenville County Bar Association
- d) Greenville County Association of Criminal Defense Lawyers
- e) South Carolina Association for Justice
- f) United Housing Connections, Vice Chairperson, 2017- Current date.

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

- a) United Housing Connections, Vice Chairperson.

Judge Salvini further reported:

I grew up the oldest of four daughters in a very loving and religious home. My mother was a nurse and my father worked for the railroad. As a child, I can't recall ever wanting

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for anything, but we lived an extremely modest lifestyle. Our home was pocket-sized, the family room having been converted into a bedroom for me and my youngest sister. My parents worked hard to provide us with a comfortable life; but there wasn't money to spend on frivolous things. School shoes had to last the entire year. School lunches consisted of pink Kool Aid and leftovers – spaghetti sandwiches often made it into the lunch pail. Most family vacations were spent driving to Oklahoma to see relatives - my sisters and I would be packed in the back of an old Nova with faulty air conditioning. It was important to my parents for us to receive a good education, and they worked hard to put us through Catholic school in our tender years. With both parents working, I became primary caregiver to my younger siblings at age eleven. Both of my parents encouraged us to rise above our circumstances and set our goals high, to focus on our education, so that we could be independent young women.

My childhood experiences were distinctly middle class, and reflecting upon it now, those experiences have served me well in my professional life in my ability to relate to a broader spectrum of people, to be able to better demonstrate empathy, to recognize the value of hard work and the strength of family values.

Beginning in childhood, I have always had a hunger for knowledge and new experiences, as well as a desire to help others. My desire to learn and help others has served me well in the practice of law and as a Municipal Court judge and I believe it will continue to serve me well no matter what direction my life takes. If given the opportunity, I will be a Family Court judge that fairly resolves disputes in a way that gives the litigants, the public, the Bar and my fellow judges' confidence in the integrity of the judiciary and the judicial process.

### (11) Commission Members' Comments:

The Commission commented that they appreciated Judge Salvini's service as a Municipal judge and noted that she is very energetic, knowledgeable, and passionate about serving on the family court bench. The Commission was also appreciative of the numerous positive comments about her in the Ballot Box survey.

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**(12) Conclusion:**

The Commission found Judge Salvini qualified and nominated her for election to the Family Court, Thirteenth Judicial Circuit, Seat 6.

**The Honorable Gerald C. Smoak Jr.  
Family Court, Fourteenth Judicial Circuit, Seat 1**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Smoak was born in 1959. He is 59 years old and a resident of Walterboro, South Carolina. Judge Smoak 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 1983.

**(2) Ethical Fitness:**

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

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

Judge Smoak 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.

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Judge Smoak 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 Smoak to be intelligent and knowledgeable.

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

- (a) Yes, I taught the following paralegal courses for Technical College of the Lowcountry: Estates, Family Law, Legal Bibliography, Litigation, Torts
- (b) I was on the panel for discussion at South Carolina Family Court Bench/Bar Conference, December 3, 1999.
- (c) I have lectured at the local high school.
- (d) Appeared at career day at the local high school.
- (e) I spoke at the Child Abuse Prevention Rally in Colleton County.

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

**(4) Character:**

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

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

The Commission also noted that Judge Smoak 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.

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**(5) Reputation:**

Judge Smoak reported that he is not rated by any legal rating organization.

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

Judge Smoak reported that he has never held public office other than judicial office.

**(6) Physical Health:**

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

**(7) Mental Stability:**

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

**(8) Experience:**

Judge Smoak was admitted to the South Carolina Bar in 1983.

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

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

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

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

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

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Judge Smoak further reported the following regarding unsuccessful candidacies:

1994 candidate for Fourteenth Judicial Circuit Family Court Seat #2.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Lowcountry Citizens Committee on Judicial Qualification found Judge Smoak 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.

Judge Smoak is married to Elizabeth Thompson Smoak. He has two children.

Judge Smoak reported that he was a member of the following Bar and professional associations:

- (a) SC Bar
- (b) Colleton County Bar
- (c) SC Family Court Judges Association

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

- (a) Former Member Jaycees
- (b) Former Sertoma Member
- (c) Assistant Baseball Coach, Colleton County Recreation Commission, 1992-2002
- (d) Member of the Colleton Preparatory Academy School Board, 1998-2006
- (e) Member of the Bethel United Methodist Church
- (f) Former Member of the Governor's Youth Council
- (g) Judge for the National High School Mock Trial Championship
- (h) Lectured to the guardian ad litem program for the 14th Judicial Circuit

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- (i) Drug Court Judge for Fourteenth Judicial Circuit
- (j) Lectured at high school

Judge Smoak further reported:

I have lived in the small town of Walterboro all my life. I have been married for 33 years. My pride and joy are my 31 year old son who is a Mechanical Engineer and my 24 year old daughter who is in school. I practiced law in Walterboro with my father for twelve years before going on the bench. I learned early that you treat people the same way you would want to be treated. I am the product of divorced parents whom I love very much. I feel the small town I live in has given me small town values. I believe my background helps me when dealing with family law matters. I enjoy my job and my family. I believe I have been and continue to be a fair and patient Judge who understands that family law matters may be the most important matters of all.

**(11) Commission Members' Comments:**

The Commission was highly impressed with Judge Smoak and gave him exemplary remarks. The Commission commented that Judge Smoak has an outstanding reputation as a jurist and noted that he exhibits great humility and patience on the bench.

**(12) Conclusion**

The Commission found Judge Smoak qualified and nominated him for re-election to the Family Court, Fourteenth Judicial Circuit, Seat 1.

**The Honorable Deborah Ann Malphrus  
Family Court, Fourteenth Judicial Circuit, Seat 3**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

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Judge Malphrus was born in 1964. She is 54 years old and a resident of Ridgeland, South Carolina. Judge Malphrus 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 Malphrus.

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

Judge Malphrus 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 Malphrus 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 Malphrus to be intelligent and knowledgeable.

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

- (a) Presenter at the Association of Legal Nurse Consultants in 2000
- (b) Served as Summary Court Judges Pilot Mentoring Program
- (c) Presenter at Probate Court CLE on Common Law Marriage

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- (d) Presenter at Guardian ad Litem CLE on Best Interest of Child
- (e) Presenter at South Carolina Association for Justice Conference on the Indian Child Welfare Act.
- (f) Presenter at South Carolina Family Court Judges Association meeting on Private Infant Adoptions.
- (g) Presenter for the Mediation and Meeting Center of Charleston on issues related to Family Court Mediation
- (h) I have participated in Judicial Observation Program mentoring law students during the summer months for the past five years

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

**(4) Character:**

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

The Commission's investigation of Judge Malphrus did not indicate any evidence of disqualifying financial issues.

The Commission also noted that Judge Malphrus 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 Malphrus reported that she is not rated by any legal rating organization.

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

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

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**(6) Physical Health:**

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

**(7) Mental Stability:**

Judge Malphrus appears to be mentally capable of performing the duties of the office she seeks.

**(8) Experience:**

Judge Malphrus was admitted to the South Carolina Bar in 1990.

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

- (a) August 1990-August 1991: Law Clerk to the Honorable Carol Connor;
- (b) January 1992-December 1994: Assistant Solicitor Fourteenth Judicial Circuit;
- (c) January 1995-March 1998: Private practice of Law in the Malphrus Law Offices. General practice of law, with emphasis on trial work;
- (d) April 1998-December 2008: Private practice of law, in the law firm of Moss, Kuhn & Fleming, PA. Again, this was a general practice, including family law, criminal law, personal injury, medical malpractice, real-estate, probate, and business law. I was the managing member of the Ridgeland office. I was responsible for managing the law firm's Ridgeland office business bank accounts as well as the Ridgeland office escrow and trust accounts;
- (e) January 2009-July 2011: Private practice of Law Deborah A. Malphrus as a sole practitioner. I had a general practice, including family law, criminal law, personal injury, real estate, and general business law. I was responsible for managing my business and trust bank accounts.

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

Yes. I was elected to the Family Court Fourteenth Judicial Circuit, Seat 3, by the South Carolina General Assembly on May 5, 2011. This is a non-jury court. Family Court Judges preside over matters related to child abuse and neglect, elder abuse,

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juvenile justice matters, divorces, child custody disputes, separate support and maintenance actions, equitable division of marital estates, alimony and spousal support issues, protection from domestic abuse matters and child support matters.

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

- (a) Case involving, among other things, the rights of an unwed biological father in a private adoption, the legal definition of a parent, conflict of laws questions related to South Carolina law, Oklahoma law, and the laws of the Cherokee Nation, a federally recognized Native American tribe, the Interstate Compact on the Placement of Children, and the Indian Child Welfare Act. My ruling was upheld by the South Carolina Supreme Court. That decision was reversed by the United States Supreme Court. Adoptive Couple v. Baby Girl, 389 S.C. 625, 731 S.E.2d 550 (2012), Adoptive Couple v. Baby Girl, 133 S. Ct. 2552, 186 L.Ed.2d 729 (2013).
- (b) State v. Unnamed minor: This was a juvenile waiver hearing involving a 16 year old who was approximately sixteen years and ten months old when he was charged with the crime of murder. The primary issue was whether or not the Family Court should retain jurisdiction over the minor or relinquish jurisdiction and waive the minor up to the adult court of General Sessions.
- (c) SCDSS v. Unnamed mother and father. SCDSS v. Rudemyer and Renaud, 2016-UP-438. (S.C. Ct. App. 2016) This was a DSS abuse and neglect case. DSS removed custody of a child from mother and placed the child with Father. After more than a year, during which time Mother had relapses in maintaining sobriety, DSS believed Mother had substantially complied with the treatment plan and recommended the child be returned to Mother based upon successful completion of the plan. However, the Guardian ad Litem believed it was in the child's best interests that she remain in Father's custody, as the child was in a more stable home environment and had blossomed in Father's custody, where she felt safe.

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I awarded custody of the child to Father, finding the court had the authority to alter the permanent plan for the child, and finding that custody with Father was in the child's best interests. Mother appealed. In the unpublished opinion cited above, my decision was affirmed.

- (d) Stone v. Stone, 2017-UP-289 (S.C. Ct. App. 2017), (rehearing denied). This was an action involving contempt of court for failing to comply with a court order and the award of attorney's fees associated with the action. Wife appealed. In the unpublished opinion cited above, my decision was affirmed.
- (e) Williamson v. Williamson This was a case involving interesting issues of transmutation and/or special equity, marital property, and alimony issues.

Judge Malphrus further reported the following regarding unsuccessful candidacies:

I was an unsuccessful candidate for Family Court Judge Fourteenth Judicial Circuit, Seat 2 in the Fall 2007.

**(9) Judicial Temperament:**

The Commission's investigation did not reveal disqualifying evidence regarding Judge Malphrus's temperament, however, the Ballot Box survey indicated a number of concerns with Judge Malphrus' judicial temperament and demeanor. After extensive questioning, Judge Malphrus acknowledged her reputation as a "no nonsense" judge and gave credence to these concerns. Expressing that she immediately took the Ballot Box surveys to heart upon reviewing them, Judge Malphrus assured the Commission that she has already taken specific steps to improve these issues and will continue to do so. Judge Malphrus noted that she has completed a self-evaluation and has made changes to her schedule to improve any temperament concerns.

**(10) Miscellaneous:**

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

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ethical fitness, professional and academic ability, character, experience, and judicial temperament. The Committee also commented that Judge Malphrus is “Very Experienced.”

Judge Malphrus is not married. She has three children.

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

- (a) South Carolina Bar Association
- (b) South Carolina Association of Family Court Judges

Judge Malphrus further reported:

It has been my honor to serve as a Family Court Judge. I know that I have to make hard decisions that impact children and families, and I try to do so to the best of my ability. I try my best to leave my job at the courthouse or my office when I leave it, however I try to take kindness and compassion with me to court every day. I believe I had learned so much, not just about family law, but also about human nature and the importance of families since I was elected in 2011.

**(11) Commission Members' Comments:**

The Commission noted concerns over Judge Malphrus's negative Ballot Box comments related to her temperament, while also acknowledging the Lowcountry Citizen's Committee finding her “Well Qualified” in the criteria of judicial temperament. The Commission noted that Judge Malphrus has begun to take the appropriate steps to correct any temperament concerns and cautioned her to continue to do so.

**(12) Conclusion:**

The Commission found Judge Malphrus qualified and nominated her for re-election to the Family Court, Fourteenth Judicial Circuit, Seat 3.

**The Honorable Jan B. Bromell Holmes  
Family Court, Fifteenth Judicial Circuit, Seat 1**

**Commission's Findings: QUALIFIED AND NOMINATED**

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**(1) Constitutional Qualifications:**

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

Judge Bromell Holmes was born in 1970. She is 48 years old and a resident of Georgetown, South Carolina. Judge Bromell Holmes 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 1995.

**(2) Ethical Fitness:**

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

Judge Bromell Holmes 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 Bromell Holmes reported that she has not made any campaign expenditures.

Judge Bromell Holmes 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 Bromell Holmes 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 Bromell Holmes to be intelligent and knowledgeable.

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Judge Bromell Holmes reported that she has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

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

**(4) Character:**

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

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

The Commission also noted that Judge Bromell Holmes 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 Bromell Holmes reported that she is not rated by any legal rating organization.

Judge Bromell Holmes reported that she has not served in the military.

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

**(6) Physical Health:**

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

**(7) Mental Stability:**

Judge Bromell Holmes appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge Bromell Holmes was admitted to the South Carolina Bar in 1995.

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

- (a) Since my graduation from law school on May 13, 1995, I worked for Morant and Morant Law Firm located at 1022 Prince Street in Georgetown, SC from September 1995 to July 1997. I performed title searches, closed real estate loans, handled social security disability cases, personal injury cases, prepared wills, prepared deeds and handled family court cases.
- (b) From July 1997 to June 2007, I ventured out and opened my own law firm, Jan B. Bromell, P.A. Seventy five (75%) of my practice consisted of domestic matters. I prosecuted and defended child support and child custody cases, divorce, alimony, separate maintenance and support, adoption and termination of parental rights, appointed and retained on juvenile cases, appointed and retained on abuse and neglect matters, name change, annulment, equitable distribution, and orders of protection. Twenty-four percent (24%) of my practice consists of civil matters. I handled real estate transactions, performed title searches, handle social security disability cases, personal injury cases, prepared power of attorney, contracts, wills and deeds. One percent (1%) of my practice consisted of criminal cases.
- (c) Elected as Family Court Judge Seat 1, Fifteenth Judicial Circuit on February 7, 2007. Began work July 2, 2007 and working continuously since.

Judge Bromell Holmes reported that she has held the following judicial office(s): "Elected as Family Court Judge Seat 1, Fifteenth Judicial Circuit on February 7, 2007. Began work July 2, 2007 and working continuously since."

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

- (a) High v. High, S.C. Court of Appeals Opinion # 4717

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This was a divorce action with an agreement on equitable distribution of marital property and debt. The contested issues were child custody and attorney fees. The matter was appealed. The Father appealed my order granting Mother sole custody of the couple's two children, arguing the family court erred in: (1) refusing to qualify Teressa Harrington, LPC as an expert witness; (2) prohibiting the introduction of statements made by the couple's minor daughter to Harrington; (3) refusing to admit Harrington's records into evidence; (4) making certain findings of fact relevant to the issue of custody which were not supported by the record; (5) failing to consider important factors contained in the record in its award of primary custody to Mother; (6) awarding Mother sole custody based on the fact that Mother was historically the caregiver of the minor children; and (7) granting Mother custody based on the primary caretaker factor. The Mother cross-appealed arguing that the family court erred in (1) hearing Father's untimely motion to alter or amend, and (2) failing to award her attorney's fees and costs. The Court of Appeals affirmed my ruling.

(b) In the Interest of Spencer R., S.C. Court of Appeals #4668

This was a juvenile delinquency matter in which Spencer R. was charged with pointing and presenting a firearm. This case was my first juvenile trial as a family court judge. What was difficult about this case is that the State charged the juvenile in one petition for pointing and presenting a firearm at three different people. I didn't understand why the State didn't file three petitions, one for each person. It was clear to me that the juvenile intended to point and present a firearm at one of the individuals, but not the other two. However, because of how the petition was filed, I thought that I had to find the juvenile delinquent on the petition. The juvenile appealed his conviction for presenting a firearm, alleging the family court erred in finding sufficient evidence to support his conviction. The Court of Appeals affirmed the conviction of one of the individuals and reversed the conviction of the other two individuals. I am particularly proud of this

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case because prior to my ruling, there was no case law in the State of SC which defined presenting a firearm.

(c) Simmons vs. Simmons, Supreme Court Opinion #26970.

This was a difficult case for me. The parties divorced in 1990 and entered into a family court-approved settlement agreement that was determined to be void in part. A central part of the parties' agreement required Husband to give Wife one-third of his Social Security benefits if he began receiving them at age 62 or one-half of those benefits if he began receiving them at age 65. The Social Security benefits were to "be construed only as a property settlement, and shall not in any way be considered or construed as alimony." Husband attained the age of 62 in 1994 and 65 in 1997, but he failed to pay Wife any portion of his Social Security benefits. In December 2003, Wife filed a petition for a rule to show cause, seeking to compel compliance with the agreement. Husband responded by filing a Rule 60(b)(4), SCRCP,[2] motion, asserting that the family court lacked subject matter jurisdiction to order division of his Social Security benefits. The family court dismissed Husband's subject matter jurisdiction challenge, and Husband appealed. The court of appeals reversed. Simmons v. Simmons, 370 S.C. 109, 634 S.E.2d 1 (Ct. App. 2006). The court found that the Social Security Act, specifically 42 U.S.C. § 407(a) (2010), preempted and expressly precluded the parties' agreement to divide Husband's Social Security benefits. As a result, the court voided that portion the agreement. The appeal presented the question of whether the family court may revisit, in whole or in part, the now partially voided agreement. I ruled in 2008 that I lacked subject matter jurisdiction to reconsider the 1990 court- approved agreement. The Supreme Court reversed and remanded for reconsideration of the court-approved agreement.

(d) Erma L.J. and Joe J., Jr. vs. Linda D.W. 2010-UP-506

The facts of this case were difficult. A mother was serving time in prison for the murder of one of her children. The paternal grandparents sought to terminate her parental rights and adopt the remaining two children. Mother was not able to personally appear because she was incarcerated

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in the State of NC. However, she was allowed to testify by teleconference in my chambers because the courtroom did not have a telephone line. She objected to her rights being terminated. The Father consented to his parents adopting the children and thereby signed a consent and relinquishment terminating his parental rights and consenting to the adoption. I terminated the Mother's rights on two grounds: based on the severity of abuse the home cannot be made safe within twelve months and the physical abuse of a child by a parent resulted in the death of the child and the parent was convicted of murder. I further found that TPR was in the minor children's best interest. The Court of Appeals affirmed my ruling.

(e) In the Interest of Justin B., a Juvenile Under the Age of Seventeen, Opinion No. 27306 (S.C. Sup. Ct. filed August 28, 2013)

This case was also significant to me in that it involved sexual abuse committed between siblings. On May 3, 2009, Justin B's adoptive mother witnessed him sexually molest his adoptive sister and notified the police. In August 2009, he was indicted for CSC-First in violation of section 16-3-655(A)(1) of the South Carolina Code. S.C. Code Ann. § 16-3-655(A) (Supp. 2012). Pursuant to negotiated plea deal in which the juvenile agreed to plead guilty if allowed to do so in family court, the juvenile was brought before me on a juvenile petition in November 2009. He admitted guilt and was subsequently adjudicated delinquent. I committed the juvenile for an indeterminate period to the Department of Juvenile Justice, not to exceed his twenty-first birthday, and required him to undergo counseling. He was also ordered to register as a sex offender as required by section 23-3-460 of the South Carolina Code, and to comply with section 23-3-540's electronic monitoring requirements. *Id.* §§ 23-3-460, -540. The Juvenile appealed challenging the active electronic monitoring requirements of section 23-3-540 of the South Carolina Code Section 23-3-540 that individuals convicted of certain sex-related offenses, including criminal sexual conduct with a minor in the first degree (CSC-First), submit to electronic monitoring for

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the duration of the time the individual is required to remain on the sex offender registry. S.C. Code Ann. § 23-3-540(A)-(H) (Supp.2012). An individual found guilty of CSC-First is required to register as a sex offender bi-annually for life. Id. §§ 23-3-430, 460 (Supp. 2012). Section 23-3-540 also provides that ten years from the date electronic monitoring begins, an individual may petition the chief administrative judge of the general sessions court for the county in which the offender resides for an order of release from the monitoring requirements. Id. § 23-3-540(H). However, those persons convicted of CSC-First may not petition for this review. Id. Thus, these sex offenders must submit to monitoring for the duration of their lives.

Justin B argued that, because he is a juvenile, this imposition constitutes cruel and unusual punishment in violation of the federal and state constitutions. The Supreme Court found that electronic monitoring is not a punishment, and rejected Justin B's claim. However, the Supreme Court allowed the juvenile to have periodic judicial review to determine the necessity of continued electronic monitoring. My decision was affirmed as modified.

Judge Bromell Holmes reported the following regarding her employment while serving as a judge:

Holmes and Holmes Trucking, Inc. March 2005-2009. I was co-owner along with my husband. This business was a logging business in which my husband operated an 18-wheeler truck on a part-time basis. I really had no duties with respect to the business.

**(9) Judicial Temperament:**

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

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**(10) Miscellaneous:**

The Pee Dee Citizen's Committee on Judicial Qualification found Judge Bromell Holmes 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.

Judge Bromell Holmes is married to Cleveland Bernard Holmes. She has two children.

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

- (a) South Carolina Bar Association
- (b) Georgetown County Bar Association
- (c) Coastal Women Lawyers
- (d) South Carolina Bar Pro Bono Board
- (e) Coastal Inn of Court

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

- (a) Alpha Kappa Alpha Sorority, Inc. (Parliamentarian 2016-Present) Member of the Year for 2009
- (b) St. Paul AME Church, Steward (2005-Present), Finance Committee(2005-Present) Christian Education Department (2004-Present), Women's Missionary Society (1995-Present)

Judge Bromell Holmes further reported:

I have come into contact with thousands of people over the past eleven years as a Family Court Judge. I have treated all individuals with the utmost respect. These individuals come from many walks of life. I have been patient, dignified, open-minded and diligent in disposing of their cases. I have handled the pressure of a rigorous schedule and look forward to the opportunity to continue to serve the public as a Judge of Family Court.

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**(11) Commission Members' Comments:**

The Commission commented that at the public hearing, Judge Bromell Holmes showed tremendous humility and respect, which was gratefully received. The Commission appreciates Judge Bromell Holmes' respected service on the family court bench.

**(12) Conclusion:**

The Commission found Judge Bromell Holmes qualified and nominated her for re-election to the Family Court, Fifteenth Judicial Circuit, Seat 1.

**The Honorable David G. Guyton  
Family Court, Sixteenth Judicial Circuit, Seat 2**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Guyton was born in 1961. He is 57 years old and a resident of Rock Hill, South Carolina. Judge Guyton 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 Judge Guyton.

Judge Guyton 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 Guyton reported that he has spent \$16.00 in campaign expenditures for a flash drive to use in order to download the application package to a flash drive when the original one

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provided by the JMSC was bent and would not fit into a computer.

Judge Guyton 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 Guyton 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 Guyton to be intelligent and knowledgeable.

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

- a) I drafted materials and presented them at a session of the December 2011 Family Court Bench/Bar focusing on military issues relating to Family Court practice.
- b) I was a judicial panel member at the 2012 CLE What Family Court Judges want you to know.
- c) I presented materials and lectured on The Military Parents Equal Protection Act and other topics at the August 2011 SC JAG Conference.
- d) I was a panel member for the 2012 Color of Justice presentation in Rock Hill, SC
- e) I have taught local clerk of court office personnel courtroom procedure and evidence.
- f) I meet with and teach a local guardian ad litem group at least twice per year to update case law and answer their questions.
- g) I have organized military justice training to SCNG Judge Advocates and Administrative Officers on several occasions through the years.
- h) I organized and conducted Military Support to Civilian Authorities training; presented my materials by lecture and

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provided each attendee a tool kit CD for reference and practical application.

- i) I made a presentation to the Municipal Court Administration Association as a City Court Judge on diffusing hostility.
- j) I presented legal tips for unemployed Veterans at an HR Boot Camp.
- k) I wrote a paper on the judicial perspective of Family Court Judges at Order of Protection hearings and lectured on that topic to Victim Advocates to train them on how to better prepare domestic violence victims for their hearing. I also prepared a sample script for victims use in preparing for the hearing. I gave permission for it to be disseminated statewide among victim advocate groups and legal services.
- l) I spoke to the Judge Advocates at Ft. Jackson, South Carolina, concerning Family Court and military related issues.
- m) I lectured at a statewide Department of Juvenile Justice education conference on the judicial perspective on issues in juvenile court
- n) I have been a panel member and a guest lecturer at the annual Public Defender's conference.
- o) I have made presentations at the state School Resource Officers conference on juvenile and education issues in Family Court.
- p) I have made presentations almost annually to Rock Hill School District personnel and York County school resource officers.
- q) I was a panel member on the CLE Top Ten Mistakes Attorneys Make in Family Court.
- r) I made a presentation and sat as a judicial panel member at the York County Bar Association CLE in January 2018.
- s) I presided over private school moot court competition at the Moss Justice Center in York and provided evaluation and feedback.
- t) I have made two presentations to Judge Advocates and Military Judges of Colombia, South America, once in Colombia, and once in South Carolina, as part of the State Partnership Program in the National Guard.
- u) I made presentations to the Family Court Judges at our annual conferences on the Interstate Compact for Juveniles and the Status Offender Task Force.

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Judge Guyton reported that he has published the following:

- a) The Military Parent Equal Protection Act South Carolina Lawyer Magazine March 2012, co-authored with COL (Ret) Barry Bernstein.

**(4) Character:**

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

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

The Commission also noted that Judge Guyton 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 Guyton reported that his last available rating by a legal rating organization, Martindale Hubbell, was BV 4.4.

Judge Guyton reported the following military service:

- a) Commissioned as a 2LT in the United States Marine Corps in August of 1985.
- b) Served active duty in the United States Marine Corps October 01, 1988 to October 01, 1991.
- c) Discharged with an Honorable Discharge as a Captain and Gulf War Veteran upon completion of term.
- d) Served in the South Carolina Army National Guard from March 1992 until retiring in August 2017, with an Honorary Discharge, at the rank of Colonel, with an honorary promotion to Brigadier General
- e) Previously served in the positions of State Staff Judge Advocate for the SC Army National Guard, Military Judge, Trial counsel, Defense counsel, and SJA for the 262 AAMDC, the 228 Signal Brigade, and Joint Force Headquarters.

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Judge Guyton reported that he has never held public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Guyton was admitted to the South Carolina Bar in 1988.

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

- a) Oct 1, 1988 to Oct 1, 1991, United States Marine Corps. I served as a Trial Counsel prosecuting military Courts-Martial and as a Deputy Staff Judge Advocate at Camp Pendleton, CA, and while deployed to Saudi Arabia during Desert Shield/Desert Storm.
- b) Oct 1991 to March 2009 private law practice. I joined Harrelson and Hayes law firm in Oct 1991, as an associate. I became a partner in 1996, and the firm became Harrelson, Hayes, and Guyton. My primary area of practice was Family Court including Divorce, legal separations, child custody, child support, alimony, equitable division, simple adoptions, guardian ad litem work, termination of parental rights, juvenile defense, SCDSS defense, Foster Care Review Boards, domestic violence, name changes, annulments, common law marriage, and almost anything associated with Family Court. I also handled real estate closings, simple estate planning and probate, criminal defense, landlord-tenant, personal injury, and contract law. Family Court was probably 75% of my practice and all other areas totaled 25%. I was a trial lawyer, often going to court several times a week, including Family Court, General Sessions, Probate, Master-in-Equity, and city and county magistrate courts. My secretary and I handled the trust funds for my clients as part

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of the firm's trust account, but I considered Hugh Harrelson as the primary financial management partner. I do not recall ever having any trust account issues.

- c) 1991 to 2009 Associate City Court Judge for the City of Rock Hill. I presided over bench trials, jury trials, and set bonds. This was part time, usually only a few hours each month to help the City handle its docket, and primarily in evening hours. One evening, another Judge and I handled over 200 cases on the docket. I was paid per hour as an independent contractor, not as a city employee. It certainly helped prepare me for a Family Court Judge position. I was not responsible for handling funds and never did so.
- d) Oct 1992 to August 2017 Judge Advocate in the SC Army National Guard. I served as Trial counsel and as Defense Counsel for military courts-martial and administrative separation proceedings, Staff Judge Advocate for several units and for the entire state. I also served as a South Carolina Military Judge under the SC Code of Military Justice, which carries the same authority as a state circuit judge by statute. I had a lot of administrative duties but they did not include financial responsibilities.

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

- a) Associate City Court Judge for the City of Rock Hill 1999 to 2009. This was part time for several hours per month, primarily for night court. The jurisdiction was for city criminal and traffic offenses for up to 30 days in jail or \$500 fine, and as otherwise allowed by statute, such as DUI third which allowed 90 days incarceration. City Court did not involve civil matters. I was appointed by Municipal Court Judge Jane P. Modla, confirmed by City Council, and reaffirmed by City Council until I assumed my Family Court Judicial position.
- b) Military Judge for the State of South Carolina Military Department, May 2007 through Dec 2010. This was an appointed duty by The Adjutant General of the State of South Carolina, MG Stanhope Spears at the time. The position carries the authority of a SC Circuit Court Judge by statute. I was compensated by my normal National Guard

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drill pay and did not receive extra compensation for holding that position. I presided over Special Courts-Martial for the National Guard under the SC Code of Military Justice, and could impose incarceration, fines, reduction in rank, and a Bad Conduct Discharge. It was a state court, not a federal court.

- c) Family Court Judge for the Sixteenth Judicial Circuit, Seat 2 (York County). I was elected February 3, 2010, to serve the unexpired term of retiring Judge Henry T. Woods. I was sworn in April 16, 2010. I was re-elected to the same position on January 30, 2013. I handle Divorces, separations, child custody and visitation, alimony, equitable distribution of marital property and marital debt, child support, adoptions, termination of parental rights, name changes, SC Department of Social Services child abuse and neglect cases, SCDSS vulnerable adult cases, Juvenile Court for minors who commit crimes and status offenses, Truancy Court, Protection From Domestic Abuse Act hearings, bench warrants for failure to pay child support, Rules to Show Cause hearings for private actions, Clerk's rules, and SCDSS child support enforcement division, annulments, common law marriages, and paternity actions. I also preside over a Juvenile Drug Court held weekly for juvenile offenders upon which successful completion results in expungement of their charges. The jurisdiction of Family Court is by statutory authority primarily set forth in Titles 20 and 63 of the South Carolina Code of Laws.

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

- a) Every December on the last day of court I hold an adoption day, and we schedule 10 to 15 uncontested adoptions, so that families can walk away with an Adoption Decree before the end of the calendar year, and a very special Christmas. It is one of those rare days in Family Court where everyone leaves the courtroom smiling and happy. In 2018 we actually had to schedule two days to hear all the requested adoptions. Each case has its own special story. My most significant adoption this year was for a 13 year old named Tony, who had been an abused child in DSS care and custody for years.

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He had significant behavioral problems and special needs, such that he had been in eighteen different foster care homes before he was placed with a family who finally refused to give up on him, even when he challenged them over and over again to test their commitment to him. After almost 3 years with this family, Tony knew they loved him so much they would never give up on him, and they adopted him into their permanent home. If desired you can find this and other adoption stories from that day in the December 21, 2018, edition of The Herald, our local Rock Hill newspaper, online at Heraldonline.com.

- b) I had a 4 day trial in which the primary issue was custody of a 6 year old autistic child who may also be on the lower end of the autism spectrum. I was a visiting Judge in that jurisdiction. The case was 3 years old when we started the final hearing set for 2 days. After starting the trial it was obvious it would take more than 2 days. Instead of continuing the case and re-scheduling for trial at a later date, I informed the litigants we would try the case and find a way to get it completed. Although counsel for both parents were competent and courteous, it was an extremely contentious trial. After two days we used a Friday afternoon in which we normally do not schedule hearings, and then traveled to my courtroom the following Monday during a chambers week and held court until the case was finished. I am not describing this case to brag on the extra effort to get it completed, but to show how important it is to move cases along in a timely manner, especially with children involved. This child was three years old when the case began. He was now six and needed permanency and stability in his life. I awarded custody to the father, who in a subsequent year sent me letters and pictures of his son who thrived physically, emotionally, and educationally, after placement with his father in another state. It was one of those cases when as a Judge, I felt vindicated by my decision.
- c) I hold juvenile drug court on Tuesday afternoons when my docket is in Rock Hill. This is a program for juveniles who plead guilty to substance abuse or other crimes an opportunity to move through several phases and numerous requirements with their families and, if successful, have the

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charge(s) expunged. They are tested for drugs weekly, do community service hours, have weekly homework assignments, and attend counseling sessions for issues such as conflict resolution. I do not get paid any extra for this time, and the court is held after the scheduled docket. I estimate a little more than 50% graduation rate, and the program takes about a year or longer to complete. I get to speak at their graduation, and hear from the juvenile and his or her parents or guardians. Parents often thank me and our program staff for saving the life of their child and giving them their family back. The tearful gratitude is deeply satisfying, and it is with great pride that I get to sign their expungement orders and leave them with a new start and the tools to be successful. The fact that the program is successful, that we are changing the lives of these kids and their families, and that we are saving taxpayer money in doing so, is very significant to me as a Family Court Judge.

- d) Conits v Conits, 417 S.C. 127, 789 S.E.2d 51 (Ct. App. 2016) I was upheld on equitable distribution concerning approximately 48 parcels or real property, businesses, and other significant assets worth several million dollars. This was a two day trial, and fortunately the attorneys did an excellent job stipulating many of the exhibits and presenting only relevant testimony, as it could have easily been a weeklong trial. The case resulted in several boxes of material for review. Recently the case was appealed again concerning a large parcel of property overseas, reversed and remanded, and then reversed again to keep the original decision in place. This case taught me the importance of proper marking of exhibits, admission as evidence, the value of good trial attorneys, and a clear record for possible review by appellate courts.
- e) Some of the simple cases, compared to a multi-million dollar division of property, are the most significant. Last week I heard a case in which an elderly black man, represented by South Carolina Legal Services, was seeking a birth certificate to change his name. He had always been known by a particular name, and had all his records in that name, but when he got a copy of his birth certificate, it had no first name listed. He needed a birth certificate with his full name

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to prove he was who he said he was when trying to get benefits. When he testified, it was obvious by his dress and speech that he had little education, and was a simple man of few means. However, his quiet and humble testimony proved to me he was credible, and really wasn't seeking the birth certificate for monetary reasons, but so that he could have an official document that proved who he was, and that he had a name. He could never have gotten through the process pro se, and he did not have the ability to hire an attorney, so Legal Services representation was essential to getting a correct birth certificate and name. When I announced the finding on the record that his known name was official and legal, and that he would get a new birth certificate, his wide grin through some missing teeth, and his constant thank you to me and his counsel, was incredibly gratifying. What was a short and simple hearing on my docket that day, was the most significant event in his life in a long time.

Judge Guyton reported the following regarding his employment while serving as a judge:

I have been a Judge Advocate for the South Carolina Army National Guard since March 1992 when I joined as a Captain through my retirement in August 2017 as a Colonel. My supervisor was State Judge Advocate Barry Bernstein until he retired and I replaced him in that position on M-Day (drill) status. My supervisor then became MG Robert Livingston, The Adjutant General of the SC National Guard. My former supervisors have included Justice James Lockemy (retired COL) and Vic Rawl (retired LTC). My duties included Trial Counsel, Defense Counsel, Military Judge, legal assistance, and Command SJA for 263 AAMDC, 228th Signal Brigade, and Joint Force Headquarters.

**(9) Judicial Temperament:**

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

(10) Miscellaneous:

The Piedmont Citizens Committee reported Judge Guyton 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 included the following summary statement, “The Committee was particularly impressed by Judge Guyton’s diligence and commitment to service, especially his willingness to make himself available whenever necessary to meet litigants *[sic]* needs.”

Judge Guyton is married to Crystal Rene Fickling Guyton. They have two children.

Judge Guyton reported that he was a member of the following Bar and professional associations:

- a) South Carolina Bar Association since 1988. Member of Military Law Section and Family Law Section. Pro Bono program volunteer and legal assistance to military personnel volunteer prior to becoming a Judge.
- b) York County Bar Association since 1992. Past Secretary, Treasurer, and President (1996).
- c) American Bar Association since 1988
- d) SC Summary Court Judges Association from 1999 until elected to Family Court in 2010.
- e) Commission on Lawyer Conduct for over 10 years until elected Family Court Judge in 2010.
- f) Commission on Judicial Conduct from 2010 through the current date.
- g) Appointed to the Family Court Judges Advisory Committee by Chief Justice Donald W. Beatty on December 11, 2017.

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

- a) Charter member of the Marine Corps League Olde English Leathernecks Detachment since 2002. Served as Judge Advocate for the Det. ten years. Received several Outstanding Marine Awards and The Four Chaplains Award

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- b) Life Member of VFW Post 2889 since early 1990s. Life member. Served as Judge Advocate 15 years or more.
- c) Member American Legion Frank Roach Post 34 in Rock Hill since 1992.
- d) Member of the York County Veterans Advisory Council since 1993. I have served as the Master of Ceremonies for our annual York County Memorial Day Ceremony for 25 years.
- e) Former member and Treasurer Rock Hill School District Education Foundation member
- f) Kiwanis Club of Rock Hill over 20 years. Past President. Terrific Kids program, past coordinator and current volunteer.
- g) Charter member Rolling in Rock Hill program and 15 year volunteer, painting the homes of poor and disabled.
- h) Churches include Northside Baptist, Oakland Baptist, North Rock Hill Church, Elevation, Newspring, and currently attending LifePointe in Ft. Mill, SC.
- i) Former Auxillary Probation Officer through the SC Department of Juvenile Justice.
- j)Former Weblos Scout Den Leader

Judge Guyton further reported:

I feel that I am a good Judge because of my prior extensive community service activities, many of which revolved around the best interests of children. I was born and raised in the community I have served all my life either personally or professionally. I am embedded and invested in the families of my county and this state. I believe my current physical fitness regimen of 5 to 6 days per week helps me keep my life in balance, and reduces the heavy stress of the Family Court caseload and subject matter. I have always had, and still have, a strong family support network based upon high moral values, to remind me of the importance of keeping families together when possible, and if not, to provide a way to move forward with the least harm. My thirty two years of military experience has instilled in me a work ethic and discipline which I have found invaluable as a Judge. Finally, because of my family values, I have attended church my entire life. The locations and types of worship have changed, but my spiritual faith has been the

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foundation for the rest of my life, and the forgiveness I receive from God is a constant reminder that no one is perfect, and that I need to remember that every day I am on the bench.

### (11) Commission Members' Comments

The Commission commented that they appreciated Judge Guyton's service on the Family Court bench and his service to the State thus far. Further, the Commission noted the positive comments about him in the Ballot Box survey.

### (12) Conclusion:

The Commission found Judge Guyton qualified and nominated him for election to the Family Court, Sixteenth Judicial Circuit, Seat 2.

**The Honorable Tony M. Jones  
Family Court, At-Large, Seat 2**

## **Commission's Findings: QUALIFIED AND NOMINATED**

### (1) Constitutional Qualifications:

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

Judge Jones was born in 1958. He is 60 years old and a resident of Rock Hill, South Carolina. Judge Jones 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 1983.

### (2) Ethical Fitness:

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

Judge Jones 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.

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

Judge Jones 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 Jones 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 Jones to be intelligent and knowledgeable.

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

- (a) 2017 Horry County Family Court Continuing Legal Education Seminar

February 13, 2017

I spoke on the issue of relocation.

- (b) 2018 Horry County Family Court Continuing Legal Education Seminar

February 16, 2018

I spoke on psychological de facto parent issues.

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

**(4) Character:**

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

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

The Commission also noted that Judge Jones 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 Jones reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV.

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

Judge Jones reported that he has never held public office other than judicial office.

**(6) Physical Health:**

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

**(7) Mental Stability:**

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

**(8) Experience:**

Judge Jones was admitted to the South Carolina Bar in 1983.

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

- (a) When I graduated from law school in 1983, I went to work with a sole-practitioner, Luther C. Elrod, III. 1983-1987
- (b) Elrod and Jones from 1987 through 1989.
- (c) Elrod, Jones and Leader 1989-1991
- (d) Elrod, Jones, Leader and Benson 1991-2005
- (e) Tony M. Jones, P.A. 2005-2013

At first, I handled a variety of cases including domestic, social security disability, criminal, and personal injury. After about five years, my practice began concentrating on domestic

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relations and social security. After ten years, I practiced exclusively in the area of domestic relations and continued to do so until my election to the Bench in 2013.

I left my firm in 2005 and practiced as a sole practitioner.

When with the firm, we had independent auditors for our trust account. I became managing partner in the mid 90s and each lawyer had their own trust accounts. We were independently audited by an outside firm annually. Our trust accounts were reconciled daily.

Judge Jones further reported the following regarding unsuccessful candidacies:

I ran for Family Court Judge in 2011. I was unsuccessful. I withdrew at the recommendation of my delegation. David Guyton went on to win the seat.

**(9) Judicial Temperament:**

The Commission is concerned with the negative Ballot Box surveys received concerning Judge Jones' judicial temperament, focusing on his demeanor and treatment of attorneys in his courtroom. Judge Jones acknowledges that he has a "no nonsense" reputation, and states that his decisiveness could be misinterpreted as being disrespectful. The Commission acknowledges Judge Jones' passion about his job, but encourages him to continue to work on this evaluative criterion.

**(10) Miscellaneous:**

The Piedmont Citizens Committee on Judicial Qualification found Judge Jones 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 commented that "Judge Jones' direct, no-nonsense manner confirms his impartiality and conscientiousness. The Committee was also moved by his compassion and commitment to the children and families whom

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he serves in the Family Court."

Judge Jones is not married. He does not have any children.

Judge Jones reported that he was a member of the following Bar and professional associations:

- (a) York County Bar Association, President 1987
- (b) SC Bar
- (c) SC Conference of Family Court Judges

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

Judge Jones further reported:

As a lawyer and judge I have seen how Family Court can have a significant impact on the lives of the litigants and their children. As a lawyer, I dealt with numerous clients who were going through the emotional upheaval and turmoil of a separation, divorce, or custody proceeding. I know how the children can be affected. I served on the Board of Directors for the Children's Attention Home prior my election to the bench for almost ten years. This facility was designed to house children who had been either removed or taken into protective custody pending foster placement. One did not have to spend much time at the Children's Attention Home to see how the family domestic matters were impacting their lives. I also served as a foster parent for two young men, (who had incidentally had been placed at the Children's Attention Home). I helped raise them over a period of years. Having these experiences has helped me as a judge to not lose sight of the responsibilities we have in meeting the needs of these families and children. I always try to be kind and patient to the litigants and to court personnel. I listen carefully and try to make my decisions in a timely manner. While handling these domestic cases on a day to day basis, it is easy for our job to become routine. But as a judge but I must be mindful that each individual case is the most important thing that will happen in the lives of these families. And with that in mind, I try to be courteous and respectful to all of those who come before me. My grandfather, in my mind, said it best "you judge the greatness of a man not by what he has nor what he has

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accomplished, but in the manner in which he treats the least among him.”

**(11) Commission Members' Comments:**

The Commission commented that Judge Jones was an experienced family court lawyer that has become a good family court judge. The Commission also applauds his wisdom, experience, judgment, and dedication to improve of the welfare of children in our state.

**(12) Conclusion:**

The Commission found Judge Jones qualified and nominated him for re-election to the Family Court, At-Large, Seat 2.

**The Honorable James G. McGee III  
Family Court, At Large, Seat 3**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge McGee was born in 1959. He is 59 years old and a resident of Florence, South Carolina. Judge McGee 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 1995.

**(2) Ethical Fitness:**

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

Judge McGee 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.

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

Judge McGee 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 McGee 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 McGee to be intelligent and knowledgeable.

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

- (a) 2008-2012 Adjunct Professor, Francis Marion University teach Political Science 101. This was an entry level political science taught mostly to freshmen covering US and State government;
- (b) 2006-2012 *Pro se* divorce seminar for Centers for Equal Justice. I taught this seminar periodically for self-represented indigent litigants seeking a divorce on one year separation;
- (c) 2004-2012 Training seminars for volunteer GALs. As attorney for the 12<sup>th</sup> Guardian ad litem program I taught new volunteers in courtroom procedure and effective witnessing in abuse and neglect matters before Family Court.

Judge McGee reported that he has not published any books and/or articles.

**(4) Character:**

The Commission's investigation of Judge McGee did not reveal evidence of any founded grievances or criminal allegations

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

The Commission also noted that Judge McGee 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 McGee reported that he is not rated by any legal rating organization.

Judge McGee reported that he has held the following public office:

I served as a member of the South Carolina House of Representatives from 1997-2006.

**(6) Physical Health:**

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

**(7) Mental Stability:**

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

**(8) Experience:**

Judge McGee was admitted to the South Carolina Bar in 1995.

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

After being admitted to the bar in 1995, I began work at Dusenbury and Snow, P.A. in Florence, SC, which later became Dusenbury, Snow & McGee, P.A. I was employed by the firm until my election to the bench in 2013. I practiced in Family Court primarily, comprising an estimated 95% of all my cases. In addition to my law practice, I became part-time General Counsel to Francis Marion University in 2008 and held that position until my election to the bench in 2013. I was not

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responsible for the administrative or financial management for either entity nor was I responsible for the management of the trust account at Dusenbury, Snow & McGee, P.A.

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

I currently hold the position of South Carolina Family Court Judge, At Large, Seat 3. 2013-Present.

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

- (a) Davis v. Davis (Spartanburg County) 2015-DR-42-2940. This was a matter involving equitable division of a small business.
- (b) Williams v. Williams (Georgetown County) 2015-DR-22-233. This was a weeklong trial involving legal custody of minor children.
- (c) Durden v. Watford (Florence County) 2001-DR-21-36. This was a contempt action involving a minor child.
- (d) SCDSS v. Davis and Miller (Greenville County) (Unpublished: APC-2016-002260). This was a termination of parental rights action.
- (e) SCDSS v. Jenkins (Dorchester County) (Unpublished: APC-2015-002632) This was a weeklong termination of parental rights action involving an adopted child.

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

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Pee Dee Citizen's Committee on Judicial Qualification found Judge McGee to be "Well-Qualified" as to ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament, and "Qualified" as to

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constitutional qualifications, physical health, and mental stability.

Judge McGee is married to Kathy Shirley McGee. He has has one child.

Judge McGee reported that he was a member of the following Bar associations and professional associations:

South Carolina Bar Association (held no offices)

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

Inns of Court (held no offices)

Judge McGee further reported:

When elected to the bench in 2013, I said I would treat litigants and attorneys respectfully and cordially, listen patiently and rule fairly. I have given each case that has come before me my full attention, knowing that my ruling would personally affect those appearing before me. Even though I have heard hundreds of cases since my appointment, it is not lost on me that for the litigants who appear before me, their case is the most important case I will hear. I treat their case that way. I have not deviated from these principles over the five plus years I have served this State as Family Court Judge. My experience has allowed me to hone these skills. My goal every day on the bench is to be the type of judge that I would want to appear before if I were a litigant or attorney.

**(11) Commission Members' Comments:**

The Commission commends Judge McGee on his joint possession of a calm judicial temperament and appropriate sense of humor. The Commission appreciates his continued service on the family court bench and his continued efforts to improve the status of the family court docket.

**(12) Conclusion:**

The Commission found Judge McGee qualified and nominated him for re-election to the Family Court, At-Large, Seat 3.

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**The Honorable Monet S. Pincus  
Family Court, At-Large, Seat 4**

**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Pincus was born in 1965. She is 53 years old and a resident of Columbia, South Carolina. Judge Pincus 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. She was also admitted to the Florida Bar in 2001.

**(2) Ethical Fitness:**

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

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

Judge Pincus 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 Pincus 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 had concerns regarding this criteria, as it appeared at the public hearing that Judge Pincus ordered a costly therapy in a distant location with a questionable therapy technique. However, both parties to the litigation at issue did not consent to the opening of the case file records, and there was no evidence presented of a pattern of orders requiring costly, unsound therapy at high rates, which generates excessive fees. Accordingly, the Commission found her qualified in this criteria.

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

“What Family Court Judges Want you to Know.” This was a panel seminar that covered topics including custody, child support, children, domestic violence, ethics, equitable division, and trial practice.

“As Family Court Judges See It.” This seminar covered topics including temporary hearings, courtroom procedure, custody factors, determination of child support and alimony, divided assets and debts, ethics, communicating with the Court, domestic abuse, contempt, and presenting a case at trial.

“Family Law Essentials: Advice from the Bench.” This topic covered courtroom decorum, ins and outs of temporary hearings, trial objections, and oral arguments.

“Hot Tips: Thoughts/Reflections from a New Judge.” This topic covered order drafting, order timing, objections, ex parte communication, and dealing with pro se litigants.

“Family Court Bench Bar: Reflection from the Newbies.” This session was question/answer.

“In the Best Interest of the Child, Annual Guardian ad Litem Training Program.” This session covered the guardian’s written report, verbal recommendations, handling witnesses during trial, and bias.

“Fifth Circuit Tips from the Bench.” This session covered the 365 day rule in family court and other administrative motions and rules.

“Orientation School for New Family Court Judges.” This session covered my experience as a first year judge.

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“Family Court Bench Bar: Ethics.” This session focused on judicial and lawyer ethics.

Judge Pincus reported that she has not published any books or articles since her last screening.

### (4) Character:

Two affidavits of complaint were filed against Judge Pincus by Mr. Matthew Younginer and by Mr. Nathan Ginter. The Commission addressed both complaints in the candidate’s public hearing.

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

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

The Commission also noted that Judge Pincus 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 Pincus reported that her last available rating by a legal rating organization, Martindale-Hubbell, was AV Preeminent.

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

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

### (6) Physical Health:

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

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**(7) Mental Stability:**

Judge Pincus appears to be mentally capable of performing the duties of the office she seeks.

**(8) Experience:**

Judge Pincus was admitted to the South Carolina Bar in 1993.

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

- (a) Berry, Quackenbush & Stuart, 1993-1997: I was an associate in the litigation section of the law firm; I participated in all aspects of civil litigation from client intake to trial. I was not involved in administrative or financial management.
- (b) Hampton Monge Shupe & Curlin, 1997-2001: I was a member of this law firm with family law as my primary practice area (my former name was Monet S. Curlin). This firm eventually became Curlin Law Firm when the other partners left and was dissolved on 9/26/02.
- (c) Pincus Law Firm, LLC, 2001-2002. I was a sole practitioner practicing family law exclusively. I handled all administrative and financial management.
- (d) Palmetto Law Group, LLC: 2002- 2003. I merged my practice with two other attorneys and continued my focus in family law. I was involved with limited administrative duties such as hiring, firing and marketing. I was not involved in financial management.
- (e) Monet S. Pincus, LLC: 2003-2007. I returned to my own practice as a sole practitioner with a focus in family law. I handled all administrative and financial management.
- (f) Pincus & Loomis, LLC: 2007-2010. I took on a partner in June 2007. I continued my family law practice during this time. My partner eventually accepted another employment position. We shared administrative and financial management.
- (g) Monet S. Pincus, LLC: 2010-2013. I reverted to this company when my partnership dissolved in June 2007. I did business as Pincus Family Law. I handled all administrative and financial management.

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- (h) Department of Health and Human Services 2007: I was a contracted hearing officer in conjunction with my private practice. I heard the first level of appeals of certain types of claims. I was not involved in administrative or financial management.
- (i) Family Court Judge June 2013 through present.

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

July 1, 2013 to present. Family Court. Elected. The Family Court's jurisdiction is limited per statute.

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

- (a) Jobst v. Jobst, Martin and S.C. Dept. of Social Services, Appellate Case No. 2016 002439, Filed June 6, 2018.
- (b) S.C. Department of Social Services v. Veronica D. Chandler, 2018 UP 003, S.C. Ct. App.
- (c) S.C. Department of Social Services v. Lola J. Brake, et al, 2017 UP 350, S.C. Ct. App.
- (d) S.C. Department of Social Services v. Shikira Dunbar, 2016 UP 208, S.C. Ct. App.
- (e) Daryl Hales v. Lee Hales, 16-DR-40-2357

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

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Midlands Citizens Committee on Judicial Qualification found Judge Pincus 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, character, professional and academic ability, reputation, experience, and judicial temperament. The Committee provided the additional commentary, "Pleasant, but

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somewhat ‘hard’ at times.” The Committee ultimately concluded in its summary statement: “Well Qualified.”

Judge Pincus is married to Daniel Wade Allman. She has three step-children.

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

South Carolina Bar Association

Judge Pincus provided that she was not a member of any civic, charitable, educational, social, or fraternal organizations.

**(11) Commission Members’ Comments:**

The Commission had concerns regarding the Professional and Academic ability evaluative criteria [see, above: (3)]; however, there was not evidence that rose to the level of a disqualifying nature. Therefore, the Commission believes this candidate is qualified in all nine of the evaluative criteria.

**(12) Conclusion:**

The Commission found Judge Pincus qualified and nominated her for re-election to the Family Court, At-Large, Seat 4.

**The Honorable Randall E. McGee  
Family Court, At-Large, Seat 5**

**Commission’s Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge McGee was born in 1965. He is 53 years old and a resident of St. Matthews, South Carolina. Judge McGee 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 1991.

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**(2) Ethical Fitness:**

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

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

Judge McGee 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 McGee 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 McGee to be intelligent and knowledgeable.

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

- (a) 2003 – I lectured and presented my written article, “How to Win a Temporary Hearing”, at the SC Bar Seminar, Cool Tips from the Hottest Domestic Law Practitioners.
- (b) 2004 – I lectured and presented my written article, “Custody and Visitation Factors” at the 2004 Guardian ad Litem Training Seminar.
- (c) 2008 – I lectured and presented my written article, “The Dangers of Filing False Affidavits at a Temporary Hearing,” at the SC Bar Seminar, Hot Tips from the Coolest Domestic Law Practitioners.

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- (d) December 2013 – I participated in a panel discussion at the Family Court Bench Bar seminar for the SC Bar. The panel was comprised of all recently elected, eight (8) Family Court judges.
- (e) June 2014 – I presented orally, with written materials also, at orientation School for New Family Court Judges on impressions of a recently elected judge.
- (f) January 2018 – I participated in a panel discussion with other Family Court judges at the Annual Guardian ad Litem Training and Update Seminar for the SC Bar.

Judge McGee reported that he has published the following:

- (a) “How to Win a Temporary Hearing,” 2003. Cool Tips From the Hottest Domestic Law Practitioners, (SC Bar CLE 2003).
- (b) “Custody and Visitation Factors,” 2004. Guardian ad Litem Training Seminar (SC Bar CLE 2004).
- (c) “The Dangers of Filing False Affidavits at a Temporary Hearing,” 2008. Hot Tips From the Coolest Domestic Law Practitioners, (SC Bar 2008).

**(4) Character:**

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

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

The Commission also noted that Judge McGee 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 McGee reported that his last available rating by a legal rating organization, Martindale Hubbell, was BV Distinguished, High Ethical Standing.

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

Judge McGee reported that he has never held public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge McGee was admitted to the South Carolina Bar in 1991.

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

- (a) 1991 – 1992, Associate – Felder & Prickett, St. Matthews, SC (utilized trust account for client funds). General Practice.
- (b) 1992 – 1995, Associate – Felder, Prickett & Mizzell, St. Matthews, SC (utilized trust account for client funds). General Practice.
- (c) 1995 - 2002, Partner, Felder, Prickett & McGee, LLP, St. Matthews, SC (utilized trust account for client funds, active in all business decision in partnership as a 1/3 interest holder). General Practice with emphasis on Family Law.
- (d) 2003 – 2013, Partner, Felder & McGee, LLP, St. Matthews, SC (utilized trust account for client funds, active in all business decisions as a partner with 1/3 or ½ interest in law firm). Served as managing partner also during this time. General Practice with emphasis on Family Law.
- (e) 1993 – 2013, title insurance agent to Lawyers Title and First American Title Insurance Co.
- (f) 2003 – 2013, School Attorney, Calhoun Academy, St. Matthews, SC.

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

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Family Court, At-Large, Seat Five (2013 to present), Elected. Jurisdiction is set by S.C. Code Ann. § 63-3-510 and 63-3-530.

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

- (a) Holland v. Holland, 2011-DR-02-1685, visitation case from Aiken County, tried October 29, 2013. In this case, one of my first long contested cases as a judge, I had to decide whether it was in the best interests of two (2) minor children to suspend, indefinitely, their father's visitation with them. The father had failed to comply with a 2006 order in regard to conditions for reunification with his children. While termination or suspension of visitation long term is an extreme remedy, the facts in this case supported a long term suspension. Because of the severity of the visitation suspension, the father was also ordered to comply with a specific plan of treatment, and if completed, he could seek visitation through a future modification action, one (1) year from the date of the final order.
- (b) Sobel v. Sobel, 2011-DR-40-2947, divorce case from Richland County, tried December 9, 10, and 12, 2013. This case involved a disputed adultery claim, a disputed condonation/reconciliation claim, child custody and visitation, relocation, child support exceeding the Guidelines cap of joint income (\$20,000.00), private school tuition, complicated equitable division and separate property (trusts) claims, and alimony. The issue involving condonation/reconciliation was crucial due to its impact on the wife's alimony request. The issue of whether certain trust properties of the husband were marital was also crucial to the equitable division award in this case. While I expected a cross appeal on my decision, both attorneys informed me that their clients decided against appeal because of the fairness of my decision.
- (c) Menefee v. Menefee, 2011-DR-02-1685, an Aiken case, upheld and affirmed by the South Carolina Court of Appeals in Terry Menefee v. Delinda Menefee, 2017-UP-301 (Ct. App. 2017). This was a multi-day trial from July

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and September 2014. The Court of Appeals affirmed my decision as to nine (9) different issues raised on appeal by the appellant-husband. This case involved divorce, custody, visitation, child support, equitable division, alimony, contempt of court, and attorney's fees.

(d) SC DSS v. Bryant-Martinez, et al, 2013-DR-02-887, this was a DSS permanency planning hearing wherein I decided the minor child should remain in the care of her foster parents and not be reunited with her mother or placed in relative placement with the minor child's maternal grandmother. The case was very contested, but the best interest of the minor child required that the child remain with the foster parents. While reunification with the parents is the goal in abuse and neglect cases and family members have statutory preference as to placement, the child's welfare demanded placement where the child would be most stable, that is, with the foster parents in this case.

(e) In the Interest of E.B. 2014-JU-18-47,-48, and -49

This case was one of my most important juvenile matters to date. The juvenile was only 10 years old when charged with carrying a weapon (a loaded handgun) on a school bus and pointing it at another student while riding on the bus. I presided over the adjudicatory hearing where the juvenile pleaded guilty to a negotiated guilty plea and the dispositional hearing(s) and review hearing in this case. Because of the minor's age at the time of offense, environmental, medical and psychological factors, a comprehensive treatment plan was devised under my direction to ensure proper punishment to the juvenile along with treatment. In this case, I had to consider many factors when devising an appropriate sentence to effectively address punishment, treatment, rehabilitation, public safety, victim protections and re-entry of the juvenile into a school setting.

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

Judge McGee further reported the following regarding unsuccessful candidacies:

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I was unsuccessful in my application for Family Court, First Judicial Circuit, Seat One in 2000.

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Lowcountry Citizens Committee on Judicial Qualification found Judge McGee 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. Additional comment provided by the Lowcountry Citizens Committee included: "A+"

Judge McGee is married to Judy Hicks McGee. He has three children.

Judge McGee reported that he was a member of the following Bar and professional associations:

- (a) SC Bar Association - 1991- present.
- (b) Orangeburg Bar Association - 2000 to present.
- (c) SC Association of Justice - Member until 2013 when elected judge.
- (d) Calhoun County Bar since 1991.
- (e) Family Law Council - SC Bar - past member.
- (f) First Circuit Public Defender Selection Committee - past member.
- (g) Calhoun County Public Defender Board - past member.

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

- (a) Former member and stockholder, Calhoun Country Club
- (b) Former member, Calhoun Academy Board of Directors
- (c) Member, Coterie Club (Social) St. Mattherws, SC
- (d) Member, SC Bar Pro Bono Board, Judicial Subcommittee, First Circuit

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Judge McGee further reported:

When elected to the bench in 2013, I said I would treat litigants and attorneys respectfully and cordially, listen patiently and rule fairly. I have given each case that has come before me my full attention, knowing that my ruling would personally affect those appearing before me. Even though I have heard hundreds of cases since my appointment, it is not lost on me that for the litigants who appear before me, their case is the most important case I will hear. I treat their case that way. I have not deviated from these principles over the five plus years I have served this State as Family Court Judge. My experience has allowed me to hone these skills. My goal every day on the bench is to be the type of judge that I would want to appear before if I were a litigant or attorney.

### (11) Commission Members' Comments:

The Commission commented that Judge McGee has an outstanding reputation as a jurist. They noted that he has a calm and controlled approach to managing his courtroom and the litigants that appear before him. His dedication to preparation and courteous nature is commendable. Judge McGee has demonstrated that he is compassionate, fair, well-reasoned, and has superb judicial temperament.

### (12) Conclusion:

The Commission found Judge McGee qualified and nominated him for re-election to the Family Court, At-Large, Seat 5.

## **The Honorable David Earl Phillips Family Court, At-Large, Seat 6**

### **Commission's Findings: QUALIFIED AND NOMINATED**

#### (1) Constitutional Qualifications:

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

Judge Phillips was born in 1970. He is 48 years old and a resident of Easley, South Carolina. Judge Phillips provided in his application that he has been a resident of South Carolina for at

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least the immediate past five years and has been a licensed attorney in South Carolina since 1997.

**(2) Ethical Fitness:**

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

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

Judge Phillips 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 Phillips 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 Phillips to be intelligent and knowledgeable.

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

- (a) Prior to serving as a Family Court Judge, I was a guest lecturer at a Clemson University Sociology class regarding juvenile justice issues;
- (b) Prior to serving as a Family Court Judge, I lectured juvenile arbitration program volunteers in Anderson, South Carolina;

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- (c) I served (along with other newly elected Family Court Judges) as a panelist for a portion of a CLE at the 2013 South Carolina Bench Bar CLE in Columbia, South Carolina;
- (d) I spoke at “10th Circuit Tips from the Bench: What Your Judges Want You to Know,” a CLE for the members of the Tenth Circuit Bar about issues related to practice before the Family Court. I also served as a panelist for the Family Court portion of the program.

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

**(4) Character:**

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

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

The Commission also noted that Judge Phillips 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 Phillips reported that he is not rated by any legal rating organization.

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

Judge Phillips reported that he has never held public office other than judicial office.

**(6) Physical Health:**

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

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**(7) Mental Stability:**

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

**(8) Experience:**

Judge Phillips was admitted to the South Carolina Bar in 1997.

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

- (a) Chapman, Byrholdt & Yon, LLP, August 1997 to August 31, 2004: I began my law practice with this law firm in August 1997, shortly after having taken the bar exam. Upon being admitted to the bar, I was very fortunate to work for three excellent attorneys on a wide variety of cases including family law, workers' compensation, personal injury, and criminal defense. I was lead counsel in 90% of the cases I handled at this firm. I worked for this firm until August 31, 2004. I was not involved in the administrative, financial management or trust account matters at this law firm.
- (b) David E. Phillips, Attorney at Law, LLC, September 1, 2004 to May 23, 2011: I opened my own law practice September 1, 2004. I continued to practice in the same areas in which I had gained experience at Chapman, Byrholdt & Yon. In August 2006, I was asked to be the juvenile prosecutor for the Anderson County Solicitor's Office on a part-time basis. Despite the "part-time" nomenclature, this contractual employment was significant in terms of the time it demanded from my private practice; however, it was also rewarding, as I helped a number of young people improve the direction of their lives. I was a sole practitioner at this firm and was solely responsible for administrative and financial management matters, including management of the firm's trust account.
- (c) Tenth Circuit Solicitor's Office, May 23, 2011 to May 21, 2013: May 23, 2011, I began serving full-time as an assistant solicitor. I prosecuted all of the juvenile delinquency cases in Anderson County. Additionally, I prosecuted all of the civil forfeiture cases for Anderson

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County and Oconee County. I also prosecuted all of the Transfer Court cases, bond estreatments and preliminary hearings for Anderson County. I was not involved with any administrative or financial management matters at the Solicitor's Office.

(d) Family Court Judge, At-Large, Seat 6, July 1, 2013 to present: July 1, 2013, I began serving as a Family Court Judge. This has been a tremendously rewarding experience for me. I love serving the people of this state in this office, and I look forward to continuing to serve in this capacity in the years to come. This job does not require me to manage any trust or financial accounts related to the office. I directly supervise one Judicial Department employee, Jeanette Wright, my administrative assistant.

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

Yes. I have only held the office I currently hold—Judge of the Family Court, At-Large, Seat 6. I have served in this office continuously since July 1, 2013. I was elected to this office by a joint public vote of the South Carolina General Assembly. The Family Court is a court with statutorily prescribed jurisdiction over many types of cases including, but not limited to, actions for divorce, separate support and maintenance, child custody, visitation, child support, protection from domestic abuse, restraining orders, juvenile justice matters, child abuse and neglect matters, vulnerable adult cases, alimony/spousal support, and adoptions.

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

(a) Sweeney v. Sweeney: I heard this case over the course of five days. It was one of the first trials over which I presided as Family Court Judge. The case required me to consider and decide a large number of contested issues. Among the issues before me was the equitable apportionment of a large marital estate, whether to award alimony to one of the spouses, the amount of alimony to award and whether to make findings of

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contempt. Both parties were represented by excellent, very experienced family law attorneys. The case was appealed by both sides. The Court of Appeals affirmed my decision on all but two out of more than a dozen issues. Among the issues the Court of Appeals affirmed were the overall division of the marital estate, the award and amount of alimony, the findings of contempt, and the award of attorneys fees. In this case, I drafted lengthy, detailed instructions and findings to be incorporated into the final order. The Court of Appeals noted in its decision that I had made extensive findings in my order. The Court of Appeals' published opinion is found at 420 S.C. 69, 800 S.E.2d 148 (Ct.App. 2017).

- (b) Clark v. Clark: I heard this case over the course of three days. The central issues at trial involved custody and placement of the parties' daughter. The case was very fact-specific. In it, I found exceptional circumstances existed to warrant joint custody with essentially equal placement of the parties' minor child with each parent. I made detailed findings in my order describing specifically the exceptional circumstances of this case that caused me to conclude that joint custody with equal placement of the minor child is in the best interest of this child. Excellent attorneys were involved in the trial and appeal of this case. The case was appealed, and the Court of Appeals affirmed my decision. The opinion is found at Clark v. Clark, Op. No. 5558 (S.C. Ct. App. filed May 2, 2018).
- (c) SCDSS v. Tucker, et al: This is a case in which I was faced with a difficult decision about whether to terminate the parents' parental rights. The child's foster parents had intervened in the termination of parental rights action. I found that the parents' parental rights should be terminated and that termination of the parents' parental rights was in the child's best interests. Excellent attorneys were involved in the trial and appeal of this case. The Court of Appeals affirmed my decision in this case after reviewing the record and finding there were no meritorious issues that warranted further briefing. The Court of Appeals unpublished opinion is found at

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SCDSS v. Tucker, Op. No. 17-UP-191 (S.C. Ct. App. filed May 3, 2017).

(d) SCDSS v. Culpepper: This was a DSS merits hearing I heard over the course of four days. The case is significant to me because of the nature of the credibility determinations I was called upon to make. In the case, I found the Department had not met its burden of proving the abuse alleged by a preponderance of the evidence. I am not aware of any appeal associated with this case. Excellent attorneys were involved in the trial of this case, as well.

(e) McAbee v. McAbee: This was a divorce case which was tried over the course of one day. The primary issues were whether to award a fault-based divorce to one of the parties and how to value and divide the marital estate. The case is significant to me because it required me to decide whether assets that would otherwise have been non-marital had been transmuted into marital property. Both sides were represented by excellent attorneys. The Court of Appeals issued an unpublished opinion affirming my decision. (The record on appeal incorrectly reflects the case was tried before the late Honorable Harry L. "Don" Phillips. I did not become aware of this until I happened to see the opinion.) The Court of Appeals' opinion is found at McAbee v. McAbee, Op. No. 16-UP-186 (S.C. Ct. App. filed April 27, 2016).

Judge Phillips further reported the following regarding unsuccessful candidacies:

Yes. I was a candidate for Family Court Judge, 10th Judicial Circuit, Seat 1. I was qualified and nominated by the Judicial Merit Selection Commission in that race; however, I withdrew just prior to the election in February 2009.

**(9) Judicial Temperament:**

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

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**(10) Miscellaneous:**

The Upstate Citizens Committee found the Judge Phillips 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.

Judge Phillips is married to Maryanne Evington Phillips. He has two children.

Judge Phillips reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar
- (b) Anderson County Bar
- (c) South Carolina Conference of Family Court Judges

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

- (a) South Carolina Conference of Family Court Judges
- (b) I am a member of Mount Pisgah Baptist Church. My family and I are very active in our church. In the past five years, I have served as a deacon, Sunday School teacher, pastor search committee member, youth worker, choir member, and praise band member.

Judge Phillips further reported:

God blessed me with parents who taught me so many things by example, not the least of which is a strong work ethic. My father worked full-time with IBM for thirty years including literally hundreds of hours of overtime each year and earned numerous awards for service. During this time, he also served as part-time minister of music and senior adults. He is now retired, but I believe he still works as many hours as he did prior to his retirement. Likewise, I have observed my mother work hard throughout my life. She was a stay-at-home mother to my brother and me when we were very young. She later returned to school and earned her college degree. In fact, she did so well, she was asked to return and teach, which she did for many years at Greenville Technical College. She is now retired but manages

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to work as hard now as she did when she was “employed.” I have brought this work ethic with me to the bench. I continue to take pride in being reliable and diligent in my work. As a judge, the citizens of this state can count on me to continue working diligently to serve them as Family Court Judge.

I also had a broad, diverse background as a lawyer. For seven years, I practiced with a law firm in Anderson, South Carolina. For nearly seven years thereafter, I had my own office as a sole practitioner. I served as an assistant solicitor for the last two years prior to my election to the office of Family Court Judge. Throughout my career, I have dealt with people of various backgrounds and personalities. The people skills I have developed during my life and my career have served me well as a Family Court Judge. I have gained an enormous amount of experience during my first term as a Family Court Judge. I have presided over the trial of a large number of cases. Many of these cases were lengthy and difficult to decide. Through these trials, I have grown even more knowledgeable in the area of family law. I look forward to using my skills, experience, and knowledge as I continue to serve the people of this state as a Family Court Judge.

### **(11) Commission Members' Comments:**

The Commission gave Judge Phillips exemplary remarks regarding both his reputation with the Bar and his demeanor on the bench. The Commission further praised Judge Phillips's excellent service to the State and was highly impressed that nobody could find a negative thing to say about him in the Ballot Box comments.

### **(12) Conclusion:**

The Commission found Judge Phillips qualified and nominated him for re-election to the Family Court, At-Large, Seat 6.

## **ADMINISTRATIVE LAW COURT QUALIFIED AND NOMINATED**

**The Honorable Ralph King (Tripp) Anderson III  
Administrative Law Court, Seat 1**

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**Commission's Findings: QUALIFIED AND NOMINATED**

**(1) Constitutional Qualifications:**

Based on the Commission's investigation, Judge Anderson meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Judge Anderson was born in 1959. He is 59 years old and a resident of Columbia, South Carolina. Judge Anderson 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 1984.

**(2) Ethical Fitness:**

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

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

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

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**(3) Professional and Academic Ability:**

The Commission found Judge Anderson to be intelligent and knowledgeable.

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

- (a) A class at the University of South Carolina School of Law (Law Practice Workshop) on February 26, 2018.
- (b) A SCAAO Conference on October 6, 2017 concerning tax law cases and statutory construction;
- (c) A class at the University of South Carolina School of Law (Law Practice Workshop) on April 3, 2017.
- (d) A seminar sponsored by DHEC October 28, 2016 entitled, What is Effective Regulation?;
- (e) Fifth Circuit's Spring Courthouse Keys event on April 1, 2016;
- (f) A class at the University of South Carolina School of Law (Law Practice Workshop) on February 8, 2016.
- (g) A seminar at the SC Bar Convention for the Regulatory and Administrative Law Section on January 22, 2016;
- (h) A seminar for SC Bar CLE "Fifth Circuit Tips from the Bench" on January 8, 2016;
- (i) A class at the University of South Carolina School of Law (Law Practice Workshop) on February 9, 2015;
- (j) A seminar for SC HHS Hearing Officers on 4/13/2015;
- (k) An Administrative Law & Practice in S.C. Seminar on 1/31/2014;
- (l) A class at the University of South Carolina School of Law (Law Practice Workshop) on March 3, 2014
- (m) A panel discussion at the SC Bar Convention on January 25, 2013;
- (n) A seminar at a Public Service Commission. CLE on March 20, 2013;
- (o) Two separate CLEs on Administrative Law on February 21 & 22, 2013;
- (p) A SC Bar CLE involving Hot Topics in Administrative Law on October 30, 2009;
- (q) A panel discussion in a Judicial Merit Selection Commission CLE on July 31, 2009.

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Judge Anderson reported that he has published the following:

- (a) "A Survey on Attributes Considered Important for Presidential Candidates," Carolina Undergraduate Sociology Symposium, April 17, 1980.
- (b) "An Overview of Practice and Procedure Before the Administrative Law Judge Division," South Carolina Trial Lawyer, Summer 1996.

**(4) Character:**

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

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

The Commission also noted that Judge Anderson 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 Anderson reported that his last available rating by a legal rating organization, Martindale-Hubbell, was AV Preeminent.

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

Judge Anderson reported that he has held the following public office:

Appointed and served as an Assistant Attorney General 1985 to January 1995. I was not required to file with the State Ethics Commission during in that capacity.

**(6) Physical Health:**

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

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**(7) Mental Stability:**

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

**(8) Experience:**

Judge Anderson was admitted to the South Carolina Bar in 1984.

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

I began my legal career at the South Carolina Attorney General's Office in September 1984. During my career at the AG's office I prosecuted numerous criminal cases of all types and handled a wide variety of civil litigation. My duties included:

- (a) Statewide criminal prosecutor
- (b) Assisted in the implementation of the Statewide Grand Jury
- (c) Extradition hearing officer on behalf of the Governor of South Carolina
- (d) Counsel to the State Ethics Commission
- (e) Represented the State in a variety of civil litigation matters
- (f) Represented the State in post-conviction relief matters
- (g) Committee Attorney for the State Employee Grievance Committee
- (h) Prosecutor for the Engineering and Land Surveyor's Board

I also prosecuted Medical Board cases, wrote Attorney General Opinions and handled Criminal Appeals.

On May 25, 1994, I was elected to Administrative Law Judge Seat No. 6 and re-elected to that position in 1996, 2001 and 2006. Administrative Law Judges hear appellate, injunctive and trial cases in a broad range of administrative matters involving governmental agencies and private parties.

On May 13, 2009, I was elected Chief Administrative Law Judge and re-elected to this position February 5, 2014.

As an Assistant Attorney General, I did not have any significant administrative and financial management. As an Administrative Law Judge, I did not have any legal obligation

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regarding administrative and financial management but was occasionally assigned those duties by the Chief Judge. As Chief Administrative Law Judge, I am responsible for the administration of the court, including budgetary matters, assignment of cases, and the administrative duties and responsibilities of the support staff. See S.C. Code Ann. § 1-23-570. Also, section 1-23-660 of the South Carolina Code (Supp. 2017) provides “The chief judge is solely responsible for the administration of the [Office of Motor Vehicle Hearings], the assignment of cases, and the administrative duties and responsibilities of the hearing officers and staff.”

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

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

I was elected by the General Assembly to serve as an Administrative Law Judge beginning February 1, 1995 and have been serving continuously since that date.

Administrative Law Judges hear appellate, injunctive, and trial cases in a broad range of administrative matters involving governmental agencies and private parties.

The Administrative Law Court’s appellate jurisdiction includes appeals involving Medicaid; driver’s license revocations and suspensions; licensing decisions from boards/commissions under the Department of Labor, Licensing and Regulation; Budget and Control Board’s Employee Insurance Program; AFDC benefits; operation of day care facilities and foster home licensing; food stamps; and revocations or suspensions of teachers’ certificates. The Administrative Law Court also hears appeals from final decisions of the Department of Employment and Workforce; the Department of Corrections in ‘non-collateral’ matters; and appeals from final decisions of the South Carolina Department of Probation, Parole and Pardon Services permanently denying parole eligibility.

The contested case litigation includes hearings involving environmental and health permitting; Certificates of Need; State

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Retirement Systems' disability determinations; Disadvantaged Business Enterprises; state and county tax matters; alcoholic beverage issues; and wage disputes.

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

- a) McNeil v. S.C. Dep't of Corrs., 00-ALJ-04-00336-AP (September 5, 2001) (en banc). Holding reviewed in Sullivan v. S. Carolina Dep't of Corr., 355 S.C. 437, 586 S.E.2d 124 (2003).
- b) Providence Hosp. v. S.C. Dep't of Health and Envtl. Control and Palmetto Richland Memorial Hosp., Docket No. 02-ALJ-07-0155-CC
- c) Travelscape, LLC v. S.C. Dep't of Revenue, Docket No. 08-ALJ-17-0076-CC. Holding affirmed in Travelscape, LLC v. S. C. Dept. of Revenue, 391 S.C. 89, 705 S.E.2d 28 (2011)
- d) Duke Energy Corp. v. S. C. Dep't of Revenue, Docket No. 10-ALJ-17-0270-CC. Holding affirmed in Duke Energy Corp. v. S.C. Dep't of Revenue 410 S.C. 415, 417, 764 S.E.2d 712, 713 (Ct. App. 2014), reh'g denied (Nov. 21, 2014), cert. granted (Apr. 9, 2015) and further affirmed by the Supreme Court in Duke Energy Corp. v. S. C. Dep't of Revenue, 415 S.C. 351, 782 S.E. 2d 590 (2016).
- e) Kiawah Dev. Partners, II v. S.C. Dep't of Health and Envtl. Control, Docket No. 09-ALJ-07-0029-CC and S.C. Coastal Conservation League v. S.C. Dept. of Health and Envtl. Control, Docket No. 09-ALJ-07-0039-CC (February 26, 2010) (consolidated cases). Holding originally reversed by the Supreme Court, then affirmed and then reversed 3-2 in Kiawah Dev. Partners, II v. S.C. Dep't of Health & Envtl. Control, 411 S.C. 16, 766 S.E.2d 707 (2014).

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

Judge Anderson further reported the following regarding unsuccessful candidacies:

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Administrative Law Judge, Seat 3 (February 23, 1994)  
Fifth Judicial Circuit Court, Seat 3 (May 24, 2000) - Found qualified and nominated but withdrew prior to election.  
Circuit Court, At-Large Seat 9 (January 16, 2003) - Found qualified but not nominated.  
Court of Appeals, Seat 9 (March 10, 2008) - Found qualified but not nominated.  
Supreme Court, Seat 2 (January 14, 2016) - Found qualified and nominated but withdrew prior to election.  
Supreme Court, Seat 5 - Found qualified and nominated on November 15, 2016) but later found qualified and not nominated on December 5, 2016.

### (9) Judicial Temperament:

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

### (10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualification found Judge Anderson 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 commented that Judge Anderson is "well liked and well respected."

Judge Anderson is married to Linda Corley Anderson. He does not have any children.

Judge Anderson reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar
- (b) Administration and Regulatory Law Committee of the SC Bar
- (c) South Carolina Administrative and Regulatory Law Association; President since 2009.

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

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Shandon Baptist Church. I am a member of the church but have not held any office with Shandon.

**(11) Commission Members' Comments:**

The Commission commented that Judge Anderson has an outstanding reputation as a jurist. They noted that he is extremely well qualified, has a strong comprehension of complex areas of law, and has served capably as the Chief Judge of the Administration Law Court.

**(12) Conclusion:**

The Commission found Judge Anderson qualified and nominated him for re-election to the Administrative Law Court, Seat 1.

**Thomas Rosamond Smith  
Administrative Law Court, 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 an Administrative Law Court judge.

Mr. Smith was born in 1957. He is 61 years old and a resident of Columbia, 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 2001. Mr. Smith was also admitted to the SSA Administrative Hearings Court in 2003 and the Federal District Court of South Carolina in 2006.

**(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

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judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

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 not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

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

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

**(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 other than judicial 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 2001.

Mr. Smith gave the following account of his legal experience since graduation from law school:

- The Honorable John Breeden, Jr. - At Large Circuit Court Judge – Law Clerk (2002)
- Law Office of Thomas Smith – Attorney. General practice. (2002-2004)
- Vaux & Marsher – Attorney. Estate planning, probate, & small file litigation. (2004-2006)
- Community Title Insurance Services – Attorney/Consultant for real estate. (2006-2008)
- Atlantic Coast Disability Advocates – Attorney. Disability & Admin Law. (2009-2013)
- SC Dept of Health & Human Services – Hearing Officer for Medicaid & nursing home cases. (2013 to present.)

Mr. Smith further reported regarding his experience with the Administrative Law Court practice area:

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For the past five years, I have been a Hearing Officer for the SC Department of Health & Human Services Examples of the administrative law cases we hear are: Medicaid eligibility, appeals by hospitals and doctors for reimbursement, appeals for proper medication and treatment, appeals filed on behalf of disabled children and adults, appeals by providers for overpayment claims, nursing home transfer or discharge cases, endangerment to others or self and appeals of audits. There are a multitude of other types of cases. This is a list of the most common.

We follow the guidelines of the S.C. Administrative Procedures Act, S.C. Code of Laws, Medicaid regulations, Code of Federal Regulations for disability, and Code of Federal Regulations for nursing homes.

Over the past five years, I have handled well over 500 appeals of which approximately 10% go to hearing. Most of the litigants who appear before me are Pro Se. The percentages float over time, but a rough estimate is 60 to 70% of the cases I hear involve a Pro Se litigant.

After the hearing, I issue a Final Administrative Decision. That decision is subject to appeal to a higher court (Admin. Law Court). All of my decisions are available for review.

Mr. Smith reported the frequency of his court appearances five years prior to his service on the bench as follows:

- (a) Federal: 90%
- (b) State: 10%
- (c) Other: 0%

Mr. Smith reported the percentage of his practice involving civil, criminal, and domestic matters five years prior to his service on the bench as follows:

- (a) Civil: 9%
- (b) Criminal: 0%
- (c) Domestic: 1%
- (d) Other: 90%

Mr. Smith reported the percentage of his practice in trial court five years prior to his service on the bench as follows:

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

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Mr. Smith provided that during the five years prior to his service on the bench he most often served as sole counsel.

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

- (a) B.N. v. Commissioner of SSA – Not reported. First attorney for client was not diligent and failed to file proper paperwork and failed to research the applicable law. Client lost first case. Client's husband tried to handle the case himself. He was outmaneuvered by large law firm. I was asked to help. I researched and reviewed the lengthy case. Found some flaws. We went to hearing. The Judge awarded my client everything we asked for. In addition, after a motion for reconsideration of the first case, the Judge awarded my client the benefits she should have received except for the incompetence of her first attorney, despite the first case being closed. Later, my Client informed me that she was able to smile for the first time in many years as she did not have to worry about providing for her children. (For the record, my client's first attorney was later disbarred.)
- (b) M.P. v. Commissioner of SSA – Not reported. Client applied for disability and hired an attorney. The attorney lost the case. Client re-applied for disability and hired someone to represent her. This person lost the case. Later, Client found out the second person was not an attorney. Both previous representatives told her she was a “bad witness” and that is why they lost the case. I was asked to help. I researched and reviewed the case. I found the Client to be a credible witness and worked with her on her presentation and confidence. We went to hearing and received an immediate Bench Decision, Fully Favorable with retroactive benefits. After many years of suffering and hearing negative comments about herself, my Client was overcome with emotion.
- (c) A.S. v. Commissioner of SSA – Not reported. Mentally disabled individual with an extremely low I.Q. Received a technical denial for disability because his school records

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were unavailable. Client had attended school during the "separate but equal" era. Petitioned higher court and won remand. On remand, Client was awarded benefits going forward. Family members who had taken care of this individual all these years were very grateful.

- (d) In Re: A.A. (a minor child) – Not reported. SCDSS case out of Horry County, S.C. In this case, I was appointed the guardian ad litem for a child who had suffered from sexual abuse from one of her mother's boyfriends. The child had been placed with her grandmother. SCDSS made a motion to reunite this girl with her mother despite the fact that the mother's boyfriend (the alleged offender) was still in the picture, the mother did not have a steady job, and did not have a telephone in case of emergencies. Unbelievably, SCDSS had not done any investigation or background on this case. I confirmed the medical diagnosis of sexual abuse, conferred with school teacher who stated the child's grades had soared after she was placed with the grandmother, and I made a home visit with the child and her grandmother. During the visit, the child expressed her desire to continue to stay with her grandmother. I wrote a detailed report and submitted it to the Judge. When SCDSS protested and insisted on the reunification of the child and mother, I appeared in court to testify to my findings. The Judge allowed the child to remain in custody of the grandmother.
- (e) In the Matter of L.B. - Not reported. Unusual probate case out of Beaufort County, S.C.. Client married to two women and engaged to a third. At his wake, the three women realized what was going on. Fireworks ensued. All three women refused to bury client. I represented the estate and worked in conjunction with another firm to obtain some Federal funds for his work under the old Public Works Administration Act. Ensured the estate, and his heirs, were properly taken care of. (Interestingly, after the news of the Federal award, all three women expressed their love for the man and wanted to claim the body.)

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

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Mr. Smith reported that he has held the following judicial office(s):

Hearing Officer for SCDHHS. From 2013 to present. I was hired by the Agency.

This is a Court of original jurisdiction for an Administrative Law hearing.

Examples of the administrative law cases we hear are: Medicaid eligibility, appeals by hospitals and doctors for reimbursement, appeals for proper medication and treatment, appeals filed on behalf of disabled children and adults, appeals by providers for overpayment claims, nursing home transfer or discharge cases, endangerment to others or self and appeals of audits. There are a multitude of other types of cases. This is a list of the most common.

We follow the guidelines of the S.C. Administrative Procedures Act, S.C. Code of Laws, Medicaid regulations, Code of Federal Regulations for disability, and Code of Federal Regulations for nursing homes.

After the hearing, I issue a Final Administrative Decision. That decision is subject to appeal to a higher court. (The Administrative Law Court).

Mr. Smith provided the following list of his most significant orders or opinions:

(a) M.J. v. SCDHHS, 17-ALJ-08-0108-AP – TEFRA Disability case. Affirmed by ALC. Petitioner wanted aqua therapy in addition to tradition physical therapy. After a hearing on the merits, I decided in favor of Agency that the child did not meet the Federal definition of disability to qualify for TEFRA. Petitioner appealed to ALC claiming that I failed to analyze all of the physicians' reports, and everything to make an accurate decision. The ALJ affirmed my decision citing my well thought out reasoning and references to the record.

Quoting a portion of the ALJ's decision regarding my analysis, "This is evidenced by the very pointed questions

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he asked of Appellant's parents and therapist, in particular, questions about conflicting medical records, and records that differed from testimony. Also, the Hearing Officer's decision contained specific references to information contained in these materials."

- (b) Pee Dee Health Care v. SCDHHS, 16-ALJ-08-0047-AP – Program integrity case. Affirmed by ALC. After a hearing on the merits, the Respondent (Agency) withdrew its claim of an overpayment. My decision to dismiss the appeal, denying the Petitioner's request for a supplemental hearing, denying the request to hold the dismissal in abeyance pending outcomes in other jurisdictions, and my assertion the Petitioner did not understand or misinterpreted the meaning of "De Novo" was upheld.
- (c) J.C. v. SCDHHS, 14-0942 – Medically complex and fragile child case. This case involved a child who could not function at any level and was receiving a multitude of services. Respondent (Agency) greatly reduced those services when the child reached age 18. I ruled against the Agency for failing to adequately take into consideration the early and periodic, screening, diagnostic, and testing (EPSDT) regulations. I also admonished the Agency for its poorly structured notice to the parents. Not appealed by agency.
- (d) Jamison Consultants v. SCDHHS, 12-PA-014 – Complex program integrity case. This case was pending for over three years. I was asked to take over. Put parties on notice and under a scheduling order. Settlement was reached within five months.
- (e) Center for Women's Health v. SCDHHS, 11-PA-065 – Program integrity case. In this case, a physician failed to repay monies owed under a repayment agreement. Case was pending for over three and one half years. I was asked to take over. Put parties on notice and scheduled a hearing. The case was resolved in less than two months without going to hearing.

Mr. Smith reported the following regarding his employment while serving as a judge:

- SCDHHS Hearing Officer – Fulltime. (2013 to present).

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- SSA Practice - Wind down. (2013-2017).

**(9) Judicial Temperament:**

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

**(10) Miscellaneous:**

The Midlands Citizens Committee reported Mr. Smith 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.

Mr. Smith is not married. He does not have any children.

Mr. Smith reported that he was a member of the following Bar associations and professional associations:

SC Bar – Member.

NAHO (National Association of Hearing Officers) – Member

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

Mr. Smith further reported:

I come from humble beginnings. Any success I may have achieved started with a family who was supportive and believed in me. Probably, long before I believed in myself. A part of that belief system was that honesty, integrity, and loyalty were characteristics to admire. Another important belief was that hard work and perseverance would bring success.

Success was measured in terms other than pecuniary gain. In my home, a successful person is one who is loved and cherished by their family, admired or respected by their peers, welcomed by their neighbors, adored by their friends, makes strangers feel at ease, sets a higher standard for themselves, provides a role model for younger people, and helps pave the way for those who may follow.

One of the ways I have continued to grow in the judicial profession is by taking courses from the National Judicial College

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(NJC) at the University of Nevada at Reno. The NJC is the premier organization in the United States to train and develop Judges. I am taking courses in the Master's in Judicial Studies program. My goal is to obtain a Master's degree or Professional Certificate in Judicial Studies. The courses are outstanding and the instructors are a who's who in the legal field. Here is a list of the courses I have completed:

- (a) Admin Law – Fair Hearing – Intense two week course on administrative law. Premier course on administrative law in the country. In many Federal agencies, this is a required course for any new Administrative Law Judge. (Completed in 2014).
- (b) Decision Making – One week course on making and writing better judicial decisions. Encouraged logical decisions based on, and referenced to, the record. Discouraged the use of legalese. (Completed in 2015).
- (c) Enhancing Judicial Bench Skills – One week course on the skills and characteristics needed to be a successful judge. (Completed in 2016).
- (d) Conducting the Trial – One week course on successfully conducting a legal proceeding. Included advice on handling difficult litigants or attorneys. (Completed in 2017).
- (e) Judicial Ethics – Multiple week online course on judicial ethics and reform. Looked into the ABA model as a guide. (Completed in 2017).
- (f) Evidence in a Courtroom Setting – One week course focusing on the rules of evidence including relevance, hearsay, lay and expert witnesses, admissibility, and exceptions. (Completed in 2018).

### (11) Commission Members' Comments:

The Commission commented that Mr. Smith has a reputation for thoughtful and well-reasoned decisions and an excellent work ethic while in his current position as a hearing officer.

### (12) Conclusion:

The Commission found Mr. Smith qualified and nominated him for election to the Administrative Law Court, Seat 1.

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**QUALIFIED, BUT NOT NOMINATED**

**The Honorable Michael S. Holt**  
**Court of Appeals, Seat 1**

**Commission's Findings: QUALIFIED, BUT NOT NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Holt was born in 1970. He is 48 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.

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Judge Holt 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 Holt to be intelligent and knowledgeable.

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

Business Law at Coker College as an Adjunct Professor

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. One complaint was levied against Judge Holt, but the complainant did not attend Judge Holt's hearing before the Commission. The Commission reviewed the complaint and Judge Holt addressed the complaint at the public hearing.

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(s):

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I was elected as Mayor of the City of Hartsville, South Carolina from 2005-2009. I filed all 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.

(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:

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

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

Judge Holt reported the frequency of his court appearances during the five years prior to his service on the bench as follows:

- (a) Federal: 0%
- (b) State: 100%
- (c) Other: 0%.

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

- (a) Civil: 10%;
- (b) Criminal: 20%;
- (c) Domestic: 30%;

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(d) Other: 20% real estate;  
20% disability.

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

(a) Jury: 20%;  
(b) Non-jury: 80%.

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

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

(a) State of South Carolina vs. Robert Hermanades: This case was the first trial I handled on my own in General Sessions. The case was tried in Darlington County and caused me significant pressure because it was being reported in the local media. I represented a somewhat unsavory individual who was not a very sympathetic character. However, after three days, he was found not guilty, which I felt was the right verdict for the jury. This trial gave me confidence in my trial skills, but also gave me some notoriety in the community because of its being reported in the media.

(b) State of South Carolina vs. Wayne Futrell: This case was tried in General Sessions Court in Chesterfield County, where I was not known, and it was difficult drawing a jury. The case was a combination of Criminal Domestic Violence and Assault and Battery of a High and Aggravated Nature. This case holds some significance because the Defendant had also been my client in a divorce, and it was our position the wife/victim had made false allegations against my client which led to his arrest. The wife/victim made many allegations against the Solicitor's Office, which caused the case to be referred to the State Attorney General's Office. After several days of trial, my client was found not guilty.

(c) Mills vs. Mills: This was a domestic case that I tried as a young lawyer. I was up against a much more seasoned and experienced lawyer who had a reputation for not

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negotiating cases and taking a case to trial. My client had been in a marriage for over twenty years, and the Defendant husband had been physical with Plaintiff wife and had attempted to hide assets from us. After a lengthy trial, my client was awarded half the marital estate and significant attorney fees. We survived a motion to reconsider following the order of the Court.

(d) State of South Carolina vs. Brandon Ray: This case was tried in Marlboro County, which was the prosecutor's home county. I felt at a disadvantage trying the case because of the Solicitor's familiarity with the jury pool. My client argued self-defense and, in my mind, we had done a good job in proving our case. However, the jury found my client guilty of the lesser included offense of voluntary manslaughter. Despite my client being found guilty, I felt a sense of pride because my client was not found guilty of the charge the State had brought against him.

(e) Pamela C. Blackmon and Stephen W. Blackmon vs. Peggy Ann Harrington, Stephen Lee and John Doe: This case was held in Florence County and involved an infant, Mary Ann Harrington, who was born with a heart defect. The Plaintiff wife, Pamela Blackmon, worked with my wife which is how I knew her. Mary Ann's heart had not developed properly, which likely was caused by Defendant mother's drug use. The Plaintiffs had a family and did not have the resources to pay a lawyer to assist them with petitioning the Court for custody. Time was of the essence due to the infant's heart defect, and there was no time to waste. The doctors at MUSC would not put the child on a transplant list unless someone other than her mother had custody of the child. It was perceived by the doctors that it would be a waste to give Mary Ann a heart when it was unlikely her mother would be responsible in her care of this child. The case involved a tremendous amount of work and time, which I did at no cost to the family.

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

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

Judge Holt was elected in 2009 to Seat 3, Family Court of the Fourth Judicial Circuit.

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

- (a) DJJ vs. John Henry Bridges: This case involved a juvenile who was charged with murdering an elderly lady. The matter before the Court was a “waiver” hearing and it was the first one I had handled on the bench. I ultimately determined the juvenile should be waived up to General Sessions after a contested hearing.
- (b) Shirley Johnson vs. Angela Lampley: This case was a custody battle between maternal grandparents who lived out of state and a relative in South Carolina. The biological mother was deceased and the biological father was in prison. I awarded custody to the relative in South Carolina. This matter was appealed but the Court affirmed the trial court’s ruling.
- (c) Saurabh Jain vs. Anima Dixit: This case involved a family from India and the only issue tried before the Court was custody. The father had come to the United States to practice medicine and left his wife and child in India. The mother came to the United States to visit and the father brought an action for custody. I awarded custody to mother after a lengthy trial.
- (d) Mary Diane R. Corbett vs. Christopher A. Corbett: This case was an equitable division case wherein the wife sought to exclude the husband from significant assets from the marriage. I went through the factors for equitable division and awarded husband half the marital estate.
- (e) DSS vs. Tina Roberts, Travis Hayes, Richard Herring, Gene Lashley, Barbara Roberts, Johnny and Cammie Corbett and Catherine Hayes: This was a DSS Abuse and Neglect case wherein the department had asked the Court to remove the children from the parents due to domestic violence among other things. The parents did not work the treatment plan and the Department chose to move before the Court to have the children placed

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with the paternal grandmother who had not been involved in the children's lives. The Court gave custody to the parties who had the interim custody of the children. This case was significant due to the number of parties involved, it was a lengthy trial and that the children were placed with non-relatives who the Court felt offered the best home to the minor children.

Judge Holt reported the following regarding his employment while serving as a judge:

I have served as an adjunct professor at Coker College in Hartsville, South Carolina, in its evening programs. I began teaching in 2014 and have taught in the areas of business law, political science and business administration.

Judge Holt further reported the following regarding unsuccessful candidacies:

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

**(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 Qualification found Judge Holt to be "Qualified" in the areas of constitutional qualifications, physical health, and mental stability. The Committee found Judge Holt to be "Well Qualified" in the areas of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

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

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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 my time on the Family Court bench as a trial judge has prepared me for the Court of Appeals.

**(11) Commission Members' Comments:**

The Commission noted that Judge Holt has a reputation of a jurist with a very even and thoughtful temperament, and commends his ability to make litigants comfortable in the courtroom environment. The Commission also appreciates his strong work ethic and his exemplary service on the Family Court bench.

**(12) Conclusion:**

The Commission found Judge Holt qualified, but did not nominate him for election to the Court of Appeals, Seat 1.

**The Honorable Michèle Patrão Forsythe  
Circuit Court, Ninth Judicial Circuit, Seat 2**

**Commission's Findings: QUALIFIED, BUT NOT NOMINATED**

**(1) Constitutional Qualifications:**

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

Judge Forsythe was born in 1973. She is 45 years old and a resident of Charleston, South Carolina. Judge Forsythe provided in her application that she has been a resident of South Carolina

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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 Judge Forsythe.

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

Judge Forsythe 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 Forsythe 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 Forsythe to be intelligent and knowledgeable.

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

- (a) I have lectured at the Charleston School of Law on the representation Spanish speaking clients, and the impact of the language barrier on representation. I also discussed the collateral consequences of criminal charges on immigration status.
- (b) I have lectured at the Charleston School of Law on the representation of clients in criminal matters.

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- (c) On August 14, 2015 I lectured on Alternate Dispute Resolution Issues in Family Court at the Charleston County Bar Association Family Law Seminar on.
- (d) On October 24, 2016 I spoke at the Access to Justice Summit on Language Access on language access challenges.
- (e) On November 12, 2016 I along with other judges spoke to a group of students at the Charleston School of Law on the Color of Justice.
- (f) On January 21, 2017 I along with other Family Court Judges participated in “Hollywood Squares” a Family Court presentation for the South Carolina Bar.
- (g) On February 13, 2017 I participated in the Annual Horry County Family Court CLE.
- (h) On May 5, 2017 I led a panel of speakers as the moderator on the topic of Assisted Reproductive Technology at the American Bar Association Family Law Spring CLE Conference in Savannah, Georgia.
- (i) On March 2, 2018, I spoke to the South Carolina Task Force on Human Trafficking.
- (j) On April 24, 2018, I, along with two other Family Court judges led a training of Myrtle Beach Police Officers, Horry County Law Enforcement Officers, Department of Juvenile Justice stakeholders, Department of Social Services stakeholder, Assistant Solicitors and other system stakeholders on the issue of domestic child sex trafficking which we titled “Stay or Go.”
- (k) On May 2, 2018 I spoke to the South Carolina Department of Social Services Region 3 on Domestic Child Sex Trafficking.
- (l) On July 20, 2018, I am scheduled to speak in collaboration with other partners on the issue of Human Trafficking the South Carolina Department of Juvenile Justice on Domestic Child Sex Trafficking.
- (m) On August 17, 2018, I am scheduled to speak at the 2017 Family Law Essentials regarding Contempt Hearings and Advice from the Bench.
- (n) In October of 2018, I am scheduled to speak on the issue of Domestic Child Sex Trafficking in Greenville, South Carolina.

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Judge Forsythe reported that she has published the following:  
Michèle Patrão Forsythe, Lady Luck Smiles on Environmentalists in Mississippi, 9 S.C. Envt'l. L.J. 231 (Spring 2002)

**(4) Character:**

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

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

The Commission also noted that Judge Forsythe 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:**

Prior to becoming a member of the judiciary, Judge Forsythe's last known rankings were the following

- (a) Super Lawyer Rising Star, 2013
- (b) AVVO Rating 9.3/10 prior to my election in 2016.

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

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

**(6) Physical Health:**

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

**(7) Mental Stability:**

Judge Forsythe appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge Forsythe was admitted to the South Carolina Bar in 2003.

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

- (a) In 2002, I was a law clerk pending bar results at Nexsen Pruet, LLC. I worked on various matters in legal malpractice defense, and personal injury defense.
- (b) From late 2003 into 2004 I practiced as a contract attorney for Rosen Law Firm, LLC. I worked on various matters in family law, and business litigation.
- (c) From 2004 to 2005 I practiced as an associate attorney with Hulsey Litigation Group, LLC. My responsibilities involved legal research and writing regarding personal injury claims, business disputes, class action claims, including but not limited to mass tort cases. The majority of those matters were in federal district court.
- (d) In 2005, I practiced as a contract attorney with Grimball & Cabaniss, LLC. I handled all DSS appointments for abuse and neglect cases for the law firm's offices in Charleston, South Carolina and Kingstree, South Carolina. I also handled all minor settlement hearings in probate and circuit court, and worked on personal injury defense matters.
- (e) In 2005 to 2006 I also practiced as a contract attorney with Savage & Savage, P.A. I divided my time between Grimball & Cabaniss, LLC and Savage & Savage, P.A. While working for Savage & Savage, I worked on personal injury cases, securities litigation, and criminal defense matters. My responsibilities including legal research and writing on civil and criminal defense issues.
- (f) In 2006 I became as an associate with the law firm Query Sautter Gliserman & Price, LLC. My practice was extremely diverse. Immediately, I began representing clients in Family Court, in matters regarding child custody, divorce, and equitable distribution. During the course of my practice, I represented criminal defense clients in Magistrate Court, the Court of General Sessions, and United States Federal District Court. I also represented clients in business litigation disputes, serving as chief counsel in the trial of those cases. I also represented clients in personal injury and

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wrongful death cases, serving as second chair during several trials. As an associate and subsequently as a partner, I also appeared before the United States Court of Appeals for the Fourth Circuit, in brief writing and oral argument. In 2008, I was certified as a Family Court Mediator and began mediating cases regarding abuse and neglect, divorce, equitable distribution, spousal support, child custody, and child support. During the time, I was also appointed as a Guardian ad Litem by the Family Court in contested custody cases.

(g) In late 2011, I was offered partnership in the law practice, which ultimately became known as Query Sautter Forsythe, LLC. As my practice continued to evolve, I represented clients in more complex litigation. I was frequently asked to serve as co-counsel with other attorneys outside my law firm on complex litigation, which required additional legal research or intense litigation and court room presentation. As a result of my work in my firm, I also took on more leadership responsibility when it came to managing the daily details of the law firm, including managing employees, reviewing accounts payable and receivable. At that point in my career I became a lead attorney for the Southern States Police Benevolent Association in the Charleston area. I routinely represented law enforcement officers in all matters associated with possible police misconduct, and was frequently called to scenes involving officer involved shootings.

(h) In February 2016, I was elected to the Family Court bench. For over two years, I have handled a variety of matters on the Family Court. I have also remained active in extra judicial duties, working on programs that will provide alternatives to incarceration of juveniles, working on language access matters in South Carolina, and most recently working on the issue of human trafficking. During this time, I was selected as Chairman of the Language Access Task Force for the Supreme Court's Commission on Access to Justice. During my tenure we produced recommendations regarding language access in South Carolina. Recently, I was selected as a member of the Family Court Bench Bar. I have been working on a sub-

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committee for the Family Court Bench Bar which is examining the most efficient use of court time in abuse and neglect cases.

Judge Forsythe further reported regarding her experience with the Circuit Court practice area:

My private practice included Family Court and Circuit Court experience. I was fortunate to spend the first few years of my private practice learning from attorneys possessed with an unparalleled depth of experience and a mastery of the law. They taught me to take on all of the challenges of practice and represent clients with the most rigorous depth possible. Our small law firm serves such a range of clients, that there is little I have not been able to experience in the Circuit Court.

Criminal Matters. My experience has included criminal defense matters, ranging from magistrate's court charges, such as traffic offenses and driving under the influence, to criminal offenses in the Court of General Sessions, including sexual assault, burglary, armed robbery, and murder. During the course of my time in private practice, I also represented clients in Federal District Court in criminal charges, ranging from forgery to money laundering, and drug possession. I also represented clients in probation violations, and parole hearings. Some examples of my criminal defense experience are as follows:

(a) State v. Jason Michael Maxwell, 2008-GS-08-776 Murder, 2008-GS-08-1444 Burglary First Degree. I joined the team on this case weeks before the commencement of the trial. In preparation for the trial, I reviewed extensive discovery and interviewed dozens of potential witnesses. Defendant was charged with Murder and Burglary 1<sup>st</sup>. Defendant's cell phone was allegedly found at the scene. The decedent was shot at close range by a shotgun. The Trial took place in 2010. I filed several motions in limine and was successful in all my motions, but one. I attempted to keep out the autopsy photographs, but was not able to keep them all from the jury. We commenced the case and I delivered the opening statement. I cross examined several witnesses during the presentation of the State's case. Ultimately

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the Defendant chose to plead guilty during the course of the trial. He was sentenced to 60 years on the Murder charge and 25 years on the Burglary 1<sup>st</sup> charge. Initially, he was ordered to serve those sentences consecutively. Ultimately, on a Motion to Reconsider Defendant was ordered to serve the sentences concurrently.

(b) State v. Gustavo Duarte, 2009-GS-10-001423. This was a case where the Defendant was charged in General Sessions with Lewd Act on a Minor. Ultimately, after careful investigation and extensive work with the Solicitor's Office I was able to convince the prosecution that the facts and circumstances did not rise to the charged offense. This case also prompted an investigation by the Department of Social Services, and the opening of a case. I was able represent my client in both matters. Ultimately, the Defendant pled guilty in Transfer Court to Cruelty to a Child.

(c) State v. Robert Mitchell, 2013-GS-10-2838 and 2013A1010200537. This was a case where the Defendant was indicted for Murder. Defendant was alleged to have participated in a robbery-murder. The Defendant had a previous criminal history in Florida, such that his pending charges could have subjected him to a life sentence under South Carolina's third strike rule. I was Defendant's Fifth Attorney. After review of Discovery in this matter, my client decided to cooperate with the Ninth Circuit Solicitor's Office and testify against his Co-Defendant. The Solicitor was able to obtain a conviction against my client's Co-Defendant on the charge of Murder. Months later, my client entered a plea of guilty to Accessory After the Fact. He was given five years, but released upon the service of three years. He was ordered to serve the remaining term on probation. My client had been ineligible for bond, despite numerous attempts to obtain a bond. As a result, he was released five days after he entered his guilty plea.

Plaintiffs and Defendants. Private practice afforded me the opportunity to work on a variety of matters, which could be as simple as an automobile collision; or as complicated as a failed business transaction, medical malpractice injury, or a wrongful

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death case. Because our law firm represented people from all walks of life, we often represented those who were injured and those who owned small and medium sized businesses. My first experiences started by serving as associate counsel in a variety of litigation matters. I was often tasked with a majority of the research and writing responsibilities. Ultimately, however, I grew comfortable in the court room and appeared in all of the courts in South Carolina. My Circuit Court experience ranged from non-jury trials where I served as lead trial attorney for Plaintiffs and Defendants, to criminal trials in the Court of General Sessions. The following are a small example of matters, which I believe constitute significant experience in the Circuit Court.

### Civil Non Jury Matters.

- (a) Tim McGinnis v. Philip Pinckney, 2003-CP-10-3356, 2007-CP-10-1797. This was a an action where I represented the Plaintiff in a Quantum Meruit case. Plaintiff was the owner of Just for Fun Playgrounds and sold the play ground business to the Defendant under the guise of a franchise contract. Defendant was to pay Plaintiff \$2,500.00 per month and 5% of the monthly gross proceeds of the business. Defendant initially commenced paying Plaintiff on a monthly basis. Over time he stopped making payments. After conducting detailed discovery and surviving various motions to dismiss including a statute of limitations defense, I proceeded to a Non-Jury Trial in 2010. I obtained a verdict in the amount of \$137,695.95. The Defendant filed in appeal, while on appeal the parties negotiated a settlement in favor my client, the Plaintiff.
- (b) Mincey v. Mincey and MLM, Inc., 2005-CP-10-3899. This matter was a 2008 bench trial in the Court of Common Pleas regarding language in a Family Court Order. I represented the Defendant. The parties were divorced but continued working together in a construction partnership. A dispute arose during the winding up of the partnership. Plaintiff demanded additional money in distributions. Defendant denied that Plaintiff was entitled to any additional money. After a one day trial

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with various witnesses, the Court took the matter under advisement. The Court found in favor of the Defendant. This matter was significant because the language of the Final Order and Decree of Divorce was critical in the outcome of the Common Pleas case. Plaintiff chose not to appeal the Court's ruling.

### Civil Jury Matters.

- (a) Murphy v. Wachovia, 2006-CP-10-1155. This was a case where Plaintiff's Mother (deceased) purchased Certificates of Deposit from Wachovia Bank, formerly South Coast Bank. When her son attempted to redeem the Certificate of Deposit, the Bank refused to honor the CD and denied the existence of the account. The action was filed by a former law partner in the firm. Upon his retirement, I inherited all of the cases, including Mr. Murphy's case. This case was litigated, and ultimately resolved through mediation. Ultimately, the bank paid a confidential settlement to the Plaintiff, prior to the jury trial.
- (b) Angelic Brown and Trojan Bell, Individually and as Personal Representatives of the Estate of Travone L. Bell, Decedent v. The City of North Charleston Police Department and Charleston County Sheriff's Office, 2006-CP-10-2996. This was a wrongful death survival action where a minor died in the custody of the Charleston County Sheriff's Office after he was arrested by the North Charleston Police Department. The minor had ingested cocaine during his arrest. Police pulled a bag of crack cocaine from the minor's mouth. Despite the ingestion, North Charleston Police Department failed to obtain medical attention for the minor. On the night he was booked at the Charleston County Detention Center the minor suffered a cardiac infarction. He never regained consciousness and died weeks later. The Federal District Court bifurcated the federal causes of action and the state causes of action. The Federal case went up on appeal to the United States Court of Appeals Fourth Circuit (see below). The state cause of action were tried in November 2009 in the Ninth Circuit Court

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of Common Pleas. After a week-long trial, the jury did not find gross negligence, as required under the South Carolina Tort Claims Act. The Jury found for the Defendants. The case was important however, because the City of North Charleston changed its policies regarding the ingestion of narcotics and appropriate law enforcement response.

(c) Glenn Faircloth and Tonya Faircloth, individually and as parents and natural guardians of John Doe #1, a minor v. Berkeley County School District, and Carl Halstead and Linda Halstead, Individually and as Parents and Natural Guardians of John Doe #2, 2007-CP-08-93. I filed this action on behalf of the parents of a minor child. The child, was sexually abused by an older child. John Doe #1 disclosed that he was sexually involved with John Doe #2 to an employee of the Berkeley County School District. John Doe #1 was considered disabled. The parents of the John Doe #2 settled the claim. After years of litigation, the claims was also settled with the Berkeley County School District.

(d) Suncoast Properties of South Carolina v. Charleston on the Beach, LLC and Horace Rooke and Horace Rooke and Charleston on the Beach, LLC v. Eric Davisdon and Davidson, Bennett and Wigger, 2005-CP-10-726; Beachside Real Estate, Inc and Vickie Hollingsworth v. Suncoast Properties of South Carolina, LLC, Charleston on the Beach, LLC and Horace Rooke, 2007-CP-10-1543. This series of lawsuits originated with a failed real estate transaction. Our client, Horace Rooke entered into a real estate sales contract wherein he would sell a hotel located on Folly Beach to Suncoast Properties, LLC. As a result of a clause in his loan documentation, our client could not enter into the contract. The purchaser filed and action against our client. We filed

(e) John Koon, as the Personal Representative of the Estate of Chavis Berley v. Ruby Deaton, 2011-CP-36-549 and also South Carolina Farm Bureau Mutual Insurance Company v. Ruby Deaton, and John Koon, as the Personal Representative of the Estate of Chavis Berley, 2011-CP-36-91. This was a wrongful death and survival

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action, which was successfully settled after litigation in a declaratory judgment action. The action was filed on behalf of the estate of minor who had died as a result of strangulation on playground equipment. The declaratory judgment action was filed on the grounds that the minor child was a resident relative of the Defendant, Ruby Deaton and therefore fell under an exclusion in the homeowner's policy. Many family court documents were utilized as evidence in this case. The issue of grandparent custody played a prominent role in the litigation. After oral argument at a Motion Hearing, the Circuit Court determined that the minor child was not a resident relative and therefore, Farm Bureau's Declaratory Judgment action was denied. We were subsequently able to settle the wrongful death survival action in favor of the Estate.

Judge Forsythe reported the frequency of her court appearances five years prior to her service on the bench as follows:

- (a) Federal: Prior to taking the bench, I appeared in federal court on many occasions in reference to civil and criminal matters. I appeared in Federal Court representing criminal defendants on charges of possession of drugs, firearms, and fraudulent documents. I also worked on matters regarding asset forfeiture, successfully resolving a forfeiture return to my clients after two years of litigation. I handled two civil appellate level matters before the United States Court of Appeal in the Fourth Circuit.
- (b) State: Prior to taking the bench, I appeared regularly in summary, magistrate, family, and circuit court. Because of the level of litigation in Family Court, I would appear weekly to bi-weekly in Family Court. In Circuit Court, I routinely handled, no- jury matters, and motions, but those were not weekly occurrences. Our law firm policy required jury trial matters to have more than one attorney involved in the event of scheduling conflicts. Even when I was not the lead attorney on the case, I participated in discovery preparation, depositions, trial

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preparation, jury evaluation and jury selection jury evaluation.

Judge Forsythe reported the percentage of her practice involving civil, criminal, and domestic matters five years prior to her service on the bench as follows:

- (a) Civil: 25%
- (b) Criminal: 20%
- (c) Domestic: 50%
- (d) Other: Mediation and Guardian ad Litem work 5%

Judge Forsythe reported the percentage of her practice in trial court five years prior to her service on the bench as follows:

- (a) Jury: 10% includes those matters that were settled prior to trial or during trial.
- (b) Non-jury: 75%
- (c) Other legal representation: 15%

Judge Forsythe provided that five years prior to her service on the bench she most often served as lead counsel.

The following is Judge Forsythe's account of her five most significant litigated matters:

- (a) Angelic Brown and Trojan Bell, Individually and as Personal Representatives of the Estate of Travone L. Bell, Decedent v. The City of North Charleston Police Department and Charleston County Sheriff's Office, 2006-CP-10-2996. This was a wrongful death survival action where a minor died in the custody of the Charleston County Sheriff's Office after he was arrested by the North Charleston Police Department. The minor had ingested cocaine during his arrest. Police pulled a bag of crack cocaine from the minor's mouth. Despite the ingestion, North Charleston Police Department failed to obtain medical attention for the minor. On the night he was booked at the Charleston County Detention Center the minor suffered a cardiac infarction. He never regained consciousness and died weeks later. The case went to trial in 2009, but the jury did not find gross negligence as required under the South Carolina Tort

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Claims Act. The case was important however, because the City of North Charleston changed its policies regarding the ingestion of narcotics and appropriate law enforcement response.

(b) Historic Charleston Properties, LLC v. Bennett Baker Strahan, 2011-CP-10-897. This is a case where my client, the Plaintiff entered into a Listing Agreement as the agent to sell a property of substantial value in downtown Charleston for the Defendant. In the event the Plaintiff secured a purchaser the Plaintiff would receive 3% of the purchase price. The Plaintiff secured a purchaser. The Defendant had failed to disclose that a lis pendens was placed on the property by the Executor of an Estate. The Plaintiff demanded that the lis pendens be removed. The Executor agreed to remove the lis pendens on the condition that the net proceeds of the sale would be held in escrow. The Defendant refused to agree to those conditions. During the course of negotiation, Defendant sold the property and the proceeds were held in escrow in a matter between Defendant and the Executor. As a result I filed a Summons and Complaint, as well as a Complaint for a Temporary Restraining Order, and a Motion and Attachment for Injunction to protect the interests of the Plaintiff in those proceeds. The Circuit Court granted the Temporary Restraining Order and enjoined the Title Company, the Defendant and counsel from disposing of \$200,000.00 worth of funds in escrow, on the condition that Plaintiff post a bond. Within days the parties were able to enter into a settlement agreement.

(c) John Koon, as the Personal Representative of the Estate of Chavis Berley v. Ruby Deaton, 2011-CP-36-549. South Carolina Farm Bureau Mutual Insurance Company v. Ruby Deaton, and John Koon, as the Personal Representative of the Estate of Chavis Berley, 2011-CP-36-91. This was a wrongful death and survival action, which was resolved after successful litigation in a declaratory judgment action. The action was filed on behalf of the estate of minor who had died as a result of strangulation on playground equipment. The declaratory

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judgment action was filed on the grounds that the minor child was a resident relative of the Defendant, Ruby Deaton and therefore fell under an exclusion in the homeowner's policy. The issue of grandparent custody played a prominent role in the litigation. After a hearing on the matter, the Circuit Court determined that the minor child was not a resident relative and therefore, Farm Bureau's Declaratory Judgment action was denied. Subsequently, the parties were able to settle the wrongful death survival action in favor of the Estate.

(d) United States of America v. James Robinson Bonding Company, No. 2011-6957, (4<sup>th</sup> Cir. May 24, 2012). This case began in the Federal District Court upon the United State's Motion to Estreat and Forfeit Bond. A defendant, HJS was arrested in South Carolina after allegedly attempting to export a boat to Lebanon in which he had hidden firearms and ammunition. HJS entered a plea of not guilty, and was granted bond. HJS was the father of a gravely ill infant in Michigan. The United States asked for detention, but the motion was denied. Our client the Surety (and Defendant captioned above) posted the bond on HJS's behalf in the amount of \$150,000.00. An indictment was filed in July 2010, and HJS appeared at his arraignment. He remained on the same bond. Days later, a Superseding Indictment was filed, adding two more counts. HJS did not appear for his arraignment but filed a waiver of appearance and entered a plea of not guilty, by way of his counsel. Our client was never notified of the Superseding Indictment. The Clerk of Court admitted that he failed to provide appropriate notice in contravention of the federal court rules. HJS fled the country to Lebanon. The United States move to Estreat the Bond. While the District Court found that the Surety had failed to receive notice, the Court did not discharge the Surety as required by law and estreated \$30,000.00 of the Bond to the United States. My brief challenged the District Court's decision. Because the government had violated the terms of the bond contract, the District Court should have set aside the forfeiture based upon Reese v. United States, 76 U.S. (9 Wall.) 13

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(1869). The case was submitted to the United States Court of Appeals, Fourth Circuit. The Fourth Circuit ordered mediation. At the mediation conference the United States settled the case and returned 90% of the estreated proceeds. This was a particularly important case for forfeiture law at the time. We were able to remind the United States it must still follow the principles of contract law when dealing with Sureties.

(e) Michael Ackerman v. Charleston County Sheriff's Office, 2014061957. This was a case which initially commenced with the fatal shooting of Charleston County Sheriff's Deputy Joseph Matuskovic. Deputy Michael Ackerman was on scene with Deputy Matuskovic when a suspect opened fire upon a group of Charleston County Sheriff's Deputies from within his apartment. Deputy Joseph Matuskovic was killed instantly. Deputy Ackerman was shot in the leg, but was able to return fire and ultimately killed the suspect. Aside from his physical condition, Deputy Ackerman began exhibiting signs of Post Traumatic Stress Disorder. My initial involvement in this case commenced with the shooting incident itself. I was called to the Medical University of South Carolina by a law enforcement officer at the request of Deputy Ackerman. I had previously represented Deputy Ackerman as a witness in an investigation from the Department of Justice regarding an incident of misconduct within the Sheriff's Office. I responded to the hospital and assisted the South Carolina Law Enforcement Division in obtaining critical information regarding the suspect. At the time, it was not known that the suspect was deceased. Various SWAT team agents were waiting information regarding the scene before making entry into the apartment. Although my client was also under SLED investigation at this point, it was critical to cooperate as much as possible and provide as much information as possible to further protect officers about to make entry.

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Subsequently it became clear that in addition to his physical wounds which were significant, Deputy Ackerman was suffering from Post-Traumatic Stress Disorder. Initially Deputy Ackerman was not inclined to file a Worker's Compensation Claim. However, when the Department denied payment of treatment for post traumatic stress disorder, my law firm filed an action before the Worker's Compensation Commission. The case was litigated, and we were prepared to provide expert testimony and challenge the standing law on post-traumatic stress disorder coverage for first responders. Ultimately, the case settled for a confidential amount. The issue as to whether standing law provides coverage for post traumatic stress disorder remains unclear.

The following is Judge Forsythe's account of two civil appeals she has personally handled:

- (a) Angelic Brown and Trojan Bell, Individually and as Personal Representatives of the Estate of Travone L. Bell, Decedent v. The City of North Charleston Police Department and Charleston County Sheriff's Office, Unpublished Opinion No. 2008-1937 (4<sup>th</sup> Cir. Jan. 15, 2010).
- (b) United States of America v. James Robinson Bonding Company, No. 2011-6957, (4<sup>th</sup> Cir. May 24, 2012). The case was settled at mediation, prior to the scheduling of Oral Argument. The case was not reported. I have provided my Brief as a writing sample.

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

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

I presently serve the State of South Carolina as a Family Court Judge. I was elected on February 3, 2016 and commenced my term on July 1, 2016. The jurisdiction of the family court is determined by statute. There are no jurisdictional amounts. On any given day the Family Court can handle simple divorces with

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little in the way of assets, or complex marital litigation with estates and businesses that are valued in the millions. The Family Court is also tasked with handling matters child custody, visitation and support; separate support and maintenance; matters regarding child abuse and neglect; juvenile delinquency; adoptions; name changes; corrections of birth certificates; matters regarding contempt, and vulnerable adult matters.

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

- (a) South Carolina Department of Social Services v. Richard Passio, et. al., 2016-DR-27-200 (Order on a Permanency Planning Hearing Trial April 20, 2017)
- (b) Michael Thomas Rooke v. Meredith Kaufman, 2011-DR-10-3199. Order Denying Motion to Relinquish Jurisdiction. May 17, 2017.
- (c) South Carolina Department of Social Services v Julia Timmons, 2008-DR-10-1845. Order from Defendant's Motion to Reduce Arrears. May 27, 2017.
- (d) Jeffrey Haught v. Christiane Leggett, 2017-DR-10-2991. Order on Defendant's Motion for Reconsideration (Regarding Relocation and Custody of Minor Children). December 7, 2017.
- (e) Va'Keisha Page v. Ricardo Donte Prizzie, Lamont Sanders, Jimmy Frazier, and Katie Page, 2016-DR-10-1370. (Final Order for Custody of Minor Children)

To my knowledge none of my orders, have reached appellate review with an opinion.

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

### (9) Judicial Temperament:

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

### (10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualification found Judge Forsythe to be "Well Qualified" in the evaluative

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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 Lowcountry Citizens Committee commented that Judge Forsythe is “happy, well-adjusted, self-aware, [and] empathetic.”

Judge Forsythe is married to Charles Robert Forsythe. She has one child.

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

- (a) The James L. Petigru American Inn of Court 2009-present
- (b) The James L. Petigru American Inn of Court Executive Committee 2009-2015
- (c) The James L. Petigru American Inn of Court Secretary 2009-2015
- (d) Berkeley County Bar Association 2010-2013
- (e) Charleston County Bar Association 2004 to present
- (f) Charleston County Bar Association Executive Committee 2013-2016
- (g) Charleston County Bar Association CLE Co-Chair 2013-2016
- (h) Charleston School of Law Moot Court Volunteer 2009-2010
- (i) South Carolina Association for Justice, Member 2003-2016
- (j) South Carolina Bar, Member 2003-present
- (k) South Carolina Bar Resolution of Fee Disputes Board Ninth Circuit 2012-present
- (l) South Carolina Bar House of Delegates 2010-2014, 2015 to present
- (m) South Carolina Bar Civil Practice and Procedure Committee 2014
- (n) South Carolina Bar Lawyer Wellness Committee 2014, 2015
- (o) South Carolina Bar Lawyers Helping Lawyers Committee 2015
- (p) South Carolina Bar Future of the Profession Committee 2015
- (q) South Carolina Bar Ask-A-Lawyer Volunteer 2013-2014

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- (r) South Carolina Bar Mock Trial Judge for Moultrie Middle School 2014
- (s) South Carolina Bar Mock Trial Judge, 2018
- (t) The Supreme Court Lawyer Mentoring Program 2014 to present
- (u) The South Carolina Supreme Court Access to Justice Commission Language Access Task Force Chair 2016-2017.
- (v) The National Council of Juvenile and Family Court Judges 2016 to present.
- (w) The Family Court Bench Bar Committee 2018

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

- (a) James L. Petigru Inn of Court 2009-present
- (b) James L. Petigru Inn of Court, Inn Secretary, 2009-2015
- (c) James L. Petigru Inn of Court Outstanding Service Award 2015
- (d) The Benevolent and Protective Order of Elks, Member 2014-present
- (e) Lawyer's Committee on Children's Rights 2010-2016
- (f) Special Olympics Volunteer 2004, 2013
- (g) YES Carolina Volunteer 2013

Judge Forsythe further reported:

As a child of immigrant parents, I understood early on how fortunate I was to live in America. I was raised in a blue collar neighborhood, right outside of Washington, D.C. In my work prior to law school, I saw the challenges to our freedom from a unique position within government. It was a catalyst for me. It gave me a greater appreciation for our American heritage, and the deeply imbedded legal principles which are essential to our democracy.

There are no words that I can use to describe how grateful I am to have been able to have the opportunities in my life to learn, grow, and serve my country. Service requires energy, patience, commitment, knowledge, and compassion. As a lawyer, I worked hard to bring these values to the profession of law. But, I felt a stronger calling to serve my state several years ago. Following that calling I ran for the Family Court.

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Development as a judge requires a continued commitment to service, and dedication to education and professional development. For over two years, I have had the opportunity to learn and work with other judges, and judicial organizations that have taught me the value of leadership on the bench. I continue to be honored and grateful for the opportunity to serve as a judge in South Carolina. The opportunity to serve on the Circuit Court would allow me to use the skills I have learned in private practice, and on the bench from day one.

### (11) Commission Members' Comments:

The Commission appreciates Judge Forsythe's service on the family court bench. They commented that Judge Forsythe is an exemplary candidate.

### (12) Conclusion:

The Commission found Judge Forsythe qualified, but not nominated for election to the Circuit Court, Ninth Judicial Circuit, Seat 2.

**The Honorable W. Stephen Harris Jr.  
Circuit Court, Ninth Judicial Circuit, Seat 2**

## **Commission's Findings: QUALIFIED, BUT NOT NOMINATED**

### (1) Constitutional Qualifications:

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

Judge Harris was born in 1974. He is 44 years old and a resident of Johns Island, South Carolina. Judge Harris 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 2005.

### (2) Ethical Fitness:

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

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

Judge Harris 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 Harris 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 Harris to be intelligent and knowledgeable.

Judge Harris reported that he has taught the following law-related course:

Charleston School of Law, Adjunct Professor – Created and taught a course in Criminal Trial Practice. The course was a practical course in which the students would be assigned a side (defense or prosecution) and be given discovery and facts. The lectures would focus on the steps in a criminal trial. After each section (voir dire, opening statements, cross examination, etc...) students would present as if they were in an actual courtroom.

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

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**(4) Character:**

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

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

The Commission also noted that Judge Harris 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 Harris reported that he is not rated by any legal rating organization.

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

Judge Harris reported that he has never held public office other than judicial office.

**(6) Physical Health:**

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

**(7) Mental Stability:**

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

**(8) Experience:**

Judge Harris was admitted to the South Carolina Bar in 2005.

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

2005-2008. Began working in the Charleston County Public Defenders office as a clerk after taking the July Bar exam in

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2005. Worked as an assistant public defender for the Ninth Circuit until leaving in July 2008.

2008-2010 Opened the Law Office of Stephen Harris in July 2008 as a solo practice. Managed any and all aspects of marketing, administrative, financial management and trust account management. Employed one staff member who took on the role of paralegal/office assistant. Handled cases ranging from traffic tickets to murder on the criminal side and did all types of personal injury cases on the civil side.

2010-Present. Partnered with Theodore Huge, formerly of Motley Rice, in 2010. We opened Harris and Huge LLC with our first office at 218 King Street in downtown Charleston. We focus on civil litigation, corporate litigation, criminal defense and trademark work. I am CEO and Equity partner. We moved our location to 180 Spring Street in Charleston in 2012 and opened a second office at 3202 Maybank Highway in Johns Island in 2016. I have and continue to be involved in hiring, employee management, marketing, payroll, trust accounts, accounting, and general day to day management of the firm's business.

Judge Harris reported the frequency of his court appearances in the past five years as follows:

- (a) Federal: 5 Cases a year;
- (b) State: Approximately 8 General Session and 50 magistrate level cases per year.

Judge Harris reported the percentage of his practice involving civil, criminal, and domestic matters in the past five years as follows:

- (a) Civil: 30%;
- (b) Criminal: 65%;
- (c) Domestic:
- (d) Other: 5% (trademark, wills, etc)

Judge Harris reported the percentage of his practice in trial court in the past five years as follows:

- (a) Jury: 15%;
- (b) Non-jury: 85%.

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Judge Harris provided that in the past five years he most often served as chief counsel.

The following is Judge Harris' account of his three most significant litigated matters:

- (a) Atkins v. Hooker – Greenwood, SC. Twenty-nine plaintiffs sued a developer who purchased the golf course that was part of their community.. The developer used the money for personal expenses and to pay off personal debt. I successfully argued that his actions were intentional and beyond simply reckless. Judge Addy ruled in our favor and awarded over \$340000 plus costs. This was significant because it was a non-jury trial in Circuit Court. It was my first trial in Common Pleas court as the Chief Counsel.
- (b) State v. Ethan Mack – Charleston, SC. Client charged with Murder, forgery, and obstruction of justice. The case was filmed by Dateline and I provided a forty-five minute closing argument that most who attended the trial say led to a hung jury on the murder charge.
- (c) United State v. Elizabeth Donnelly – US District Court – Charleston Division. Successfully argued that my client not only had mental health issues that would excuse some culpability, but she was truly unaware of the criminal conspiracy. This was significant because she was facing a mandatory minimum sentence for her role in a conspiracy to defraud federally financed institutions as part of a car title scam. I provided The Honorable Judge Gergel with psychiatric evaluations and testimony to show she was not a “willing” participant in the conspiracy. She was offered treatment and has become a much more successful member of society.

Judge Harris reported he has not personally handled any civil or criminal appeals.

Judge Harris reported that he has held the following judicial office(s):

Charleston County Magistrate, appointed April 2017. The jurisdiction is any criminal case carrying less than 90 days or

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any civil case involving less than \$7500. I also handle claim and delivery, evictions, restraining orders, and notice to quit.

Judge Harris reported the following regarding his employment while serving as a judge:

Harris and Huge LLC – Partner. I am a part time magistrate and during the last year have also been a partner and CEO of my law firm.

**(9) Judicial Temperament:**

The Commission believes that Judge Harris' temperament has been, and would continue to be, excellent.

**(10) Miscellaneous:**

The Lowcountry Citizens Committee on Judicial Qualification found Judge Harris 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.

Judge Harris is married to Margaret C. Spillinger. He has two children.

Judge Harris reported that he was a member of the following Bar and professional associations:

- (a) Charleston Bar Association
- (b) Young Lawyer's Division
- (c) South Carolina Association of Criminal Defense Lawyers
- (d) National Association of Criminal Defense Lawyers

Judge Harris provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

Johns Island Community Association (Co-Founder and Former Chairman)

Judge Harris further reported:

I attended law school after living in Los Angeles, CA for almost six years. I was in sales and became a very good outside salesperson. Spending time in a profession other than law,

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especially in an “eat what you kill” sales environment, taught me the meaning of hard work and perseverance. Spending time out of my comfort zone in a city as large as Los Angeles also taught me the importance of patience and understanding. Living with 12.5 million people of all occupations, lifestyles, and cultures taught me to understand and have empathy with people who may have a different view than I do. Being a judge requires patience, understanding and empathy at times. Interfacing with thousands of different people and navigating the business world in the second largest city in the United States taught me a lot about those important factors.

**(11) Commission Members’ Comments:**

The Commission commented that Judge Harris is impressive and had good composure before the Commission. They also noted that he has a bright future.

**(12) Conclusion:**

The Commission found Judge Harris qualified, but not nominated to Circuit Court, Ninth Judicial Circuit, Seat 2.

**Laura Campbell Waring  
Circuit Court, Ninth Judicial Circuit, Seat 2**

**Commission’s Findings: QUALIFIED, BUT NOT NOMINATED**

**(1) Constitutional Qualifications:**

Based on the Commission’s investigation, Ms. Waring meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Ms. Waring was born in 1970. She is 48 years old and a resident of Charleston, South Carolina. Ms. Waring 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. Waring.

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Ms. Waring 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. Waring reported that she has not made any campaign expenditures.

Ms. Waring 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. Waring 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. Waring to be intelligent and knowledgeable.

Ms. Waring reported that she has taught the following law-related courses:

- (a) I taught a statewide two-day seminar, 'Technical Writing for Court,' from 1997-2000
- (b) I lectured at Children's Law Office, 'Representing Guardians ad Litem,' 2000
- (c) I lectured at Richland County Bar Association Ethics CLE 'How to Handle Court Appointments' November, 2001
- (d) I was a panelist for the Children's Law Office Volunteer Guardian ad Litem Statewide Conference 2002
- (e) I was a panelist for the Federal Courts Law Review Annual Symposium 'Election Law in the Federal Courts' regarding 'Free Speech Issues in Election Law' 2013
- (f) I was a guest panelist for an ethics CLE sponsored by Young Clement Rivers LLC and presented at various venues including the Worker's Compensation Annual

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Conference 2016-2017, which was available for Substance Abuse and Mental Health credits

(g) I was a guest Judge at the Charleston School of Law, Trial Advocacy Course 2018

Ms. Waring reported that she has published the following:

(a) (unsure of date or if published) Federal Courts Law Review Symposium  
(b) Charleston Mercury 'The First Amendment is Not Dead-It's Frozen'

**(4) Character:**

The Commission's investigation of Ms. Waring did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Waring did not indicate any evidence of a troubled financial status. Ms. Waring has handled her financial affairs responsibly.

The Commission also noted that Ms. Waring 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. Waring reported that her last available rating by a legal rating organization, Martindale-Hubbell, is B-V.

Ms. Waring reported that she has not served in the military.

Ms. Waring reported that she has never held public office.

**(6) Physical Health:**

Ms. Waring appears to be physically capable of performing the duties of the office she seeks.

**(7) Mental Stability:**

Ms. Waring appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Waring was admitted to the South Carolina Bar in 1996.

She gave the following account of her legal experience since graduation from law school:

- (a) August 1996-November 1996. Immediately following law school, and prior to bar admission, I worked briefly as Associate Coordinator for the Charleston County Guardian ad Litem Program, an arm of the Governor's Office. My primary job was to assist in case management, court preparation, and training of the volunteer Guardians ad Litem in Charleston County.
- (b) February 1997-July 2003. Attorney Richland County Casa (f/k/a Guardian ad Litem Project) After being sworn into the South Carolina Bar in November 1996 and upon completion of Rule 403 experiences, I was employed as a contract attorney to try cases involving termination of parental rights, which was under the Kellogg initiative which helped achieve permanent homes for children adrift in the foster care system. In addition to trial work, I helped train volunteers before service and prepared them for court appearances, insuring that their written reports met the statutory requirements. We represented over one thousand abused and neglected children in our caseload, through their GAL, in negotiations, court appearances, and in bench trials in the Family Court with little, if any, formal discovery. These cases involved emergency hearings, removal hearings on the merits, judicial review hearings, and termination of parental rights. By statute, all emergency protective custody hearings were held within seventy-two hours. Ninety-five percent of merits cases settled, and about five percent were tried. In several of these cases, children were called as fact witnesses, and our role included preparing children to testify, and when necessary, filing motions in limine. Ninety-five percent of termination of parental rights cases were tried, of which, about five percent resulted in appeal. Occasionally, we entered an appearance on appeal, as

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amicus, and I was invited to participate in oral argument several times at the Court of Appeals.

- (c) 1997-2000. During my service as a Contract Attorney for CASA, I also had a contract with the University of South Carolina, College of Social Work, Center for Child and Family Studies, as a trainer for a statewide Technical Writing for Court Seminar, a two-day intensive workshop for social workers to insure compliance with statutory mandates. Social workers received continuing education credit for successful participation in the seminar.
- (d) 2001-2002. Senior Staff Attorney, Richland County CASA. As Senior Staff Attorney, I was responsible for the coordination of staff attorneys, again, with a caseload over one thousand, but with more cases being tried. We added three part-time attorneys to meet the demand. As Senior Staff Attorney, in addition to managing the legal staff, my job included representing CASA as 30 (b) (6) designee, participation in panel discussions and child welfare conferences, and presenting to the Richland County Bar Association on the role and responsibilities of the Guardian ad Litem, since the bar was receiving unprecedented appointments for children without a lay volunteer GAL.
- (e) 2002-2003. In 2002, after the birth of our first child, I became a Staff Attorney at Richland County CASA and worked part time while preparing administrative documents for uniform case management.
- (f) August 2003-Present. After relocating to Charleston, I entered private practice in general civil litigation with Grimbball & Cabaniss as an associate on a part-time basis. For the first three years, my practice was almost exclusively insurance defense, from preparation of discovery to motions practice and trial. Within the first year, I received my own files from insurance carriers. I received a defense verdict in my first personal injury jury trial in summary court. I handled motions for summary judgment and motions to dismiss as first chair.

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As the needs of my firm increased in 2004, my status changed to salary-based, with flexibility in my schedule to care for my growing family. I became approved panel counsel for State Farm Fire and Casualty and handled a wide variety of personal injury claims, from premises liability to libel and slander. I also assisted attorneys in construction cases and appellate work but did not serve as first chair.

In 2006, I was first chair in a month-long jury trial involving several co-defendants and two plaintiffs. That case was appealed, and I was first chair for our client in briefing and at oral argument. We achieved successful result for our client, a reduction from a jury award of six million dollars in punitive damages and to zero, and a reduction in actual damages from a double verdict of \$248,000 to a single verdict of the same. That appeal resulted in numerous referrals of private clients, both defendants and plaintiffs, and I began a niche practice in libel and slander (for which I was invited to speak at the 2013 Federal Courts Law Review Symposium on 'Free Speech Issues in Election Law').

Around 2007, I began my practice in labor and employment law (although I have not sought certification in this area). My clients have had diverse needs, from public officials seeking retraction of slanderous material to negotiating a reasonable accommodation under the Americans with Disabilities Act (now ADAAA) to a return to work under modified exposure to a hostile co-worker, and many separation and release agreements along the way. Each case has presented unique challenges, and many clients have sent me letters of thanks after they found successful re-entry into the workforce in a more suitable environment.

Around 2009-2010, many insurance defense firms saw a reduction in case assignment as the economic downturn caused a reduction in contested claims. My practice had to shift to match the needs of the market,

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and I have enjoyed a boutique practice in employment law since then, with referrals from large firms within and outside of South Carolina. This limited practice has been a blessing to my family, and I have had the flexibility of choosing my cases to match my availability as I have met the needs of my children. Now, with my youngest child entering middle school, this opportunity to serve as a Circuit Court Judge comes at the perfect time.

Ms. Waring further reported regarding her experience with the Circuit Court practice area:

Criminal Matters - Although I do not practice in criminal law, my background in civil litigation and family court has provided me a wealth of transferable skill and knowledge to preside over such matters. Having tried cases for over two decades, I have handled numerous evidentiary hearings in civil matters which are substantially similar to those in criminal practice. For example, as Attorney for the Guardian ad Litem in the family court, in child abuse and neglect cases, I attended and participated in several hundred probable cause hearings (by statute, Emergency Protective Custody hearings were required to be held within 72 hours). I also filed and argued several Motions *in Limine*, such as motions to exclude evidence of a child victim's sexual history under the Rape Shield Law. We routinely coordinated with the Solicitor's office to prepare children as witnesses within the constitutional guarantees of the Sixth Amendment to preserve the defendant's right of confrontation. We negotiated 'Use Immunity' Findings, which are essentially the same standard as an *Alford* plea. In civil matters, I have handled character evidence and prior bad acts under SCRE 404, which will prepare me to perform a fair analysis in *Lyle* hearings. I have regularly dealt with hearsay and its exceptions, and I have handled impeachment evidence and motions to compel production. I have even filed one motion to suppress evidence under the Federal Wiretapping Statute. No matter whether I am sitting in General Sessions or Common Pleas, I will not lose sight that the trial court is afforded much

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deference, and that as the gatekeeper, I will draw on my twenty-two years of practice and discernment to make the right decision.

Additionally, I have had actual courtroom experience in (3) general sessions matters in the last ten years. I have given testimony in one instance and an affidavit in another, on behalf of the defense, and I was present for the guilty plea and sentencing of each. I was also unfortunately a member of the victim's family in one high profile murder case, where I had the opportunity to observe the trial and sentencing. Yet, in each of these experiences, I was impressed with the manner in which the presiding judges balanced the interests and sensitivities of both sides of the courtroom, and I aspire to do the same.

Civil Matters - My practice has shifted from mainly defense to mainly plaintiff's cases for the last five years, and these have resolved through mediation or pre-trial negotiations, resulting in fewer court appearances than years past. Moreover, the bulk of my plaintiff's practice has been employment law, which is uniquely quiet, since both sides risk harm to reputation by litigation. I have found that settlement of highly personal matters at the administrative level allows businesses and employees to recover their losses in a cooperative manner. Sometimes a legally based demand letter or request to cease and desist is worth far more to a client than having to endure years of uncertainty and lack of income. Thus, my last five years of practice have seen fewer litigated cases, and my clients have received the benefit. This list does not include matters in which I served as associate counsel.

Ms. Waring reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: Almost all my cases in Federal Court were disposed of before their scheduling orders had expired, and none of these have required oral argument of motions. The requirement of mediation has likewise lessened the trend in trials in Federal Court, as well as the exhaustion of administrative remedies prior to filing suit.

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(b) State: Few of my recent cases in State Court have required litigation, but I have appeared in court for minor settlements and appointed cases.

Ms. Waring reported the percentage of her practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 90%;
- (b) Criminal: 0%;
- (c) Domestic: 5% Guardian ad Litem name changes and appointed DSS cases;
- (d) Other: 5% Guardian ad Litem in immigration matters.

Ms. Waring reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: less than 5%;
- (b) Non-jury: less than 5%.

Ms. Waring provided that she most often served as sole counsel.

The following is Ms. Waring's account of her five most significant litigated matters:

- (a) Caddy v. Belfair SCDC, Beaufort Div. 9:17-cv-01153 PMD-MGB Settled. This employment matter was settled during discovery, before enormous legal expenses had accrued. The allegations involved sexual harassment with not only sensitive but also novel issues which required sharp legal research on both sides, and an amicable solution was reached.
- (b) Komara v. Siemens SCDC, Beaufort, Charleston Div. 2:15-cv-04522 PMD-MGB Settled. This matter was settled in mediation, with difficult facts and challenging issues of law under the FMLA. While the terms of the settlement are not public, it was an amicable resolution of a hard-fought battle on both sides which could have resulted in protracted litigation. Opposing counsel and I handled these issues with utmost civility and with the focus remaining squarely on the needs of our clients.
- (c) (Conciliation Agreement) Doe v. Defendant (EEOC Greenville Div.) 2011-2014 Settled. This matter

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involved a former employee who had both age and disability discrimination claims against her former employer after decades of excellent work. After a lengthy investigation, the EEOC found in favor of our client, and we negotiated a favorable settlement at the Conciliation Conference.

(d) Woods v. Boeing SCDC 2:13-cv-02592 RMG-BHH Summary Judgment for Defendant. Although the Magistrate recommended that Defendant's Motion for Summary Judgement be denied, the District Court granted Summary Judgement in favor of Boeing, which was a hard-fought battle on both sides. Despite the enormity of resources of our opposition, we zealously pursued the cause of a former employee under extraordinarily complex law (Americans with Disabilities Act as Amended and AIR21 and FAA Administrative Proceedings) and counterclaims. While we did not prevail, I can say that I managed to withstand the pressure of taking on a Goliath and almost defeated our opponent's Motion for Summary Judgement.

(e) Erickson v. Weaver et al Memorandum Opinion No. 2010-MO-006 (Unpublished). This was a ten-year case which still holds the record for the longest trial in the Charleston County Courthouse, where after one month, the jury returned a verdict for the Plaintiff with millions of dollars in punitive damages and a double verdict of actual damages. After an appeal to the South Carolina Supreme Court, we achieved a successful result for our defendant, with punitive damages vacated and reducing the double award of actual damages to a single award of \$248,000.00 which was applied to all co-defendants.

The following is Ms. Waring's account of three civil appeals she has personally handled:

(a) Erickson v Winner et al. Supreme Court of South Carolina, Filed March 1, 2010, Opinion No. 2010-MO-006 (Unpublished) (first chair on Weaver brief and argument)

(b) Miller v Aiken Supreme Court of South Carolina, Filed May 02, 2005 Opinion No. 25976. (assisted in drafting brief-

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certified question-the Court adopted the argument I drafted)

(c) S.C. Department of Social Services, v. Parker, et al Court of Appeals of South Carolina, Filed June 21, 1999 Opinion No. 3014 (case decided on brief without oral argument, I wrote brief on behalf of Guardian ad Litem)

Ms. Waring reported she has not personally handled any criminal appeals.

**(9) Judicial Temperament:**

The Commission believes that Ms. Waring's temperament would be excellent.

**(10) Miscellaneous:**

The Lowcountry Citizens Committee on Judicial Qualification found Ms. Waring to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and judicial temperament; and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability, and experience. The Committee commented "superb person, probably better qualified to be family court judge."

Ms. Waring is married to Robert Pruitt Gruber. She has three children.

Ms. Waring reported that she was a member of the following Bar and professional associations:

- (a) South Carolina Bar (1997-present)  
Children's Committee-Chairman, Child Protection Services Committee (2002)
- (b) Charleston County Bar Association (2003-present)
- (c) Richland County Bar Association (1997-2003)
- (d) Federal Bar Association (2005-2007)
- (e) American Bar Association (1997-2000)

Ms. Waring provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

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- (a) Vestry Member St. Michael's Church, Anglican, 2017-Present. Strategic Planning Committee, Team Leader Family Service, Assistant Teacher Confirmation Class, Sunday School Volunteer Teacher.
- (b) Charleston Museum Board of Trustees, 2012- Jan 2018. Member, Strategic Planning Committee FANS of the Charleston Museum, 2010-present; Co-Chairman 2015-2017. Fundraising efforts helped the Charleston Museum with important capital campaigns, including the rebuilding of the courtyard and the renovation of the Bunting Natural History Gallery.
- (c) Charleston City Ballet Company Board of Trustees, Charter Member 2012-2016. Spearheaded fundraising and board recruitment efforts which culminated in successful Piccolo Spoleto productions for several years.
- (d) St. Andrew's School of Math and Science PTA President 2010-2012. With a student population of 755, of whom half are free or reduced lunch recipients, our PTA organized public awareness campaign for Penny Sales Tax Referendum which resulted in grassroots support and ultimate voter approval-our school was rebuilt and our community has rebuilt several schools under this funding project.

Other memberships and honors:

Berkman Center for Internet & Society at Harvard University, the online Media Network, Colonial Dames, Carolina Assembly, Delta Delta Delta, Omicron Delta Kappa, Alpha Lambda Delta, Gamma Beta Pi, Golden Key National Honor Society, Carolinian Society, Who's Who Among Students in American Colleges And Universities, Mortar Board Graduate Fellowship, Outstanding Senior Award.

Ms. Waring further reported:

To whom much is given, much is expected. While I have been given the opportunities and privileges of a great education and supportive family, I have never lost sight of how important

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it is to reach out beyond my comfort zone. In my legal practice, I have seen the horrors of child abuse and neglect, but I have implemented better systems for advocacy and better practices for those who represent children.

In private practice, my clients have ranged from corporations to hourly employees, and I can honestly say I have treated each client's case with the attention it deserves regardless of the amount of the fee arrangement. Some of my greatest successes are the stories that will never be written in the county bar verdict reports-employees who returned to their pre-termination positions, companies who have implemented safer practices, public officials who regained credibility after being defamed, and the countless insureds whose lives were returned to normal upon the resolution of lawsuits. I treasure the numerous thank you notes I have received from my clients as hallmarks of success.

By representing both defendants and plaintiffs, I have the unique perspective of seeing both sides of litigation. My ability to "cut to the chase" has saved both plaintiffs and defendants time and money, but when litigation is warranted, I have never shied away from a challenge, no matter how formidable the opponent. Because of my faith, my self-worth is not based upon my accomplishments but what has been instilled through worship and spiritual grace.

My professional career has brought years of learned wisdom and skill, but my fairness and even temperament have been present since childhood. Those essential traits set me apart from my peers and make me best suited for this position. I look forward to the opportunity to stand for any questions the Commission may have for me, and I thank you all for your service.

### (11) Commission Members' Comments:

The Commission was impressed with Ms. Waring's intellect, and also positively commented on her temperament.

### (12) Conclusion:

The Commission found Ms. Waring qualified, but not nominated for election to the Circuit Court, Ninth Judicial Circuit, Seat 2.

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**NOT QUALIFIED**

**Gregory Kenneth Voigt**  
**Circuit Court, At-Large, Seat 2**

**Commission's Findings: NOT QUALIFIED**

**(1) Constitutional Qualifications:**

Based on the Commission's investigation, Mr. Voigt meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Voigt was born in 1966. He is 52 years old and a resident of Summerville, South Carolina. Mr. Voigt 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. He was also admitted to the Louisiana Bar in 1994.

**(2) Ethical Fitness:**

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Voigt.

Mr. Voigt 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. Voigt reported that he has not made any campaign expenditures.

Mr. Voigt 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.

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Mr. Voigt 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. Voigt to be intelligent and knowledgeable.

Mr. Voigt reported that he has taught the following law-related courses:

- (a) I presented a talk on jury selection at the 2017 "What Works" CLE sponsored by the Charleston Bar Association
- (b) I have given smaller presentations to the 9<sup>th</sup> Circuit Solicitor's Office in-house CLE's involving Batson challenges, discovery rules, and anticipating defenses in 2016 and 2014.

Mr. Voigt reported that he has not published any books or articles.

**(4) Character:**

The Commission's investigation of Mr. Voigt did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission noted that Mr. Voigt was not punctual and attentive in his dealings with the Commission and Commission staff. Mr. Voigt did not promptly provide the Commission with requested financial information and the Commission could not adequately investigate Mr. Voigt's financial situation prior to his scheduled screening. Therefore, it is the Commission's opinion that this candidate does not meet the evaluative criterion of character and must be found unqualified.

**(5) Reputation:**

Mr. Voigt reported that he is not rated by any legal rating organization.

Mr. Voigt reported that he has not served in the military.

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Mr. Voigt reported that he has never held public office.

**(6) Physical Health:**

Mr. Voigt appears to be physically capable of performing the duties of the office he seeks.

**(7) Mental Stability:**

Mr. Voigt appears to be mentally capable of performing the duties of the office he seeks.

**(8) Experience:**

Mr. Voigt was admitted to the South Carolina Bar in 2006.

He gave the following account of his legal experience since graduation from law school:

- Law Clerk, 1993-94, Orleans Indigent Defenders Program (Public Defenders Office): wrote appellate briefs and motions and memoranda for public defenders in felony cases.
- Associate, 1994-94, Law Firms of Gary Wainwright and William Noland: general practice with emphasis on criminal defense, family law, bankruptcy, and criminal and civil appeals. Gained first jury trial experience.
- Assistant District Attorney, 1998-2000, Orleans Parish District Attorney's Office: assigned to the felony trial division, conducted limited appellate practice.
- Associate, 2000-2005, Lawrence and Olinde: small law firm that emphasized personal injury, criminal defense and family law. Also appeared before administrative bodies for zoning appeals, ABO applications, and teach discipline matters.
- Special Assistant Solicitor, 2005-2015, 9<sup>th</sup> Circuit Solicitor's Office (Charleston): began as a white-collar crime prosecutor and was later named to lead a trial team. He assigned cases and organized trial terms for approximated one-third of the office. He was later assigned to special projects which included in-house CLE presentations for the office and cases that conflicted with other jurisdictions. His concentrations were violent and victim crimes for the last 8 years in this office.

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- Sole Practitioner, 2015-present, Voigt Murphy, LLC, Law Firm: concentrates in civil practice, criminal defense, and family law. He manages the firm's taxes, salaries, and trust accounts.

Mr. Voigt reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: 0%
- (b) State: 100%
- (c) Other: 0%

Mr. Voigt reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 20%
- (b) Criminal: 40%
- (c) Domestic: 40%
- (d) Other: 0%

Mr. Voigt reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 10%
- (b) Non-jury: 90%

Mr. Voigt provided that he most often served as sole counsel.

The following is Mr. Voigt's account of his five most significant litigated matters:

- (a) State v. Donlyn Burns, 723 So.2d 1013 (1998)
- (b) State v. Nathaniel McGee
- (c) State v. Jerome Coaxum
- (d) State v. Oran Smith
- (e) State v. Tyrel Collins

The following is Mr. Voigt's account of five civil appeals he has personally handled:

- (a) Banker's Insurance Company v. State, 703 So.2d 1160 (1997), Louisiana Court of Appeals, 3<sup>rd</sup> Circuit
- (b) Ranger Insurance Company v. State, 725 So.2d 601 (1998), Louisiana Court of Appeals, 3<sup>rd</sup> Circuit

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- (c) State v. Banker's Insurance Company, 691 So.2d 375 (1997), Louisiana Court of Appeals, 2<sup>nd</sup> Circuit
- (d) State v. Wills (American Bonding), 672 So.2d 405 (1996), Louisiana Court of Appeals, 1<sup>st</sup> Circuit
- (e) State v. Norman (Amwest Surety), 672 So.2d 407 (1996), Louisiana Court of Appeals, 1<sup>st</sup> Circuit

The following is Mr. Voigt's account of five criminal appeals he has personally handled:

- (a) State v. Luckett, 647 So.2d.1232, (1994), Louisiana Court of Appeals, 4<sup>th</sup> Circuit
- (b) State v. Brown, 648 So.2d 872, (1995), Louisiana Supreme Court
- (c) State v. Denis, 691 So.2d 1295 (1997), Louisiana Court of Appeals, 4<sup>th</sup> Circuit
- (d) State v. Jones, 800 So.2d 958 (2001), Louisiana Court of Appeals, 5<sup>th</sup> Circuit
- (e) State v. Brocato, 744 So.2d. 178 (1999), Louisiana Court of Appeals, 4<sup>th</sup> Circuit

Mr. Voigt further reported the following regarding unsuccessful candidacies:

- Mr. Voigt unsuccessfully ran for the Orleans Parish Criminal District Court, Section B, in 2003, for At-Large Seat 13 in 2012 (note, however, the transcript indicates seat number 16), and At-Large Seat 9 in 2014.

The Commission found Mr. Voigt's experience to be heavily weighted toward criminal law with very little experience in civil law. Accordingly, the Commission is concerned as to whether the candidate meets the evaluative criteria of experience.

**(9) Judicial Temperament:**

The Commission expressed serious concerns regarding Mr. Voigt's judicial temperament based on the negative comments received in the Ballot Box survey.

**(10) Miscellaneous:**

The Lowcountry Citizens Committee on Judicial Qualification found Mr. Voigt to be "Qualified" in the evaluative criteria of

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constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament.

Mr. Voigt is married to Kellye Diane Smith. He has two children.

Mr. Voigt reported that he was a member of the following Bar and professional associations:

- (a) Louisiana State Bar Association
- (b) South Carolina State Bar Association
- (c) Charleston Bar Association

Mr. Voigt provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Mr. Voigt was a member of and on the school board at St. John the Baptist Catholic School 2015-2017.
- (b) He is a member of and on the board of directors at W.E.H. Inc., a non-profit, from 2015 through the present.
- (c) He was a member of and on the Steering Committee for the Mayor's Committee for Community Land Trusts from 2016-2017.

Mr. Voight further reported:

I have twice been a prosecutor and three time been a criminal defense attorney. I have worked with families as they struggled with divorce and custody issues. I have recovered money for the injured. I have defended small businesses and individuals from frivolous lawsuits. I know that access to courts and justice can be determined by how much money that a person can throw at a problem. I have given back or forgiven fees to make sure that the benefits of our system are available to my clients.

When you have done a little bit of everything, for everyone, you get to see the hurdles that your clients face. Years in the courtroom have given me the perspective needed to treat all sides fairly. I have tried almost two hundred cases to jury verdict, most of those as lead counsel. I have begun to forget the names and I only remember the interesting bits. It has been a

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fulfilling career as a litigator. I would like to share that experience from the trial bench.

**(11) Commission Members' Comments:**

The Commission believed Mr. Voigt had substantial criminal law experience but noted his limited civil trial experience. The lack of civil law experience combined with the Commission's inability to properly review Mr. Voigt's financial situation and concerns regarding his judicial temperament resulted in the Commission's finding Mr. Voigt unqualified to serve on the Circuit Court.

**(12) Conclusion:**

The Commission, by a six to three vote (with one abstention), found Mr. Voigt not qualified for election to Circuit Court, At-Large, Seat 2.

**Rame L. Campbell  
Family Court, Tenth Judicial Circuit, Seat 3**

**Commission's Findings: NOT QUALIFIED**

**(1) Constitutional Qualifications:**

Based on the Commission's investigation, Mr. Campbell meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Campbell was born in 1969. He is 49 years old and a resident of Anderson, South Carolina. Mr. Campbell 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 1997.

**(2) Ethical Fitness:**

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Campbell.

Mr. Campbell demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to

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judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Campbell reported that he has not made any campaign expenditures.

Mr. Campbell 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. Campbell 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. Campbell to be intelligent and knowledgeable.

Mr. Campbell reported that he has taught the following law-related courses:

I lectured on trial advocacy and courtroom testimony at the 2016 South Carolina Coroner's Association Conference.

Mr. Campbell reported that he has not published any books or articles.

**(4) Character:**

The Commission's investigation of Mr. Campbell did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Campbell did not indicate any evidence of a troubled financial status. Mr. Campbell has handled his financial affairs responsibly.

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The Commission also noted that Mr. Campbell 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. Campbell reported that he is not rated by any legal rating organization.

Mr. Campbell reported that he has not served in the military.

Mr. Campbell reported that he has never held public office.

**(6) Physical Health:**

Mr. Campbell appears to be physically capable of performing the duties of the office he seeks.

**(7) Mental Stability:**

Mr. Campbell appears to be mentally capable of performing the duties of the office he seeks.

**(8) Experience:**

Mr. Campbell was admitted to the South Carolina Bar in 1997.

He gave the following account of his legal experience since graduation from law school:

**(a) Assistant Solicitor, Fourteenth Judicial Circuit.** August 1997

– November 2000. I managed and prosecuted circuit, magistrate and juvenile court cases in the Fourteenth Judicial Circuit for the counties of Allendale, Colleton, Hampton, and Jasper. My caseload required me to handle every aspect of a criminal case including conducting bond hearings, preliminary hearings, preparation of indictments, guilty pleas, motion arguments, and jury trials in violent felony and misdemeanor cases.

**(b) Associate, Law Firm of Epps & Nelson.** December 2000 –

December 2004. I practiced law in a small general practice law firm in Anderson, South Carolina, which focused primarily on domestic relations litigation,

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personal injury and criminal defense in both state and federal court. I also served as a city prosecutor for the Town of Belton handling municipal criminal violations.

(c) Assistant Solicitor, Tenth Judicial Circuit. January 2005 – October 2015. I was a senior assistant solicitor who handled and prosecuted hundreds of cases in Anderson County. I represented victims and law enforcement in the prosecution of individuals charged with trafficking drugs, burglary, armed robbery, attempted murder, murder, and death penalty cases. I maintained a docket of approximately 300 cases at any given time, throughout my ten years.

(d) Deputy Solicitor, Tenth Judicial Circuit Solicitor's Office. October 2015 to May 2016. I maintained a court docket, which consisted of managing and trying violent felonies, career criminals, high profile cases and murder. My duties expanded to include administrative tasks and managing the day to day activity of the office. I worked closely with eight different law enforcement agencies, reviewed SLED investigations, and advised law enforcement on legal matters. In my prosecuting career, I tried over fifty (50) felony cases to a jury verdict.

(e) Rame Campbell Law Firm, LLC: July 2016 to October 2016. I entered private practice and operated a general practice law firm in Anderson, South Carolina as a sole practitioner. My practice focused on litigation in the area of civil, criminal and domestic relations in state court. I was responsible for managing my firm's bank and IOLTA accounts.

(f) Newton & Campbell Law Firm, October 2016 to present. In October 2016, I partnered to form a two-person general practice law firm. My legal practice focuses primarily on litigation mainly in the areas of domestic relations, divorce, separate support and maintenance, adoptions, custody, child support, civil matters, criminal defense, personal injury, and probate litigation. I also serve as guardian ad litem in private family court cases and for juveniles charged with criminal and status offenses. I am

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directly involved in the hiring and supervising office personnel.

Mr. Campbell reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: 0%
- (b) State: 100%

Mr. Campbell reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 15%
- (b) Criminal: 40%
- (c) Domestic: 40%
- (d) Other: 5%

Mr. Campbell reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 75%
- (b) Non-jury: 25%

Mr. Campbell provided that he most often served as sole counsel.

The following is Mr. Campbell's account of his five most significant litigated matters:

- (a) State v. Raymondeze Rivera, 741 S.E.2d 694 (2013). This case was the second of two murder cases I tried against Mr. Rivera. Mr. Rivera was from Atlanta and by chance stopped in Anderson during his travels on Interstate I-85. He met both of his victims at the Anderson Mall and obtained their contact information. He murdered his first victim within hours of meeting her. Two days later, he returned to Anderson where he met and murdered the second victim at her home. The first case I tried was for the death of the first victim. A jury found him guilty and he received a life sentence. The verdict in the first case served as the aggravating circumstance which allowed the State to seek the death penalty in his second murder trial. This case involved the testimony of many lay and expert witnesses and

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lasted three weeks. The jury ultimately found him guilty and recommended a death sentence. However, his sentence was overturned on appeal due to the trial court's failure in not allowing him to testify in his own defense. In 2013, he plead guilty to two consecutive life sentences.

- (b) State v. Johnny Mahaffey, 2008 WL 5586017 (Ct.App. 2008). This case involved the murder of a young man who was shot eight times while he was walking home at night along the side of the road. This case is significant because the murder investigation began with no suspects, no eyewitnesses, and limited physical evidence. Law enforcement did not identify a suspect for several months, but over time, the case came together. The case was eventually solved through the use of cell phone records, recovering the murder weapon by a dive team, tracing ownership of the gun back to its original owner, and persistent law enforcement investigation. Ultimately, Mr. Mahaffey was charged with murder and tried by a jury, who returned a guilty verdict. He is currently serving a life sentence.
- (c) State v. Linda Taylor, 355 SC 392, 585 S.E.2d 303 (2003). I tried Ms. Taylor for the unlawful issuance of driver's licenses to illegal aliens through her position as manager of the SCDMV office in Walterboro, South Carolina. The case is significant because of the novel issue of what constitutes a "fictitious" driver's license. Ms. Taylor used her position with the SCDMV to profit monetarily by providing illegal aliens valid South Carolina drivers licenses without requiring them to provide proper identification, taking the written portion of the driving exam or taking the driving test. She was found guilty by a jury and appealed her sentence. Ms. Taylor's conviction was overturned by the South Carolina Court of Appeals. The Supreme Court then reversed and reinstated her conviction on the grounds that the evidence presented was sufficient to support convictions for two counts of issuing a fictitious driver's license.
- (d) State v. Steward. A Colleton County drug case I prosecuted before the Honorable Diane Goodstein. This is important to me because it is a reminder of the attorney oath I took when admitted to the South Carolina bar. Our oath states that "An

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attorney will not maintain any suit or proceeding which shall appear to me to be unjust" and "not mislead the judge or jury by any artifice or false statement of fact or law." In this case, I had called several witnesses during my case in chief. Each witness testified that the drugs found in the car belonged to the defendant. The witnesses body language and testimonies led me to believe they were not telling the truth. I questioned the witnesses during a trial break, which only furthered a reasonable doubt in my mind of the defendant's guilt. Therefore, I felt the only course of action was to dismiss my case, which I did, and not allow a jury to decide the defendant's fate. My reasoning was I did not want to deny a man his freedom for the sake of obtaining a guilty verdict when it appeared to me he was innocent.

- (e) In the matter of Jesse Osborne, Juvenile Petition No.: 2016-JU-04-236 >245. Jesse Osborne had just turned 14 years old when he murdered his father and committed a school shooting at the Townville Elementary School. The school shooting resulted in the death of a child and injury to several other people. In February 2018, I served as co-counsel in a week-long waiver hearing to determine if Mr. Osborne would be tried as a juvenile in Family Court or as an adult in General Sessions Circuit Court. The Family Court judge ruled Mr. Osborne should be tried as an adult based upon the witnesses' testimonies and the evidence presented in the hearing.

Mr. Campbell reported he has not personally handled any civil or criminal appeals.

Mr. Campbell further reported the following regarding unsuccessful candidacies:

- (a) I was an unsuccessful candidate for Circuit Court, Tenth Judicial Circuit, Seat 1, vacated by the retirement of the Honorable J.C. "Buddy" Nicholson, Jr., in 2009. I successfully completed the judicial screening process and was found qualified to hold judicial office by the Judicial Merit Selection Commission. However, I voluntarily withdrew as a candidate prior to the election. The Honorable R. Lawton McIntosh was elected to fill the seat.

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(b) In 2016, I was an unsuccessful candidate for Solicitor of the Tenth Judicial Circuit.

**(9) Judicial Temperament:**

The Commission expressed concerns about Mr. Campbell's judicial temperament based upon the Ballot Box submissions and the Upstate Citizens Committee's finding of "Unqualified" in the area of temperament. Mr. Campbell's presentation and responses to questions at the public hearing gave credence to these concerns. Therefore, it is the Commission's opinion that this candidate does not meet the evaluative criteria of judicial temperament and must be found unqualified.

**(10) Miscellaneous:**

The Upstate Citizens Committee on Judicial Qualification found Mr. Campbell to be "Qualified" in the evaluative criteria of constitutional qualifications, ethical fitness, professional and academic ability, reputation, physical health, mental stability, and experience. The Committee found Mr. Campbell "Well Qualified" in the evaluative criteria of character. Mr. Campbell was found "Unqualified" in the evaluative criteria of judicial temperament. The Committee further stated, "A number of the candidate's professional colleagues have reported that he has a difficulty working well with others. The candidate also displayed an uneasiness during the interview process that was readily apparent to members of the committee."

Mr. Campbell is married to Jennifer Parham Campbell. He has one child.

Mr. Campbell reported that he was a member of the following Bar and professional associations:

- (a) Anderson County Bar Association
- (b) South Carolina Bar Association
- (c) Accredited with the Department of Veterans Affairs.
- (d) South Carolina Association of Criminal Defense Lawyers

Mr. Campbell provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Board Secretary – Anderson County Department of Disability and Special Needs

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- (b) Member of Grace Episcopal Church in Anderson, South Carolina
- (c) Member of Holy Trinity Episcopal Church in Clemson, South Carolina
- (d) Member of Phillip Simmons Artist Blacksmith Guild
- (e) Member of Anderson County Bee Keeper Association
- (f) Eagle Scout with three palms

Mr. Campbell further reported:

The biggest influences in my early life were my family, my scout leaders, and my church. I was fortunate to have been mentored by the men and women from the generation we now term “The Greatest Generation.” The values of hard work and perseverance were instilled in me at an early age and were instrumental in making me the person I am today. One of my attributes is treating people in the same manner that I would like to be treated no matter a person’s race, religion, financial status, or social standing.

I am proud to say I obtained the rank of Eagle Scout with three palms. I am goal oriented and have a strong work ethic. I am punctual and on time. I place a high value on the court time we are allotted and try my best to make efficient use of it. It is a litigator’s most valued commodity. Earning a living by practicing law has given me the experience of dealing with people from all walks of life. I understand the daily pressure attorneys are under and what it is like to have hearings in four different courts on the same day. I have handled hundreds of cases of all types in my career. However, there are two cases I am most proud of in my career. One is a drug case that I prosecuted before the Honorable Diane Goodstein in Colleton County Court of General. The case never reached the jury because I dismissed it during the middle of trial. I believed after hearing my witnesses testimonies that the defendant was innocent of the crime he was charged with. My belief is that everyone should be treated equally under the law. Justice is not served if one innocent person’s liberties are taken away. This has stayed with me my entire career. The second case I am proud of is a recent one where I served as a guardian for a seventeen-year-old autistic girl who was being adopted by her step-grandfather and grandmother. The case dealt with the termination of the

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biological parent's rights. The case exemplified to me what is right with our legal system. The young lady overcame her handicap and limitations to be a successful student who will attend college this upcoming school year.

I have a special affinity for children especially those with special needs. My daughter is autistic so I understand firsthand the challenges and struggles parents of special needs children face each day. I have a reputation for being fair, impartial and a devoted advocate for children's interest which is why I am appointed as guardian ad litem in many custody cases. Additionally, I am dedicated to increasing awareness of children with autism spectrum disorders and advocating for the needs of individuals with disabilities by currently serving on the Anderson County Department of Disabilities and Special Needs board.

### **(11) Commission Members' Comments:**

Based on the Commission's findings on the discussion of Judicial Temperament [see (9) Judicial Temperament], the Commission finds Mr. Campbell to be unqualified.

### **(12) Conclusion:**

The Commission unanimously found Mr. Campbell not qualified for election to Family Court, Tenth Judicial Circuit, Seat 3.

**The Honorable Kelly Pope-Black  
Family Court, At-Large, Seat 1**

### **Commission's Findings: NOT QUALIFIED**

#### **(1) Constitutional Qualifications:**

Based on the Commission's investigation, Judge Pope-Black meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Pope-Black was born in 1973. She is 45 years old and a resident of Campobello, South Carolina. Judge Pope-Black provided in her application that she has been a resident of South

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Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2001.

**(2) Ethical Fitness:**

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Pope-Black.

Judge Pope-Black 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 Pope-Black reported that she has not made any campaign expenditures.

Judge Pope-Black 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 Pope-Black 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 Pope-Black to be intelligent and knowledgeable.

Judge Pope-Black reported that she has taught the following law-related course:

I have lectured at the 2008 SCAJ Annual Convention about Email Subpoenas to Third-Party Internet Service Providers

Judge Pope-Black reported that she has not published any books or articles.

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**(4) Character:**

The Commission's investigation of Judge Pope-Black did not reveal evidence of any founded grievances or criminal allegations made against her.

On November 14, 2018, Judge Pope-Black provided the Commission with a Certificate of Release of a Federal Tax lien in the amount of \$79,491.85 dated October 24, 2018.

The Commission also noted that Judge Pope-Black 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 Pope-Black reported that her last rating by a legal rating organization, Martindale-Hubbell, was Distinguished, High Ethical Standing.

Judge Pope-Black reported that she has not served in the military.

Judge Pope-Black reported that she has never held public office other than judicial office.

**(6) Physical Health:**

Judge Pope-Black appears to be physically capable of performing the duties of the office she seeks.

**(7) Mental Stability:**

Judge Pope-Black appears to be mentally capable of performing the duties of the office she seeks.

**(8) Experience:**

Judge Pope-Black was admitted to the South Carolina Bar in 2001.

She gave the following account of her legal experience since graduation from law school:

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- (a) Cunningham & Associates, Tega Cay, SC – I worked for Kevin Cunningham as an associate from August 2001 to April 2002. My practice focused on family law, personal injury representing both plaintiffs and defendants. I also handled the firms' DSS court appointed cases. I was not involved in the financial management of the firm.
- (b) Cobourn & Saleeby, Spartanburg, SC – I was an associate with the firm from approximately May 2002 to November 2003. The primary focus of the firm of my work at the firm was plaintiff personal injury cases. While an attorney with the firm, I handled all South Carolina litigation except for worker's compensation and social security disability. Cases ranged from simple motor vehicle collisions to wrongful death and third party worker's compensation claims. I handled most of the firm's DSS court appointed matters ranging from vulnerable adult issues to child custody and TPR cases. I was not involved in the financial management of the firm.
- (c) Christian and Davis, Greenville, SC – I was an associate with Christian and Davis from November 2003 to October 2005. The firm focuses on plaintiff personal injury matters. While an associate with the firm, I handled simple to complex motor vehicle collisions, tractor trailer collisions, medical malpractice, wrongful death, breach of contract and bad faith cases. I was not involved in the financial management of the firm.
- (d) Babb and Brown, Greenville, SC – I was an associate with Babb and Brown from October 2005 to September 2007. The firm primarily focuses on real estate issues. However, I handled all of the litigation for the firm, which included family law, personal injury, construction law, insurance law and homeowner association law. I worked in a variety of courts. Family law cases included contested and uncontested divorces, equitable distribution, alimony, child support and child custody. The personal injury matters ranged from simple motor vehicle collisions to complex medical malpractice/wrongful death cases. The firm also represented several residential homebuilders and I

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handled all of the litigation concerning these homebuilders that was not covered by their insurance carrier. I also represented homeowners in cases against builders alleging defective construction. In addition, the firm represented several homeowner associations. The by-laws and restrictive covenants of the communities would be reviewed and I would provide legal advice on situation presented by the board of the homeowners associations. There were also matters that would need to be litigated on behalf of the associations and I handled those matters as well. I was not involved in the financial management of the firm.

- (e) Mooneyham Berry & Pope, LLC, Greenville, SC – In October 2007 the law firm of Mooneyham Flowers Berry & Karow, LLC was formed. In August 2008, David Flowers left the firm and it became Mooneyham Berry & Karow, LLC. Following my divorce in May 2011, I resumed my maiden name and the firm became Mooneyham Berry & Pope, LLC. Our firm represented clients throughout the state of South Carolina. My practice consisted of civil, family law and criminal defense work. The civil cases ranged from simple to complex. My areas of civil litigation included motor vehicle collisions, wrongful death, medical malpractice, business disputes and construction litigation. The family law cases ranged from adoptions, equitable distribution to custody. Criminal defense was a small area of my practice and I handled smaller cases. As a partner in the firm, I along with my fellow partners, were responsible for the day to day management of the firm. We had regular meetings to review the finances of the firm, including the trust accounts.
- (f) South Carolina Family Court Judge At Large Seat 1 – In January of 2013, I was elected to the South Carolina family court bench by the General Assembly. I officially took office July 1, 2013 and continue to hold this position. As a family court judge, I preside over cases in the areas of custody, support, alimony, equitable distribution, divorce, adoption and abuse and neglect. The family courts of South Carolina also hear the

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majority of crimes related to juveniles. In 2017, I assisted in starting the first juvenile drug court for Spartanburg County.

**(9) Judicial Temperament:**

The Commission is greatly disturbed by various reports of Judge Pope-Black's poor judicial temperament. There were several negative comments received in the Ballot Box Survey; however, the Commission is more concerned with the Upstate Citizens Committee's finding of "Unqualified" in the evaluative criterion of judicial temperament and its reasoning for this finding [See below: (10) Miscellaneous]. In the past, Judge Pope-Black was informed of the serious concerns with her temperament, yet reports of both attorneys and lay people indicate no improvement in this area.

Based upon the Ballot Box submissions, the Upstate Citizens Committee finding of "Unqualified" in the area of temperament, and Judge Pope-Black's responses at the public hearing, it is the Commission's opinion that this candidate does not meet the evaluative criteria of judicial temperament and must be found unqualified.

**(10) Miscellaneous:**

The Upstate Citizens Committee found Judge Pope-Black: "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and experience; "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and, "Unqualified" in the evaluative criteria of judicial temperament. The Citizens Committee noted, "As the Commission is aware, this committee reported negative information about Judge Pope-Black's judicial temperament last fall, when she was a candidate for a circuit judge position. This committee worked tirelessly to follow up on those reports this year. Our investigation revealed that Judge Pope-Black's temperament remains a problem. During our interview, she reported that she had made significant changes in her courtroom demeanor. Unfortunately, that is not consistent with what the witnesses we interviewed reported. The specific words/phrases

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used by our witnesses were: dictatorial; disrespectful to lawyers and litigants; arbitrary; arrogant; impatient; creates issues when there weren't any; lacking any tact. Therefore, we would urge the Commission to consider this candidate's qualifications carefully. Based on the troubling information received from many sources (not all lawyers), we must report that the candidate is unqualified in the Judicial Temperament area of the evaluative criteria."

Judge Pope-Black is married to Johnny "Jody" Harold Black. She has one child and one step-child.

Judge Pope-Black reported that she was a member of the following Bar and professional associations:  
South Carolina Bar Association

Judge Pope-Black provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Inman First Baptist Church
- (b) Oakbrook Preparatory School – Former Board Member
- (c) Paws to the Rescue – Volunteer
- (d) Zeta Tau Alpha
- (e) Miss South Carolina Organization – Volunteer
- (f) Greer Christian Basketball Association – Volunteer Coach
- (h) BRHJA – Blue Ridge Hunter Jumper Association, Member
- (i) SCHJA – South Carolina Hunter Jumper Association, Member

Judge Pope-Black further reported:

In seventh grade I tried out for the middle school basketball team. I thought it would be fun. At the time, I did not realize the amount of hard work and dedication it would take to be a part of the team. Two weeks into practices I wanted to quit. I begged, pleaded and at times had an awful attitude because I was not getting my way. My parents would not let me quit the team. If I started something, it was my responsibility to finish it. I ended up loving not only basketball, but volleyball too and used that passion as a tool to help pay for college. My parents taught me that if you make a commitment, you keep it and work

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hard at it. They taught me to take responsibility for my actions. I remember at times my parents working two jobs because that was what had to be done. I have a strong work ethic and an attitude of determination as a result of lessons I learned from my parents.

My lesson in compassion began with volunteering. My passion as an advocate for victims began in college when I became a volunteer for SAFE Homes Domestic Abuse Shelter and Rape Crisis Center and The Children's Shelter in Spartanburg. I later expanded my volunteer work into other counties and other organizations. The experience I gained as a volunteer lead to my job with the Foothills Rape Crisis Center and later with Safe Harbor Domestic Violence Shelter.

My work with these organizations was filled with humbling and life changing experiences. While at Safe Harbor, the organization did not have the funds to support a separate staff office space from the shelter. Therefore, our offices were in the shelter. At times that situation made it difficult to work because of the distractions, but it also allowed us to provide immediate support to the women and children staying at the shelter. There were times when difficult and painful decisions had to be made in order to protect the children. The children I worked with taught me the value of life. I witnessed those children at one of the most painful points in their lives and most still found strength and courage to want to trust and love again. They continue to inspire me. My gavel is engraved with a message about those precious children.

Before taking the bench as a family court judge, I thought I knew the practice of patience, open mindedness and academic growth. The past five years as a family court judge have shown me that I had a lot to learn and still have a lot to learn. In family court we deal a lot with self-represented litigants that require a lot of patience as they do not understand the law. There are many times parties, represented and unrepresented, grow angry with you as a judge because the outcome is not what they expected. Dealing with their anger and frustration requires patience and open mindedness because a judge must realize, appreciate and respect the positions of those in front of him or her. During the past five years, I have encountered many cases that were academically stimulating and challenging. There are

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situations and circumstances that I never thought until I encountered them as a judge. As a result, I am learning and growing daily not only professionally, but personally as well.

**(11) Commission Members' Comments:**

Based on the Commission's findings on the discussion of Judicial Temperament [See: (9) Judicial Temperament], the Commission finds Judge Pope-Black to be unqualified.

**(12) Conclusion:**

The Commission, with an eight to two vote, found Judge Pope-Black not qualified for continued service as a Family Court judge based on judicial temperament, one of the nine evaluative criteria. Her term on the bench will end on June 30, 2019.

**CONCLUSION**

The Judicial Merit Screening Commission found the following candidates **QUALIFIED AND NOMINATED:**

**COURT OF APPEALS**

**SEAT 1**

Blake A. Hewitt  
The Honorable Alison Renee Lee  
The Honorable Jerry Deese Vinson Jr.

**SEAT 3**

The Honorable John D. Geathers

**SEAT 4**

The Honorable Paula H. Thomas

**CIRCUIT COURT**

**FIFTH JUDICIAL CIRCUIT, SEAT 1**

The Honorable DeAndrea Gist Benjamin

**SEVENTH JUDICIAL CIRCUIT, SEAT 1**

The Honorable Joseph Derham Cole

**NINTH JUDICIAL CIRCUIT, SEAT 1**

The Honorable Deadra L. Jefferson

**NINTH JUDICIAL CIRCUIT, SEAT 2**

Meredith L. Coker

The Honorable Bentley Douglas Price

**FRIDAY, JANUARY 11, 2019**

The Honorable Dale E. Van Slambrook  
TENTH JUDICIAL CIRCUIT, SEAT 1

The Honorable Rivers Lawton McIntosh  
AT-LARGE, SEAT 2

Ryan Kirk Griffith  
John Patrick (Jack) Riordan

AT-LARGE, SEAT 14  
The Honorable R. Keith Kelly

AT-LARGE, SEAT 15  
The Honorable Maite Murphy

AT-LARGE, SEAT 16  
The Honorable Donald Bruce Hocker

**FAMILY COURT**

FIRST JUDICIAL CIRCUIT, SEAT 1

The Honorable Anne Guè Jones

SECOND JUDICIAL CIRCUIT, SEAT 2

The Honorable Angela W. Abstance  
THIRD JUDICIAL CIRCUIT, SEAT 2

The Honorable Angela R. Taylor  
THIRD JUDICIAL CIRCUIT, SEAT 3

The Honorable Gordon B. Jenkinson  
FOURTH JUDICIAL CIRCUIT, SEAT 2

The Honorable Salley Huggins McIntyre  
FIFTH JUDICIAL CIRCUIT, SEAT 2

The Honorable Michelle M. Hurley  
FIFTH JUDICIAL CIRCUIT, SEAT 3

The Honorable Michael Scott Rankin  
Carrie Hall Tanner

SIXTH JUDICIAL CIRCUIT, SEAT 1  
The Honorable Coreen B. Khoury

SEVENTH JUDICIAL CIRCUIT, SEAT 1  
The Honorable Phillip K. Sinclair

SEVENTH JUDICIAL CIRCUIT, SEAT 2  
Michael Todd Thigpen

EIGHTH JUDICIAL CIRCUIT, SEAT 1  
The Honorable Matthew Price Turner

EIGHTH JUDICIAL CIRCUIT, SEAT 3  
The Honorable Joseph C. Smithdeal

NINTH JUDICIAL CIRCUIT, SEAT 2

**FRIDAY, JANUARY 11, 2019**

The Honorable Alice Anne Richter  
NINTH JUDICIAL CIRCUIT, SEAT 4  
The Honorable Wayne M. Creech  
TENTH JUDICIAL CIRCUIT, SEAT 1  
The Honorable Edgar Henderson Long Jr.  
ELEVENTH JUDICIAL CIRCUIT, SEAT 2  
The Honorable Huntley S. Crouch  
ELEVENTH JUDICIAL CIRCUIT, SEAT 3  
The Honorable Robert E. Newton  
TWELFTH JUDICIAL CIRCUIT, SEAT 1  
The Honorable Timothy H. Pogue  
TWELFTH JUDICIAL CIRCUIT, SEAT 2  
The Honorable FitzLee Howard McEachin  
THIRTEENTH JUDICIAL CIRCUIT, SEAT 1  
The Honorable Rochelle Y. Conits  
THIRTEENTH JUDICIAL CIRCUIT, SEAT 2  
The Honorable W. Marsh Robertson  
THIRTEENTH JUDICIAL CIRCUIT, SEAT 6  
Kimaka (Kim) Nichols-Graham  
The Honorable Jessica Ann Salvini  
FOURTEENTH JUDICIAL CIRCUIT, SEAT 1  
The Honorable Gerald C. Smoak Jr.  
FOURTEENTH JUDICIAL CIRCUIT, SEAT 3  
The Honorable Deborah Ann Malphrus  
FIFTEENTH JUDICIAL CIRCUIT, SEAT 1  
The Honorable Jan B. Bromell Holmes  
SIXTEENTH JUDICIAL CIRCUIT, SEAT 2  
The Honorable David G. Guyton  
AT-LARGE, SEAT 2  
The Honorable Tony M. Jones  
AT-LARGE, SEAT 3  
The Honorable James G. McGee III  
AT-LARGE, SEAT 4  
The Honorable Monet S. Pincus  
AT-LARGE, SEAT 5  
The Honorable Randall E. McGee  
AT-LARGE, SEAT 6  
The Honorable David Earl Phillips

**FRIDAY, JANUARY 11, 2019**  
**ADMINISTRATIVE LAW COURT**

**SEAT 1**

The Honorable Ralph King (Tripp) Anderson III  
Thomas Rosamond Smith

Respectfully submitted,

/s/Sen. Luke A. Rankin	/s/Rep. Murrell Smith
/s/Sen. Ronnie A. Sabb	/s/Rep. J. Todd Rutherford
/s/Sen. Tom Young, Jr.	/s/Rep. Chris Murphy.
/s/Mr. Michael Hitchcock	/s/Mr. Andrew N. Safran
/s/Mr. Robert W. Hayes, Jr.	/s/Ms. Lucy Grey McIver
/s/Ms. Margaret Bluestein	

**APPENDIX**

**Report from the South Carolina Bar  
Judicial Qualifications Committee**

**Blake A. Hewitt, Conway, SC  
Court of Appeals, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Hewitt's candidacy for Court of Appeals, 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

**FRIDAY, JANUARY 11, 2019**

**The Honorable Michael S. Holt, Hartsville, SC  
Court of Appeals, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Holt's candidacy for Court of Appeals, 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 Alison Renee Lee, Columbia, SC  
Court of Appeals, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Lee's candidacy for Court of Appeals, 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

**FRIDAY, JANUARY 11, 2019**

**The Honorable Jerry Deese Vinson Jr., Florence, SC  
Court of Appeals, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Vinson's candidacy for Court of Appeals, 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 John D. Geathers, Ridgeway, SC  
Court of Appeals, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Geathers's candidacy for Court of Appeals, 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

**FRIDAY, JANUARY 11, 2019**

**The Honorable Paula H. Thomas, Pawleys Island, SC  
Court of Appeals, Seat 4**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Thomas's candidacy for Court of Appeals, 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  
Experience Well-Qualified  
Judicial Temperament Well-Qualified

**The Honorable DeAndrea Gist Benjamin, Columbia, SC  
Circuit Court, Fifth Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Benjamin's candidacy for Circuit Court, Fifth 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

**FRIDAY, JANUARY 11, 2019**

**The Honorable Joseph Derham Cole, Spartanburg, SC  
Circuit Court, Seventh Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Cole's candidacy for Circuit Court, Seventh 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 Deadra L. Jefferson, Charleston, SC  
Circuit Court, Ninth Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Jefferson's candidacy for Circuit Court, Ninth 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

**FRIDAY, JANUARY 11, 2019**

**Meredith L. Coker, Charleston, SC  
Circuit Court, Ninth Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Coker's candidacy for Circuit Court, Ninth 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 Well-Qualified  
Reputation Qualified  
Experience Qualified  
Judicial Temperament Well-Qualified

**The Honorable Michèle Patrão Forsythe, Charleston, SC  
Circuit Court, Ninth Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Forsythe's candidacy for Circuit Court, Ninth Judicial Circuit, Seat 2 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

**FRIDAY, JANUARY 11, 2019**

**The Honorable W. Stephen Harris Jr., Johns Island, SC  
Circuit Court, Ninth Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Harris's candidacy for Circuit Court, Ninth Judicial Circuit, Seat 2 is as follows:

**Overall Qualified**

Constitutional Qualifications Qualified  
Physical Health Qualified  
Mental Stability Qualified  
Ethical Fitness Well-Qualified  
Character Qualified  
Professional and Academic Ability Qualified  
Reputation Qualified  
Experience Qualified  
Judicial Temperament Qualified

**The Honorable Bentley Douglas Price, Charleston, SC  
Circuit Court, Ninth Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Price's candidacy for Circuit Court, Ninth Judicial Circuit, Seat 2 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

**FRIDAY, JANUARY 11, 2019**

**The Honorable Dale E. Van Slambrook, Goose Creek, SC  
Circuit Court, Ninth Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Van Slambrook's candidacy for Circuit Court, Ninth 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

**Laura Campbell Waring, Charleston, SC  
Circuit Court, Ninth Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Waring's candidacy for Circuit Court, Ninth 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

**FRIDAY, JANUARY 11, 2019**

**The Honorable Rivers Lawton McIntosh, Williamston, SC  
Circuit Court, Tenth Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge McIntosh's candidacy for Circuit Court, Tenth 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

**Ryan Kirk Griffin, Sumter, SC  
Circuit 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. Griffin's candidacy for Circuit 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

**FRIDAY, JANUARY 11, 2019**

**John Patrick (Jack) Riordan, Greenville, SC  
Circuit 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. Riordan's candidacy for Circuit 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

**Gregory Kenneth Voigt, Summerville, SC  
Circuit 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. Voigt's candidacy for Circuit Court, At Large, Seat 2 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

**FRIDAY, JANUARY 11, 2019**

**The Honorable R. Keith Kelly, Spartanburg, SC  
Circuit Court, At Large, Seat 14**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Kelly's candidacy for Circuit Court, At Large, Seat 14 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 Maite Murphy, North Charleston, SC  
Circuit Court, At Large, Seat 15**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Murphy's candidacy for Circuit Court, At Large, Seat 15 is as follows:

**Overall Qualified**

Constitutional Qualifications Qualified  
Physical Health Qualified  
Mental Stability Qualified  
Ethical Fitness Qualified  
Character Well-Qualified  
Professional and Academic Ability Well-Qualified  
Reputation Well-Qualified  
Experience Qualified  
Judicial Temperament Qualified

**FRIDAY, JANUARY 11, 2019**

**The Honorable Donald Bruce Hocker, Laurens, SC  
Circuit Court, At Large, Seat 16**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Hocker's candidacy for Circuit Court, At Large, Seat 16 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 Anne Guè Jones, Orangeburg, SC  
Family Court, First Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Jones's candidacy for Family Court, First 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 Qualified  
Experience Qualified  
Judicial Temperament Qualified

**FRIDAY, JANUARY 11, 2019**

**The Honorable Angela W. Abstance, Barnwell, SC  
Family Court, Second Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Abstance's candidacy for Family Court, Second 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 Angela R. Taylor, Sumter, SC  
Family Court, Third Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Taylor's candidacy for Family Court, Third 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

**FRIDAY, JANUARY 11, 2019**

**The Honorable Gordon B. Jenkinson, Kingstree, SC  
Family Court, Third Judicial Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Jenkinson's candidacy for Family Court, Third 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

**The Honorable Salley Huggins McIntyre, Dillon, SC  
Family Court, Fourth Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge McIntyre's candidacy for Family Court, Fourth 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

**FRIDAY, JANUARY 11, 2019**

**The Honorable Michelle M. Hurley, Columbia, SC  
Family Court, Fifth Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Hurley's candidacy for Family Court, Fifth 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 Qualified  
Experience Qualified  
Judicial Temperament Qualified

**The Honorable Michael Scott Rankin, Camden, SC  
Family Court, Fifth Judicial Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Rankin's candidacy for Family Court, Fifth 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 Well-Qualified  
Reputation Qualified  
Experience Qualified  
Judicial Temperament Qualified

**FRIDAY, JANUARY 11, 2019**

**Carrie Hall Tanner, Elgin, SC  
Family Court, Fifth Judicial Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Tanner's candidacy for Family Court, Fifth 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

**The Honorable Coreen B. Khoury, Lancaster, SC  
Family Court, Sixth Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Khoury's candidacy for Family Court, Sixth 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

**FRIDAY, JANUARY 11, 2019**

**The Honorable Phillip K. Sinclair, Spartanburg, SC  
Family Court, Seventh Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Sinclair's candidacy for Family Court, Seventh 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

**Michael Todd Thigpen, Roebuck, SC  
Family Court, Seventh Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Thigpen's candidacy for Family Court, Seventh 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

**FRIDAY, JANUARY 11, 2019**

**The Honorable Matthew Price Turner, Laurens, SC  
Family Court, Eighth Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Turner's candidacy for Family Court, Eighth 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 Joseph C. Smithdeal, Greenwood, SC  
Family Court, Eighth Judicial Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Smithdeal's candidacy for Family Court, Eighth 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

**FRIDAY, JANUARY 11, 2019**

**The Honorable Alice Anne Richter, Mount Pleasant, SC  
Family Court, Ninth Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Richter's candidacy for Family Court, Ninth 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 Well-Qualified  
Reputation Qualified  
Experience Well-Qualified  
Judicial Temperament Well-Qualified

**The Honorable Wayne M. Creech, Pinopolis, SC  
Family Court, Ninth Judicial Circuit, Seat 4**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Creech's candidacy for Family Court, Ninth Judicial Circuit, 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  
Experience Well-Qualified  
Judicial Temperament Well-Qualified

**FRIDAY, JANUARY 11, 2019**

**The Honorable Edgar Henderson Long Jr., Anderson, SC  
Family Court, Tenth Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Long's candidacy for Family Court, Tenth 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

**Rame L. Campbell, Anderson, SC  
Family Court, Tenth Judicial Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Campbell's candidacy for Family Court, Tenth 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 Well-Qualified  
Reputation Qualified  
Experience Qualified  
Judicial Temperament Qualified

**FRIDAY, JANUARY 11, 2019**

**The Honorable Huntley S. Crouch, Lexington, SC  
Family Court, Eleventh Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Crouch's candidacy for Family Court, Eleventh 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 Robert E. Newton, Lexington, SC  
Family Court, Eleventh Judicial Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Newton's candidacy for Family Court, Eleventh 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 Well-Qualified  
Reputation Qualified  
Experience Well-Qualified  
Judicial Temperament Qualified

**FRIDAY, JANUARY 11, 2019**

**The Honorable Timothy H. Pogue, Marion, SC  
Family Court, Twelfth Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Pogue's candidacy for Family Court, Twelfth 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 FitzLee Howard McEachin, Florence, SC  
Family Court, Twelfth Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge McEachin's candidacy for Family Court, Twelfth Judicial Circuit, Seat 2 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 Well-Qualified

**FRIDAY, JANUARY 11, 2019**

**The Honorable Rochelle Y. Conits, Greer, SC  
Family Court, Thirteenth Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Conits's candidacy for Family Court, Thirteenth 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 W. Marsh Robertson, Greenville, SC  
Family Court, Thirteenth Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Robertson's candidacy for Family Court, Thirteenth 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

**FRIDAY, JANUARY 11, 2019**

**Kimaka (Kim) Nichols-Graham, Greenville, SC  
Family Court, Thirteenth Judicial Circuit, Seat 6**

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, Thirteenth Judicial Circuit, Seat 6 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

**The Honorable Jessica Ann Salvini, Greenville, SC  
Family Court, Thirteenth Judicial Circuit, Seat 6**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Salvini's candidacy for Family Court, Thirteenth Judicial Circuit, Seat 6 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

**FRIDAY, JANUARY 11, 2019**

**The Honorable Gerald C. Smoak Jr., Walterboro, SC  
Family Court, Fourteenth Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Smoak's candidacy for Family Court, Fourteenth 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 Deborah Ann Malphrus, Ridgeland, SC  
Family Court, Fourteenth Judicial Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Malphrus's candidacy for Family Court, Fourteenth 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 Well-Qualified  
Judicial Temperament Qualified

**FRIDAY, JANUARY 11, 2019**

**The Honorable Jan B. Bromell Holmes, Georgetown, SC  
Family Court, Fifteenth Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Holmes's candidacy for Family Court, Fifteenth 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

**The Honorable David G. Guyton, Rock Hill, SC  
Family Court, Sixteenth Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Guyton's candidacy for Family Court, Sixteenth 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

**FRIDAY, JANUARY 11, 2019**

**The Honorable Kelly Pope-Black, Campobello, SC  
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 Judge Pope-Black'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 Qualified  
Professional and Academic Ability Qualified  
Reputation Qualified  
Experience Qualified  
Judicial Temperament Qualified

**The Honorable Tony M. Jones, Rock Hill, SC  
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 Jones'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

**FRIDAY, JANUARY 11, 2019**

**The Honorable James G. McGee III, Florence, SC  
Family Court, At Large, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge McGee's candidacy for Family Court, At Large, 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 Monet S. Pincus, Columbia, SC  
Family Court, At Large, Seat 4**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Pincus's candidacy for Family Court, At Large, 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  
Experience Well-Qualified  
Judicial Temperament Well-Qualified

**FRIDAY, JANUARY 11, 2019**

**The Honorable Randall E. McGee, St. Matthews, SC  
Family Court, At Large, Seat 5**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge McGee's candidacy for Family Court, At Large, 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 David Earl Phillips, Easley, SC  
Family Court, At Large, Seat 6**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Phillips's candidacy for Family Court, At Large, Seat 6 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

**FRIDAY, JANUARY 11, 2019**

**The Honorable Ralph King (Tripp) Anderson III, Columbia, SC  
Administrative Law Court, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Anderson's candidacy for Administrative Law Court, 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

**Thomas Rosamond Smith, Columbia, SC  
Administrative Law Court, 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 Administrative Law Court, 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

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**FRIDAY, JANUARY 11, 2019**

**ADJOURNMENT**

At 11:05 A.M., on motion of Senator CROMER, the Senate adjourned to meet next Tuesday, January 15, 2019, under the provisions of Rule 1B.

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