

NO. 3

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

THURSDAY, JANUARY 13, 2022
(STATEWIDE SESSION)

Thursday, January 13, 2022
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

Our thought for today is from Psalm 146:3: “Do not put your trust in princes, in mortals, in whom there is no help.”

Let us pray. Heavenly Father, give us strength and tenacity as You build us up in the hope which You bestow upon us. Guard, guide, and keep Your hand on these Representatives and Staff as they work to fulfill the desires of the people they serve. Bless and keep our defenders of freedom and first responders in Your love and care. Thank You for their skills and abilities and protect them from all harm. Let Your face shine on our World, Nation, President, State, Governor, Speaker, Staff, and all who render service to the people. Thank You, O Lord, for our armed forces who suffer and sacrifice for our freedom. Lord, in Your Mercy, hear our prayers. Amen.

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

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

MOTION ADOPTED

Rep. GILLIAM moved that when the House adjourns, it adjourn in memory of John Robinson McCravy Jr., father of Representative McCravy, which was agreed to.

REPORT RECEIVED
Judicial Merit Selection Commission
Report of Candidate Qualifications
for Fall 2021

Date Draft Report Issued: Thursday, January 13, 2022

THURSDAY, JANUARY 13, 2022

Date and Time: Final Report Issued: Noon, Tuesday, January 18, 2022

Judicial candidates are not free to seek or accept commitments until Tuesday, January 18, 2022, at Noon.

Judicial Merit Selection Commission

Rep. G. Murrell Smith, Jr., Chairman
Sen. Luke A. Rankin, Vice-Chairman
Sen. Ronnie A. Sabb
Sen. Scott Talley
Rep. J. Todd Rutherford
Rep. Jeffrey E. "Jeff" Jefferson
Hope Blackley-Logan.
Lucy Grey McIver
Andrew N. Safran
J.P. "Pete" Strom Jr.

Erin B. Crawford, Chief Counsel
Emma Dean, Counsel



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

January 13, 2022

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 18, 2022.** Further, members of the General Assembly are not permitted to issue letters of

[HJ]

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introduction, announcements of candidacy, statements detailing a candidate's qualifications, or commitments to vote for a candidate until 12:00 Noon on Tuesday, January 18, 2022. In summary, no member of the General Assembly should, orally or in writing, communicate about a candidate's candidacy until this designated time after the release of the Judicial Merit Selection Commission's Report of Candidate Qualifications. If you find a candidate violating the pledging prohibitions or if you have questions about this report, please contact Erin B. Crawford, Chief Counsel to the Commission, at (803) 212-6689.

Thank you for your attention to this matter.

Sincerely,
Representative G. Murrell Smith Jr.

Judicial Merit Selection Commission

Rep. G. Murrell Smith Jr, Chairman
Sen. Luke A. Rankin, Vice-Chairman
Sen. Ronnie A. Sabb
Sen. Scott Talley
Rep. J. Todd Rutherford
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Emma Dean, Counsel



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

January 13, 2022

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.

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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 is to ensure that members of the General Assembly have full access to the report prior to being asked by a candidate to pledge his or her support. The final sentence of Section 2-19-70(C) provides that “the prohibitions of this section do not extend to ***an announcement of candidacy by the candidate and statements by the candidate*** detailing the candidate’s qualifications” (emphasis added). Candidates may not, however, contact members of the Commission regarding their candidacy. Please note that six members of the Commission are also legislators.

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

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

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

Sincerely,
Representative G. Murrell Smith Jr.
Chairman

INTRODUCTION

The Judicial Merit Selection Commission is charged by law to consider the qualifications of candidates for the judiciary. This report

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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 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

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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;
- (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.

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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.

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.

**SUPREME COURT
QUALIFIED AND NOMINATED**

**The Honorable Kaye G. Hearn
Supreme Court, Seat 4**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

[HJ]

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Based on the Commission's investigation, Justice Hearn meets the qualifications prescribed by law for judicial service as a Supreme Court Justice.

Justice Hearn was born in 1950. She is 71 years old and a resident of Conway, South Carolina. Justice Hearn 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 1977.

(2) Ethical Fitness:

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

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

Justice Hearn reported that she has not made any campaign expenditures.

Justice Hearn 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.

Justice Hearn 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 Justice Hearn to be intelligent and knowledgeable.

Justice Hearn reported that she has taught the following law-related courses:

- (a) The Hearsay Rule in the Family Court (1979)

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- (b) Order Writing for Circuit Court Judges (1979)
- (c) Order Writing for Family Court Judges (1979)
- (d) Order Writing for Law Clerks (1980)
- (e) Order Writing for Law Clerks and Staff Attorneys (1981)
- (f) Appellate Advocacy Brief Writing (1982)
- (g) Opinion Writing for Appellate Judges (1983)
- (h) Effective Order Writing (1984)
- (i) Order Writing (New Family Court Judges School) (1985)
- (j) Practical Problems in Legal Ethics (1987)
- (k) Order Writing (New Family Court Judges School) (1988)
- (l) Domestic Violence (Magistrates' CLE) (1991)
- (m) Adoption, Abuse & Neglect (New Family Court Judges' School, Moderator) (1992)
- (n) The Future of Family Court (South Carolina Trial Lawyers' Association Annual Conference) (1993)
- (o) Suppression Hearings in Family Court (Solicitors' Conference) (1993)
- (p) How the Family Court is Using ADR and Mediation (South Carolina Bar Meeting) (1994)
- (q) Judicial Perspective on Briefs and Oral Arguments (1995)
- (r) Preserving the Record (South Carolina Circuit Court Judges' Conference) (1996)
- (s) Ethics: A View from the Bench (South Carolina Public Defenders' Conference) (1996)
- (t) Appellate Writs and Motions Practice (South Carolina Bar Conference) (1997)
- (u) The Rules of Evidence and the Dead Man's Statute (South Carolina Probate Judges' Conference) (1997)
- (v) Now We Have Campbell, What Do We Do with It? (South Carolina Defense Trial Attorneys' Association Conference) (2003)
- (w) Keeping Your Verdicts Without Compromising Your Ethics (Trial Lawyers' Auto Torts Seminar) (2006)
- (x) Appellate Advocacy (Charleston School of Law—Adjunct Faculty, Fall 2007 Semester)
- (y) How to Talk To and Write For Judges (2010)
- (z) Francis Marion Commencement Speech (2011)

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- (aa) Future of Women on the Bench (South Carolina Women Lawyers' Annual Conference) (2012)
- (bb) Criminal Law Update (South Carolina Bar Convention) (2017)
- (cc) The Boss (Julius B. Ness) (South Carolina Supreme Court Historical Society Presentation) (2018)
- (dd) A Life Well-Lived (Tanya Gee) (South Carolina Bar) (2019)
- (ee) Women's Equality Day (Charleston Bar CLE) (2020)
- (ff) My Journey to the South Carolina Supreme Court (Senior Lawyers' Luncheon) (2020)
- (gg) Fireside Chats (South Carolina Bar) (2020)

Justice Hearn reported that she has published the following:

- (a) S.C. Appellate Practice Handbook (S.C. Bar CLE 1985), Contributing Author.
- (b) Marital Litigation in S.C., Roy T. Stuckey and F. Glenn Smith (S.C. Bar CLE 1997), Editorial Board.
- (c) South Carolina Damages, Terry E. Richardson, Jr., and Daniel S. Haltiwanger (S.C. Bar CLE 2004), authored chapter titled, "S.C. Modified Comparative Negligence."
- (d) The Appellate Prosecutor: A Practical and Inspirational Guide to Appellate Advocacy, Ronald H. Clark (S.C. Bar CLE 2005), authored chapter on oral argument.
- (e) South Carolina Damages, Second Edition, James Ward, Jr., and Edward Westbrook (S.C. Bar CLE 2009 & 2017), Contributing Author.

(4) Character:

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

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

The Commission also noted that Justice Hearn 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:

Justice Hearn reported that her last available rating by a legal rating organization was BV as of May 1986.

Justice Hearn reported that she has not served in the military.

Justice Hearn reported that she has never held public office other than judicial office.

(6) Physical Health:

Justice Hearn appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Justice Hearn appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Justice Hearn was admitted to the South Carolina Bar in 1977.

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

- (a) 1977-1979: Law clerk to the Honorable Julius B. Ness, Associate Justice of the S.C. Supreme Court
- (b) 1979-1986: Associate and partner in firm which eventually became Stevens, Stevens, Thomas, Hearn & Hearn; located in Loris and Myrtle Beach, S.C.
- (c) 1986-1995: Family Court Judge for the Fifteenth Judicial Circuit (Chief Administrative Judge from 1987-1995)
- (d) 1995-1999: Judge, S.C. Court of Appeals
- (e) 1999-2009: Chief Judge, S.C. Court of Appeals
- (f) 2010-present: Associate Justice, S.C. Supreme Court

Justice Hearn reported that she has held the following judicial office(s):

I was elected Family Court Judge in 1986 and served until 1995. The family court has jurisdiction over matters involving domestic relationships, such as divorce, division of

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marital property, custody, visitation rights, adoptions, termination of parental rights, and juvenile criminal matters.

In 1995, I was elected to serve as a judge on the S.C. Court of Appeals, and in 1999, I was elected Chief Judge of the Court of Appeals. The court of appeals has jurisdiction over all appeals, with the following seven exceptions (see S.C. Code Ann. § 14-8-200 (2017)):

- (1) death penalty cases;
- (2) final decisions of the Public Service Commission setting public utility rates;
- (3) challenges to the constitutionality of a statute or ordinance (unless the Supreme Court deems the constitutional question raised insignificant);
- (4) final judgments from the circuit court involving “the authorization, issuance, or proposed issuance of general obligation debt, revenue, institutional, industrial, or hospital bonds of the State, its agencies, political subdivisions, public service districts, counties, and municipalities, or any other indebtedness authorized by Article X of the Constitution of this State;”
- (5) judgments dealing with elections or election procedures;
- (6) orders limiting the investigation of the state grand jury; and
- (7) orders dealing with an abortion by a minor.

In 2009, I was elected to the Supreme Court. I began to serve the remainder of Justice John Waller's un-expired term in January, 2010, and I was reelected in 2012 to a new term.

Justice Hearn provided the following list of her most significant orders or opinions:

- (a) Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014) (holding juveniles sentenced to life without parole were entitled to new sentencing proceeding based on United States Supreme Court precedent where the court must consider the impact of youth).
- (b) Stone v. Thompson, 428 S.C. 79, 833 S.E.2d 266 (2019) (abolishing common law marriage prospectively and refining the test for those cases where a common law marriage is alleged).
- (c) Neumayer v. Philadelphia Indemnity Ins. Co., 427 S.C. 261, 831 S.E.2d 406 (2019) (holding an insurer may

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rely on a notice clause in an insurance contract to deny coverage if the insurer was substantially prejudiced by the insured's failure to comply with that clause).

- (d) State v. Langford, 400 S.C. 421, 735 S.E.2d 471 (2012) (holding statute that placed control of the criminal docket with the solicitor unconstitutional).
- (e) Kiawah Dev. Partners, II v. S.C. Dep't. of Health & Env't Control, 411 S.C. 16, 766 S.E.2d 707 (2014) (reversing the decision to approve a permit to construct a 2,783-foot bulkhead and revetment along the shore of the Kiawah River at Captain Sam's Spit and remanding to the ALC).

Justice Hearn reported the following regarding her employment while serving as a judge:
Adjunct Professor at the Charleston School of Law in appellate advocacy during the 2006, 2007, and 2008 fall semesters.

Justice Hearn further reported the following regarding unsuccessful candidacies:
Yes, I ran twice for the Supreme Court in 2007 and 2008, before winning in 2009.

- (9) Judicial Temperament:
The Commission believes that Justice Hearn's temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualification reported Justice Hearn to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience and judicial temperament. The Committee did not have related or summary statements.

Justice Hearn is married to George Hearn. She has one child.

Justice Hearn reported that she was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association

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I have previously been a member of:

- (b) Council of Chief Judges
 - Immediate Past President, 2006-2007
 - President, 2005-2006
 - Chair, Education Committee, 2003
 - Member, Executive Board, 2001-Present
 - Member, Education Committee, 2000-2002
- (c) Conference of Family Court Judges
 - Treasurer, 1990
 - Secretary, 1991
 - President, 1992

Justice Hearn provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:
Coastal Inn of Court, Founding and Judicial Member, 2016-2020

- (11) Commission Members' Comments:
The Commission commended Justice Hearn's many years of service on the bench. They noted her reputation as an energetic, hard-working jurist.
- (12) Conclusion:
The Commission found Justice Hearn qualified, and nominated her for re-election to Supreme Court, Seat 4.

**COURT OF APPEALS
QUALIFIED AND NOMINATED**

**The Honorable H. Bruce Williams
Chief Judge, Court of Appeals, Seat 5**

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.

[HJ]

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For the vacancy for Chief Judge, Court of Appeals, Seat 5, 1 candidate applied for this vacancy. Accordingly, the names and qualifications of 1 candidate is hereby submitted in this report.

(1) Constitutional Qualifications:

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

Judge Williams was born in 1956. He is 65 years old and a resident of Columbia, South Carolina. Judge Williams 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 1982.

(2) Ethical Fitness:

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

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

Judge Williams 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 Williams 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:

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The Commission found Judge Williams to be intelligent and knowledgeable.

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

- (a) I am an adjunct professor at the University Of South Carolina School Of Law, teaching Family Law from 2012 to present.
- (b) I lectured at the SC Bar Program "Bridge the Gap" for new lawyers.
- (c) I have given presentations on the topics of appellate advocacy and domestic relations at the annual SC Bar meeting, as well as numerous presentations at SC Bar CLE events.
- (d) I have given presentations in the areas of appellate law and domestic relations for the SC Association for Justice's annual meetings.
- (e) I have lectured to University of South Carolina School of Law classes related to the following topics: alternative sentencing/drug court, abuse and neglect cases, domestic relations, and fundamentals of law practice and professionalism. I have also presented professionalism seminars to first -year students on the courts and civility.
- (f) I have lectured to undergraduate and graduate level classes at the University of South Carolina regarding juvenile crime, drug court, and courtroom procedures in South Carolina.
- (g) I have participated as a group leader in drug court training for new courts in programs sponsored by the National Association of Drug Court Professionals.
- (h) I have given numerous presentations at SC Solicitors' annual conferences concerning juveniles, case law updates, drug court, and civility in the courts. In addition, I have presented at the SC Public Defenders' Conference.
- (i) I have had the opportunity to speak at locally sponsored CLE events on appellate advocacy, abuse and neglect cases, and guardian ad litem training.

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

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(4) Character:

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

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

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

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Williams was admitted to the South Carolina Bar in 1982.

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

- (a) 1982-1995 General practice with primary emphasis on family law and personal injury law.

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- (b) 1982-1995 – Scott, Matthews & Williams:
Administrative and financial management of the firm was the responsibility of the senior partners.
- (c) 1991-1995 – Trotter and Williams: Administrative and financial management of operating and trust accounts.
- (d) 1991-1995 – Part-time municipal judge for Irmo, SC.
- (e) 1995-2004 – Judge, South Carolina Family Court
- (f) 1997-2019 – Presiding Judge Richland County Juvenile Drug Court
- (g) 2000-2002 – Presiding Judge Richland County Adult Drug Court
- (h) 2004-present – Judge, South Carolina Court of Appeals

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

- (a) Federal: low;
- (b) State: high.

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

- (a) Civil: 30%;
- (b) Criminal: 5%;
- (c) Domestic: 65%;
- (d) Other: 0%.

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

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

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

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

- (a) Melvin v. Melvin – a contested divorce case in which the parties had a long term marriage and disputed equitable distribution of military retirement benefits

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- (b) Inman v. Inman – a custody case involving a mother who moved out of state
- (c) Oswald v. Oswald – a contested custody case involving child support visitation, equitable distribution, and attorney's fees
- (d) Jackson v. Jackson – a domestic case in which custody was obtained for the mother who had initially given up custody and visitation with her children
- (e) Bullard v. Ehrhardt, 283 S.C. 557, 324, S.E.2d 61 (1984) – in this case, our Supreme Court established the duty a store owner owes to invitees for criminal acts of third parties in negligence actions

The following is Judge Williams's account of three civil appeals he has personally handled:

- (a) Bullard v. Ehrhardt, 283 S.C. 557, 324, S.E.2d 61 (1984) – In this case, our supreme court established the duty a store owner owes to invitees for criminal acts of third parties in negligence actions
- (b) Oylar v. Oylar 293 S.C. 4, 358 S.E.2d 170 (Ct. App. 1987) – Participation limited to oral argument and assisting and preparing brief.
- (c) Francis June Rawl v. Roy Edwin Rawl, Sr. – Participation limited to oral argument.

Judge Williams reported that he has not personally handled any criminal appeals.

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

- (a) Assistant Town Judge, Irmo, South Carolina – October, 1991-June, 1995
- (b) Appointed by Town Council. Jurisdiction is limited to magistrate level criminal and traffic offenses. Duties included setting bonds for criminal defendants
- (c) South Carolina Family Court Judge, 5th Judicial Circuit, Richland County, Seat 1, June 1995-June, 2004. Elected. Jurisdiction includes but is not limited to divorce, adoption, abuse and neglect, and juvenile cases. I also presided over the Richland County Juvenile Drug Court from its inception until 2019.

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- (d) South Carolina Court of Appeals, Seat 2, 2004-present. Elected. Jurisdiction over all appeals, except those reserved by statute to the original jurisdiction of the Supreme Court of South Carolina
- (e) I was appointed a special circuit court judge to preside over Richland County Adult Drug Court, (2000-2002)

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

- (a) S.C .Dep't of Soc. Servs. v. Truitt, 361 S.C.272,603 S.E.2d 867 (Ct. App. 2004)
- (b) State v. Lynch, 375 S.C. 628, 654 S.E.2d 292 (Ct. App. 2007)
- (c) Melton v. Medtronic, Inc., 389 S.C. 641, 698 S.E. 2d 886 (Ct. App. 2010)
- (d) Miranda C. v. Nissan Motor Co., Ltd., 402 S.C. 577, 741 S E. 2d 34 (Ct. App. 2013)
- (e) Shelley v. South Carolina Highway Patrol, 432 S.C. 335, 852 S.E.2d 220 (Ct. App. 2020)

Judge Williams reported the following regarding his employment while serving as a judge:
Adjunct Professor, USC School of Law -2012 to present

Judge Williams further reported the following regarding unsuccessful candidacies:

- (a) In 1994, I was a candidate for Family Court Judge. I was found qualified by the South Carolina Bar and Judicial Merit Selection Commission. I withdrew prior to the election. I was then elected to the Family Court in 1995.
- (b) In 2003, I was found qualified by the South Carolina Bar in my effort to serve on the South Carolina Court of Appeals. I was further found qualified and nominated by the Judicial Merit Selection Commission. Another candidate was elected. I was then elected to the Court of Appeals in 2004.
- (c) In 2007, I was found qualified by the South Carolina Bar in my effort to serve on the Supreme Court of South Carolina. I was also found qualified and

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nominated by the Judicial Merit Selection Commission. Another candidate was elected.

- (d) In 2009, I was found qualified by the South Carolina Bar in my effort to serve on the Supreme Court of South Carolina. I was found qualified but not nominated by the Judicial Merit Selection Commission.
- (e) In 2016, I was found well qualified by the South Carolina Bar in my effort to serve on the Supreme Court of South Carolina. I was found qualified and nominated by the Judicial Merit Selection Commission. Another candidate was elected.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualification found Judge Williams "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 noted: Excellent appellate justice" and "Well Qualified.

Judge Williams is married to Sharon C. Williams. He has two children.

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

- (a) South Carolina Bar, 1982-present
- (b) Richland County Bar, 1982-present; Family Law Chair, 1993; Family Law Committee, 1991-1993
- (c) South Carolina Conference of Family Court Judges, 1995-2004; President, 1999-2000; President-Elect, 1998-1999; Secretary-Treasurer, 1997-1998
- (d) South Carolina Association of Drug Court Professionals; President, 2000-2001; 2008-2014; Board Member, 2006-present

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- (e) John Belton O'Neall Inn of Court, 2007-present
- (f) Board Member, National Association for Drug Court Professionals, 7/2015-present
- (g) Chairman of the Board, National Association for Drug Court Professionals, 2019-2021

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

- (a) Matthew J. Perry Civility Award, presented by the Richland County Bar Association 2012
- (b) Columbia Urban League Ethel M. Bolden Community Service Award, 2011
- (c) Palmetto Club
- (d) Wildewood Club -Full Golf Member

Judge Williams further reported:

In 1997, I, along with the Solicitor, initiated the implementation of the Richland County Juvenile Drug Court Program, a comprehensive drug treatment court for juvenile offenders with serious drug problems. I presided over drug court on Monday evenings until 2019. We are currently working on a new juvenile treatment court program for the 5th Circuit.

I am gratified and appreciative of the support and encouragement received from members of the Bar since serving on the Bench. I will continue in my efforts to serve the people of South Carolina to the best of my ability.

My thirteen years of experience as a practicing lawyer, nine years of experience on the Family Court bench, and seventeen years of experience on the Court of Appeals has been invaluable. I believe this experience, along with my service and involvement in the community, has given me a significant perspective to serve as Chief Judge of the South Carolina Court of Appeals.

(11) Commission Members' Comments:

The Commission found Judge Williams to be excellent in all evaluative criteria and believe that based on his prior experience on the Court of Appeals he will be an effective Chief Judge.

- (12) Conclusion:
The Commission found Judge Williams qualified and nominated him for election to Court of Appeals, Seat 5, Chief Judge.

**The Honorable David Garrison “Gary” Hill
Court of Appeals, Seat 9**

Commission’s Findings: QUALIFIED AND NOMINATED

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

Judge Hill was born in 1964. He is 57 years old and a resident of Greenville, SC, South Carolina. Judge Hill 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 1990.

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

Judge Hill 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 Hill reported that he has made less than \$25 in campaign expenditures, for postage and the cost of paper.

Judge Hill 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 Hill 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 Hill to be intelligent and knowledgeable.

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

- (a) I have appeared on panels at SC Bar Ethics CLEs.
- (b) I have appeared on panels at the Solicitors' conference.
- (c) I have spoken on trial advocacy at CLEs held at the Southeastern Asbestos Conference.
- (d) I have spoken on *Crawford v. Washington* and the Confrontation Clause at a conference held by the Greenville Bar, *Batson v. Kentucky* at a SCAJ conference, Ethics to the SCDTAA Trial Academy, given a caselaw update at a conference sponsored by the Colleton County Bar Association, spoken at the York County Bar Association, presented at "Super CLEs" sponsored by the Greenville Bar and the Hilton Head Island Bar. In February 2020 I moderated a panel discussion on State constitutional law at the USC School of Law.
- (e) As a member of the Circuit Judges Advisory Committee, I gave annual presentations on "Judicial Ethics" and "Inherent Powers of Courts" to the New Judges' Orientation School sponsored by S.C. Court Administration.
- (f) I have taught a January Interim course at Wofford College entitled "The Bill of Rights and Modern Citizenship." This course involves intensive study of the origins and development of the Bill of Rights, and also provides the students the opportunity to be exposed to volunteer community service as they in turn teach what they have learned to students of a local literacy association who are preparing for the civics portion of the GED exam or the Naturalized Citizenship exam.

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- (g) "Doing Business with S.C. Local Governments," S.C. Bar CLE, 2001.
- (h) "Construction Contracting for Public Entities," Lorman, 2001.
- (i) "Appellate Advocacy," S.C. Bar 2000.
- (j) "Representing a Public Body," S.C. Bar 1997
- (k) "Freedom of Information Act Update" S.C. Ass'n of Counties CLE, 1999.
- (l) I have spoken on the Freedom Information Act to a seminar for employees of the S.C. Department of Revenue and at conferences held by the S.C. Association of Public Service Districts.
- (m) I have spoken on Trial Advocacy to the Construction Law section of the S.C. Bar, the S.C. Ass'n of Counties, and the SCDTAA

Judge Hill reported that he has published the following:

- (a) "Back to the Future: *United States v. Jones* and the search for Fourth Amendment Coherence," May 2012 South Carolina Lawyer
- (b) "Celebrate the Bill of Rights and act as its Guardian," December 12, 2010 Op-Ed column in The Greenville News (article also published in The State)
- (c) "Celebrate That We're a Nation of Laws, Not Men," May 2, 2008 Op-Ed column in The Greenville News.
- (d) "Lay Witness Opinions," September 2007 South Carolina Lawyer at 34.
- (e) "Rule 30(j), Charlie McCarthy and The Potted Plant," September 2005 South Carolina Lawyer at 26.
- (f) *Doing the Public's Business*, (2001) (book authored with Leo H. Hill).
- (g) "Recent Changes to the South Carolina Freedom of Information Act," South Carolina Lawyer May/June 1999.
- (h) "The Fourth Amendment, Substance Abuse and Drug Testing in the Public Sector," South Carolina Lawyer, May/June 1997
- (i) "Mayhem," 7 S.C. Juris. 213 (1991)
- (j) "Direct Criminal Contempt," South Carolina Lawyer, Sept/Oct 1992

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- (k) From approximately 1994 to 1998 I served on the editorial board of the South Carolina Lawyer magazine published by the S.C. Bar. I served as editor-in-chief for three of those years.
- (l) I also published three student Notes in volume 40 of the South Carolina Law Review (1988). These Notes examined recent state supreme court and U.S. Court of Appeals cases dealing with post-conviction relief, the 6th amendment right to counsel, and federal civil procedure.

(4) Character:

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

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

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

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Hill was admitted to the South Carolina Bar in 1990.

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

From 1989-90 I was a law clerk to Judge Billy Wilkins on the United States Court of Appeals for the Fourth Circuit. In 1990, I joined the law firm of Hill, Wyatt & Bannister. I became a partner in the firm in 1994. I had a general practice that included civil and criminal cases and appeals in all courts. In 2000, I started the law firm of Hill & Hill, LLC with my late father, Leo H. Hill. We enjoyed a wide client base and practice area, concentrating in business litigation and representation of governmental bodies including municipalities and special purpose districts. I also handled numerous civil and criminal appeals. We were fortunate to be listed in the Martindale-Hubbell Register of Pre-Eminent Lawyers. I was the managing partner and responsible for the trust accounts.

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

Yes, from 2004 to 2017 I was privileged to serve as Circuit Judge, Thirteenth Circuit, seat 4. In 2017 I was elected to the Court of Appeals, Seat 9.

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

(a) Cornelius v. Oconee County, 369 S.C. 531, 633 S.E.2d 492 (2006)

I was invited to sit as an acting Associate Justice of the S.C. supreme court, and wrote this opinion for the unanimous court concerning whether a 1976 voter referendum and the S.C. Constitution precluded Oconee County from expanding its sewerage system using certain financing sources.

(b) Hackworth v. Greenville County, 371 S.C. 99, 637 S.E.2d 320 (2006)

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This was a claim by the Hackworths against the Greenville County Sheriff's office for return of monies forfeited under the gambling laws. The Court of Appeals affirmed dismissal of the claim based on the Statute of Limitations.

(c) State v. Jeffrey Motts

I wrote the trial court order granting Mr. Motts' request waiving his right to appeal his death sentence. The supreme court affirmed. State v. Motts, 391 S.C. 635, 707 S.E.2d 804 (2011).

(d) In Re South Carolina Asbestos Docket

From 2009 to 2017, I was assigned by the supreme court to handle the asbestos trial docket throughout the state, which consists of hundreds of civil lawsuits claiming personal injury due to asbestos exposure. I have written several significant orders in this capacity, involving such issues as product identification, proximate cause, product liability, and the sophisticated user defense.

(e) In Re ITG Merger Litigation

This case, which I was assigned through the complex case procedure, is a shareholder and derivative class action related to the merger of two Upstate textile companies. The plaintiffs alleged hundreds of millions of dollars in damages. During the pre-trial phase, I wrote opinions dealing with Rule 23 class certification, civil conspiracy, fiduciary duty, discovery, damages and numerous other issues arising under both South Carolina and Delaware law.

Judge Hill reported no other employment while serving as a judge.

Judge Hill further reported the following regarding unsuccessful candidacies:

In May 2014, I was one of three candidates qualified and nominated for Court of Appeals Seat No. 7 but withdrew before the election.

(9) Judicial Temperament:

The Commission believes that Judge Hill'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 Hill 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, experience, reputation, and judicial temperament. The Committee had no related or summary comments.

Judge Hill is not married. He has three children.

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

- (a) S.C. Bar
 - Member House of Delegates, 1997-2004
 - President, Government Law Section, 1999
- (b) Greenville County Bar Association, Member of Executive Committee
- (c) Haynsworth-Perry Inn of Court, 2012-current

Judge Hill provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
Member of Westminster Presbyterian Church

Judge Hill further reported:

I am grateful to this Commission and the Legislature for the faith they placed in me 17 years ago when I was elected a circuit judge. I have done my level best to contribute to the fair and impartial administration of justice. There is nothing more professionally satisfying than having a positive impact on others, and knowing you made a difference in an important matter in a fellow person's life.

If given the opportunity, I would like to continue to serve the public in our judicial branch. I would strive to uphold the great traditions of our bench and bar and to make positive contributions to the public image of the justice system. I firmly believe we have the finest justice system in the world, and it is a humbling honor and solemn responsibility to be entrusted with a judicial office.

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- (11) Commission Members' Comments:
Due to Judge Hill's well established record and outstanding reputation, he was unanimously found qualified and nominated by the Commission. The Commission commended him for his service as a judge and commented that they greatly appreciated that he continued to offer himself as a candidate for the Court of Appeals.
- (12) Conclusion:
The Commission found Judge Hill qualified and nominated him for re-election to Court of Appeals, Seat 9.

**CIRCUIT COURT
QUALIFIED AND NOMINATED**

**Charles McCutchen
Circuit Court, First Judicial Circuit, Seat 1**

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, First Judicial Circuit, Seat 1, 2 candidates applied for this vacancy. Accordingly, the names and qualifications of 2 candidates are hereby submitted in this report.

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

Mr. McCutchen was born in 1977. He is 44 years old and a resident of Orangeburg, South Carolina. Mr. McCutchen 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 Mr. McCutchen.

Mr. McCutchen 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. McCutchen reported that he has made \$199.55 in campaign expenditures for photography and postage expenses.

Mr. McCutchen 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. McCutchen 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. McCutchen to be intelligent and knowledgeable.

Mr. McCutchen reported that he has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

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

(4) Character:

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

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

The Commission also noted that Mr. McCutchen 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. McCutchen reported that he is not rated by any legal rating organization.
- Mr. McCutchen reported that he has not served in the military.
- Mr. McCutchen reported that he has never held public office.
- (6) Physical Health:
Mr. McCutchen appears to be physically capable of performing the duties of the office he seeks.
- (7) Mental Stability:
Mr. McCutchen appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Mr. McCutchen was admitted to the South Carolina Bar in 2002.

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

- (a) Hood Law Firm, LLC, Charleston, SC. Associate.
September 2002 – January 2004. My primary area of practice was general civil litigation defense, beginning with initial pleadings and conducting discovery, all the way through mediation, as well as trial preparation/trial. I was not involved in any management position in this role, including management of trust accounts.
- (b) Lanier & Burroughs, LLC, Orangeburg, SC. Non-equity member. February 2004 – Present. My areas of practice have always included personal injury litigation practice,

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including pretrial, trial preparation and trial, domestic litigation, criminal defense, workers compensation, as well as Social Security disability appeals and magistrate's Court civil and criminal litigation practice. Although I never managed the firm nor the trust accounts, I do oversee the trust account disbursements in cases that I personally handle.

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

Over the past 5 years, and even prior, I have handled DUI/DUS cases, cases involving burglary and stolen goods, assault and battery, criminal domestic violence, various drug and firearm related charges, and also numerous traffic offenses. The usual issues presented in these cases pertained to probable cause or lack thereof, Miranda violations, failure of law enforcement to comply with South Carolina law, as well as mitigating facts and circumstances to be considered beyond just the charge(s) alone. The vast majority of my criminal cases concluded in negotiated plea agreements after concluding the rule 5 discovery process.

As far as civil matters, I frequently and routinely handle an array of cases including automobile accidents and premises liability cases, primarily. These typically involve issues of proximate causation, damages and especially on the premises liability side, foreseeability issues and issues of actual and constructive notice, in addition to the proximate cause and damages issues. Again, the vast majority of my civil cases ended in an agreed upon settlement, whether it be at mediation or before; however, a few cases that included issues of causation/liability coupled with issues of causally connected damages, ended up proceeding to trial. Most of my practice is spent representing Plaintiffs, but from time to time I do represent individual defendants who have been sued.

I certainly am aware that my practice has been primarily on the civil side; however, I believe that the Rules of Evidence apply across the board, in any type of case, and the practice of one type of law familiarizes you with those same rules to be

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applied in other areas. I believe there would be a swift learning curve on the criminal side if I were elected, as there are usually more General Sessions terms of court compared to Common Pleas terms. As criminal matters involve the potential loss of rights most sacred to our State and US Constitutions, I would most certainly ensure that I was well versed, by way of research and independent study, on any unfamiliar issue that may arise in a case before me. That would also hold true with civil matters, as I am a firm believer in proper preparation in all areas of the law, and beyond.

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

- (a) Federal: 5, or on average about 1 per year;
- (b) State: 191 total, or on average about 38 times per year.

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

- (a) Civil: Including pre-suit civil matters, 57%. Including only filed civil matters 43%;
- (b) Criminal: Including pre-suit civil matters, 5%. Including only filed civil matters, 6%;
- (c) Domestic: Including pre-suit civil matters, 25%. Including only filed civil matters, 33%;
- (d) Other: Including pre-suit civil matters, 13%. Including only filed civil matters, 18%.

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

- (a) Jury: 97%;
- (b) Non-jury: 3%.

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

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

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- (a) Sandra Canty, indiv. and as Guardian of Andrea Gulley, an Incapacitated Adult v. Orangeburg County EMS, Case # 2018-CP-38-01354.
This matter involved alleged breaches of the standard of care by EMS personnel in responding to a 911 call from the Plaintiff's daughter, which resulted in an anoxic brain injury. The case involved multiple experts in the areas of causation and damages, as well as issues surrounding protections under the SC Tort Claims Act. After discovery and expert preparation, the case was successfully mediated, wherein a substantial, yet limited recovery was obtained to assist in Ms. Gulley's lifelong care.
- (b) Shawn Hale v. Locals Pub of Orangeburg, SC, etal., Case # 2017-CP-38-00005
This premises liability case involved injuries sustained by the owner of a security company who was shot while checking on staff at a night club providing security services. The Plaintiff had extensive medical treatment requiring a month long hospitalization, multiple skin grafts and was permanently limited in function as a result of his injuries. The issues litigated were the duties owed by the landowner, and imputed notice from tenant to the landlord, assumption of the risk doctrines, and criminal acts of third parties. After extensive investigation, numerous depositions and surviving a defense motion for summary judgment, the case was successfully mediated.
- (c) William Rutland v. Hazel H. Fogle, Case # 2016-CP-38-01449
This automobile accident case was one where liability was admitted, partly because the Defendant later became incapacitated due to age. Also, the case contained issues of pre-existing medical problems, exacerbation of a prior condition, causally connected medical expenses, and UIM offset due to failure to exhaust liability limits. After lengthy discovery, treating physician deposition(s), and subsequent consulting independent medical examiner testimony, the case was mediated twice (liability and UIM) and ultimately resolved prior to trial.

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- (d) Shayeata Taylor v. Wal-Mart Stores East, LP, et al., Case # 2013-CP-38-0650
Suit was commenced in this matter due to the wrongful arrest and subsequent prosecution of the Plaintiff for shoplifting. Plaintiff was a single mother who lost her job because of her detention and arrest. Significantly, the case involved issues of computer forensics and data stored on a gaming console which assisted in proving the allegations of wrongful arrest and malicious prosecution. Further, past economic loss was a substantial portion of the damages in the case. After multiple pretrial motions hearings, requiring amendment of the complaint itself, the matter settled prior to trial, after it was previously mediated unsuccessfully.
- (e) Walter Proctor v. Admon Louis Moran d/b/a Moran Stumping Company, et al., Case # 2010-CP-14-124
This case, along with the companion loss of consortium case, arose out of an accident between a private vehicle and a tractor trailer hauling pine tree stumps. From the beginning, this matter contained issues and violations of the Federal Motor Carrier Safety Administration regulations, conspicuity analysis, accident reconstruction, comparative negligence, as well as substantial physical injuries sustained by the Plaintiff and his wife. The case was unsuccessfully mediated, yet settled prior to trial

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

- (9) Judicial Temperament:
The Commission believes that Mr. McCutchen's temperament would be excellent.
- (10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualification found Mr. McCutchen to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character,

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reputation, experience, and judicial temperament. The Committee stated in summary, “Although Mr. McCutchen has less criminal experience than civil, he has a good place to make up for his inexperience in this area.”

Mr. McCutchen is married to Tara Lovelace McCutchen. He has two children.

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

- (a) SC Bar Association
- (b) Orangeburg County Bar Association, Treasurer 2008-Present.
- (c) First Judicial Circuit Fee Dispute Resolutions Board
- (d) SC Association of Justice, member.

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

- (a) Orangeburg County Community of Character, Board of Directors, 2014 -Present.
- (b) 2018 Lawyer of the Year, as voted on by readers of the Times & Democrat Newspaper.
- (c) City of Orangeburg Dixie Youth Baseball Coach, 2012-2020

Mr. McCutchen further reported:

I was born and raised in a small community a few miles north of Kingstree, South Carolina. Growing up, my parents and grandparents taught me the importance of diligence and hard work. More importantly, they taught me how to be a person of good character, which includes how to treat people. I never once witnessed my parents mistreat another human being, not so much as to raise their voice at them. The opposite was more true: my parents would inconvenience themselves and go out of their way to help their peers, indiscriminately. At age twelve, my father passed away, and I watched my mother work tirelessly to ensure our needs were met. Growing up, I held every job a teenager in rural Williamsburg County could possibly have: from country store clerk to farming or working the tobacco and gladiola fields, I did it all. I consider myself

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fortunate to have met so many people from various walks of life at such a young age. It keeps me grounded to this day. I have walked many miles in many different persons' shoes, and I believe this is extremely important when one day I may be asked to adjudicate matters involving those same people.

My humble beginnings in life have stayed with me throughout my career, and I believe that is partially what has prepared me to be a Judge. I pray that if I am ever fortunate enough to wear a black robe, I will be no different of a man than as I am today. No person is bigger than the system in which they operate, including the law. I have realized over my eighteen years of practice that any case I have handled, although all important regardless of size and type, is the most important case to 1 person: the client that hired you. When an individual places that much trust in another individual, it is a very humbling experience. It is even more humbling to fathom that one day I may have to preside over matters where there are two sides having their most important, and sometimes only experience, within the judicial system. That is a responsibility that I do not, and will not take lightly. Having to preside and render judgment over an individual's life or livelihood is a sobering, serious responsibility, and that is a responsibility that I will gladly and humbly assume.

(11) Commission Members' Comments:

The Commission commented that Mr. McCutchen demonstrated a calm judicial demeanor, a strong intellect, with a wealth of experience in many areas of the law, and that he would make a fine member of the judiciary.

(12) Conclusion:

The Commission found Mr. McCutchen qualified and nominated him for election to Circuit Court, First Judicial Circuit, Seat 1.

Heath Preston Taylor
Circuit Court, First Judicial Circuit, Seat 1

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 Circuit Court, First Judicial Circuit, Seat 1, 2 candidates applied for this vacancy. Accordingly, the names and qualifications of 2 candidates are hereby submitted in this report.

(1) Constitutional Qualifications:

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

Mr. Taylor was born in 1972. He is 49 years old and a resident of Gaston, South Carolina. Mr. Taylor provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1998.

(2) Ethical Fitness:

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

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

Mr. Taylor 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. Taylor 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. Taylor to be intelligent and knowledgeable.

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

- (a) I have lectured at the 2005 South Carolina Association of Criminal Defense Lawyers DUI Defense Seminar.
- (b) I have presented at the 2008 South Carolina Court Administration Magistrate Orientation School.
- (c) I have lectured at the 2008 Lorman Strategies in Defending DWI and DUI Cases Seminar.
- (d) I have lectured at the 2008 South Carolina Association of Criminal Defense Lawyers Annual Reese I. Joye DUI Defense Seminar.
- (e) I have presented at the March 2009 South Carolina Court Administration Orientation School for Magistrates.
- (f) I have lectured at the 2009 South Carolina Bar Trial of a Domestic Violence Case Continuing Legal Education Program.
- (g) I have presented at the July 2009 South Carolina Court Administration Orientation School for Magistrates.
- (h) I have lectured at the 2009 South Carolina Court Administration Intensive Training School for Municipal Judges and Magistrates.
- (i) I have presented at the March 2010 South Carolina Court Administration Magistrate Orientation School.
- (j) I have presented at the July 2010 South Carolina Court Administration Magistrate Orientation School.
- (k) I have lectured at the 2010 South Carolina Court Administration 7th Annual Intensive Training School for Municipal Judges and Magistrates.
- (l) I have presented at the South Carolina Bar South Carolina Traffic and DUI Updates Continuing Legal Education Program.

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- (m) I have lectured at the 2011 Lorman Strategies in Defending DWI and DUI Cases Seminar.
- (n) I have presented at the March 2011 South Carolina Court Administration Magistrate Orientation School.
- (o) I have lectured at the July 2011 South Carolina Court Administration Summary Court Orientation School.
- (p) I presented the 2011 South Carolina Association for Justice Criminal Law Legislative Update at the South Carolina Association for Justice Annual Convention.
- (q) I have presented at the 2011 South Carolina Court Administration Intensive Training School for Magistrates.
- (r) I have presented at the 2012 South Carolina Court Administration Intensive Training School for Magistrates.
- (s) I presented the 2013 South Carolina Association for Justice Criminal Law Legislative Update at the South Carolina Association for Justice Annual Convention.
- (t) I have presented at the 2013 South Carolina Court Administration Intensive Training School for Magistrates.
- (u) I have lectured at the 2013 South Carolina Association of Criminal Defense Lawyers Annual Reese I. Joye DUI Defense Seminar.
- (v) I presented the 2014 South Carolina Association for Justice Criminal Law Legislative Update at the South Carolina Association for Justice Annual Convention.
- (w) I have presented at the 2014 South Carolina Court Administration Intensive Training School for Magistrates.
- (x) I have lectured at the South Carolina Prosecution Coordination Commission 2014 South Carolina Solicitor's Association Annual Conference.
- (y) I have presented at the 2014 South Carolina Court Administration Mandatory School for Summary Court Judges.
- (z) I have lectured at the 2014 South Carolina Association of Criminal Defense Lawyers Annual Reese I. Joye DUI Defense Seminar.

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- (aa) I presented the 2015 South Carolina Association for Justice Criminal Law Legislative Update at the South Carolina Association for Justice Annual Convention.
- (bb) I have presented at the 2015 South Carolina Court Administration Intensive Training School for Magistrates.
- (cc) I have lectured at the 2015 South Carolina Association of Criminal Defense Lawyers Annual Reese I. Joye DUI Defense Seminar.
- (dd) I lectured at the 2016 South Carolina Bar Annual Convention during the Criminal Law Section.
- (ee) I have presented at the 2016 South Carolina Court Administration Intensive Training School for Magistrates and Municipal Judges.
- (ff) I lectured at the 2017 South Carolina Prosecution Coordination Commission Summary Court Judges' DUI Training.
- (gg) I presented the 2017 South Carolina Association for Justice Criminal Law Legislative Update at the South Carolina Association for Justice Annual Convention.
- (hh) I have lectured at the 2017 South Carolina Association of Criminal Defense Lawyers Annual Reese I. Joye DUI Defense Seminar.
- (ii) I have presented at the South Carolina Bar 2018 Criminal Law Practice Essentials.
- (jj) I presented the 2018 South Carolina Association for Justice Criminal Law Legislative Update at the South Carolina Association for Justice Annual Convention.
- (kk) I presented at the 2018 South Carolina Bar Criminal Trial Demonstration: Cold-Blooded Custody.
- (ll) I have lectured at the 2018 South Carolina Association of Criminal Defense Lawyers Annual Reese I. Joye DUI Defense Seminar.
- (mm) I organized and moderated the criminal law presentation at the 2019 South Carolina Bar Annual Convention.
- (nn) I have presented at the South Carolina Bar 2019 Criminal Law Practice Essentials.
- (oo) I have lectured at the June 2019 South Carolina Bar LEAPP Ethics School.
- (pp) I have presented at the 2019 South Carolina Court Administration Intensive Training School for Magistrates and Municipal Judges.

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- (qq) I have lectured at the September 2019 South Carolina Bar LEAPP Ethics School.
- (rr) I have lectured at the 2019 South Carolina Association of Criminal Defense Lawyers Annual Reese I. Joye DUI Defense Seminar.
- (ss) I presented the 2020 South Carolina Association for Justice Criminal Law Legislative Update at the South Carolina Association for Justice Young Lawyers Seminar.
- (tt) I have presented at the August 2020 South Carolina Court Administration Orientation School for Magistrates and Municipal Judges.
- (uu) I have lectured at the 2020 South Carolina Association of Criminal Defense Lawyers Annual Reese I. Joye DUI Defense Seminar.
- (vv) I have presented at the March 2021 South Carolina Court Administration Orientation School for Magistrates and Municipal Judges.
- (ww) I have presented at the 2020 South Carolina Administrative and Regulatory Law Association Seminar.
- (xx) I have lectured at the 2021 DUI Defense Lawyers Association Seminar.

Mr. Taylor reported that he has published the following:
Horizontal Gaze Nystagmus: Drunk Science or Junk Science?,
The Justice Bulletin, Winter 2011.

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

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

The Commission's investigation of Mr. Taylor did not indicate any evidence of disqualifying financial issues.

The Commission also noted that Mr. Taylor 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. Taylor reported that his rating by a legal rating organization, Martindale Hubbell, is AV Preeminent; his rating by Super Lawyers Rising Stars is Criminal Defense: DUI/DWI- 2020; his ratings by Super Lawyers are Criminal Defense DUI/DWI- 2020 and Criminal Defense DUI/DWI- 2021.

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

Mr. Taylor reported that he has never held public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Taylor was admitted to the South Carolina Bar in 1998.

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

- (a) In November of 1998, I became an associate in the firm now known as Moore Taylor Law Firm, PA in West Columbia, South Carolina and became a partner in 2000. Initially, I had a diverse practice which included automobile insurance defense, criminal defense, personal injury, domestic litigation, general civil litigation, workers' compensation and administrative law matters. By 2001, my practice became focused on criminal defense, with an emphasis on DUI defense, personal injury and workers' compensation. During my time at Moore Taylor, I served as an assistant prosecutor for the Town of Irmo. Additionally, I served as Associate Municipal Judge for the

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City of West Columbia from November 7, 2000 to December 3, 2002. As a partner, I was involved in administrative and financial management of the firm. I was not involved in the management of trust accounts.

- (b) In September of 2006, I became a partner in the Taylor Law Firm LLC. My practice remained focused on criminal defense, with an emphasis on DUI defense, personal injury and workers' compensation. I also began handling more appellate cases and began representing business entities in matters before the administrative law court. I am a contract attorney for the Town of Springdale and represent indigent defendants in its municipal court and serve as the county attorney for Calhoun County. In July of 2017, I assumed management of administrative and financial matters for the firm including management of the firm's trust account. Additionally, during this time, I served as the South Carolina Senate Judiciary Chairman's designee to the South Carolina Sentencing Reform Oversight Committee from July 25, 2017 through January 2, 2019.

Mr. Taylor further reported regarding his experience with the Circuit Court Practice area:

In nearly 23 years of practice, I have handled virtually every type of criminal case ranging from routine traffic tickets to murder. Although civil in nature, I participated as second chair in the litigation of a capital murder post-conviction relief proceeding wherein co-counsel and I essentially relitigated the entire sentencing phase in which the defendant was sentenced to death. A significant portion of my practice includes defending persons accused of Driving under the Influence in both summary courts and the Court of General Sessions and I have represented numerous defendants accused of Felony Driving Under the Influence involving both death and great bodily injury. Additionally, I have substantial experience in cases involving property crimes, assault and battery, domestic violence, controlled substance offenses and criminal sexual conduct. Finally, I also have experience in representing criminal defendants in federal court in cases involving child pornography, counterfeiting, controlled substances and fraud against the government.

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Throughout the course of my career, I have represented both plaintiffs and defendants in civil matters in magistrate's court, the Court of Common Pleas and federal court. I have represented individuals as well as business entities as plaintiff's counsel. While the bulk of my plaintiff's practice has involved representing plaintiffs in motor vehicle accidents, I have also represented plaintiffs in cases involving landlord-tenant matters, dram shop liability actions, medical negligence, construction defects, fraud, contract matters and business disputes. I am currently representing a plaintiff in an industrial accident which includes complex questions regarding negligence and South Carolina's statutory employer-employee doctrine.

Likewise, I have represented numerous individuals as well as business entities as defense counsel in civil cases. Representation of individual defendants include cases involving motor vehicle accidents, assault and battery, defamation, contract matters, fraud and property disputes. I have defended small businesses in general business litigation, construction cases, the Trade Secrets Act, the Unfair Trade Practices Act and matters in which injunctive relief was sought. I have also defended a large infrastructure construction company in a complex matter which required the use of and cross-examination of multiple expert witnesses.

Some of the experience cited above is beyond five years but has been included to demonstrate the breadth of my criminal and civil experience over the course of my legal career. It is impossible for me to state with certainty the frequency of my appearances before a Circuit Court judge over the past five years. Depending on my case load over different periods of time, the frequency could be as much as two to five times per week to as little as two to three times per month.

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

- (a) Federal: one federal appearance per month;
- (b) State: two to five appearances per week

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

- (a) Civil: 25%;
- (b) Criminal: 70%
- (c) Domestic: 0%
- (d) Other: 5%

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

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

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

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

- (a) State v. Nehemiah Wayne Dixon, 2013-GS-32-02379, 02380 & 02381

Mr. Dixon was initially charged with Accessory After the Fact to Attempted Murder. He refused to cooperate with the State with regard to providing the name of the shooter in a drive by shooting and was indicted on charges of Attempted Murder, Possession of a Weapon During the Commission of a Violent Crime and Criminal Conspiracy. Mr. Dixon was alleged to have been present during the drive by shooting and the State prosecuted the case under the accomplice liability doctrine as no witness observed him possess or fire a gun. The case was tried to verdict and Mr. Dixon was acquitted on the charges of Attempted Murder, Possession of a Weapon During the Commission of a Violent Crime and found guilty of Criminal Conspiracy. He received a probationary sentence. This case is significant as it demonstrates my ability to litigate serious cases in General Sessions Court and my understanding of the relevant evidentiary and procedural rules in cases that often appear before Circuit Court judges.

- (b) Stephen Corey Bryant v. State of South Carolina, 2011-CP-43-00901

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I served as second chair co-counsel in this capital post-conviction relief matter. The defendant pled guilty and was sentenced to death in a bench trial. Co-counsel and I essentially relitigated the entire sentencing phase of the case. The case is significant because it exposed me to capital litigation and the extraordinary demands capital cases place upon solicitors, defense counsel and judges.

- (c) Charles D. Corley v. United Contractors, LLC, South Carolina Department of Transportation, Mabey, Inc. and Robert C. Smith, 2013-CP-32-03379

I served as co-defense counsel for United Contractors, LLC in a complex matter wherein United Contractors, LLC and the other defendants were alleged to have been responsible for damage to a historic home caused by vibrations from road construction activities. The case involved a significant number of fact witnesses, construction experts and geotechnical experts. Originally scheduled for two weeks, the case was settled after six days of trial. The case demonstrates my ability to understand and manage complex litigation in Common Pleas court.

- (d) Jacob S. Jackson v. Eastman Chemical Company and Mundy Maintenance Services and Operation, LLC, Case No. 5:17-01015-JMC

I represent the plaintiff with regard to injuries he sustained in an industrial explosion. The case presents complex negligence questions as well as the application of South Carolina's statutory employer-employee doctrine. The case is presently pending appeal in the Fourth Circuit Court of Appeals. The case is significant as it demonstrates my ability to handle complex civil issues that may appear before Circuit Court judges.

- (e) Palmetto Princess, LLC v. Town of Edisto Beach, 369 S.C. 34, 631 S.E.2d 68 (2006).

I represented the plaintiff in a declaratory judgment action challenging the constitutionality of a local ordinance prohibiting casino boats. The defendant appealed the Circuit Court's finding that the ordinance was unconstitutional and I handled the appeal before the South Carolina Supreme Court. The case demonstrates my ability

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to litigate constitutional issues and my understanding of appellate advocacy.

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

- (a) Sanders v. S.C. Dep't of Motor Vehicles, 431 S.C. 374, 848 S.E.2d 768 (2020).
- (b) S.C. Dep't of Motor Vehicles v. Brown, 406 S.C. 626, 753 S.E. 2d 524 (2014).
- (c) S.C. Dep't of Motor Vehicles v. McCarson, 391 S.C. 136, 705 S.E.2d 425 (2011).
- (d) Oblachinski v. Reynolds, 391 S.C. 557, 706 S.E. 2d 430 (Ct. App 2010)
- (e) Carroll v. S.C. Dep't of Public Safety, 388 S.C. 39, 693 S.E.2d 430 (Ct. App. 2010).

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

- (a) State v. Elwell, 403 S.C. 606, 743 S.E.2d 802 (2013).
- (b) State v. Vinson, 400 S.C. 347, 743 S.E.2d 182 (Ct. App.2012)
- (c) State v. Kellu, Op. No. 2019-MO-013 (S.C. Sup Ct. filed March 13, 2019)
- (d) State v. Lippard, Op No. 2011-MO-003 (S.C. Sup Ct. filed January 18, 2011)
- (e) State v. Causey, Op No. 2011-UP-104 (S.C. Ct. App. filed March 15, 2011)

Mr. Taylor reported that he has held the following judicial office(s):

Part-Time Associate Municipal Judge, City of West Columbia

November 7, 2000 – December 3, 2002

The jurisdiction included cases arising under municipal ordinances and all traffic and criminal offenses which are subject to a fine not exceeding \$500.00 or imprisonment not exceeding 30 days, or both, as well as certain driving offenses in which the Legislature granted jurisdiction to summary courts which exceeds the above cited limitations. Municipal courts have no jurisdiction to hear or decide civil cases.

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Mr. Taylor reported the following regarding his employment while serving as a judge:

I served as part-time Associate Municipal Judge for the City of West Columbia from November 7, 2000 to December 3, 2002. During that period, I was a partner practicing law with the firm now known as Moore Taylor Law Firm, PA. As a partner, I had no supervisor.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualification reported that Mr. Taylor 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 noted: "Mr. Taylor is a well-rounded candidate with a unique perspective on criminal reform."

Mr. Taylor is married to Julie Hartley Taylor. He has two children.

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

(a) South Carolina Bar

- House of Delegates, Criminal Law Council Section Delegate – 2020 – 2021
- Immediate Past Chairperson, Criminal Law Council – 2019 – 2020
- Chairperson, Criminal Law Council – 2018 – 2019
- Chairperson-Elect, Criminal Law Council – 2017 – 2018
- Vice Chairperson, Criminal Law Council – 2016 – 2017
- Secretary, Criminal Law Council – 2015 – 2016
- Criminal Law Council Member – 2012 – 2021

(b) Lexington County Bar

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- (c) South Carolina Association for Justice
 - Criminal Section Chair – 2009 – 2021
- (d) South Carolina Association of Criminal Defense Lawyers
 - Past President – 2020
 - President – 2019
 - President-Elect – 2018
 - Vice President – 2017
 - Past President – 2011
 - President – 2010
 - President-Elect – 2009
 - Vice President – 2008
 - Legislative Committee Chair or Co-Chair – 2010 – 2021
- (e) National Association of Criminal Defense Lawyers
- (f) National College for DUI Defense
- (g) DUI Defense Lawyers Association

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

Mr. Taylor further reported:

I have been fortunate to have been exposed to virtually every type of case that comes before Circuit Court judges. I understand the legal profession. I understand the lawyers that would appear before me. Most lawyers are conscientious and well-prepared. Some are not. Some relish a battle in the courtroom and some fear it.

I have felt the sinking feeling of moving from the bottom to the top of a Common Pleas roster and knowing my weekend would be spent preparing for trial. I have felt the exhilaration of a favorable jury verdict and crushing defeat of an unfavorable verdict after every ounce of effort and energy was poured into the case. I have made the lonely walk from the courtroom after a client received a lengthy sentence and felt the pride when a client conquered his or her drug habit. I have settled civil cases and received a verdict that changed lives. I have settled cases where no one was satisfied but it made sense to put everyone out of their misery. I understand that many private practitioners are also small business women and men. They have employees that depend on them and in lean times, are the last to get paid. Lawyers are real people and sometimes

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have real problems like those they represent. They have families and personal lives that demand their attention. Sometimes, they pay more attention to their clients and their businesses than themselves.

I also understand the citizens that would appear before me. Whether they admit it or not, most are scared. They are scared of a system they do not understand and intimidated by the bench and black robe. They need their lawyers to help them to navigate our system of justice. They depend on their lawyers to obtain whatever manner of justice they are seeking and deserve a fair and impartial judge. They are entitled to be treated with dignity and respect and an even-tempered, courteous judge helps alleviate the stress and emotion often present in our courtrooms.

I understand the practice of law and the clients for whom it exists. The lawyers that appear in Circuit Court and the citizens that depend on them deserve judges that understand them. I appreciate the gravity of the cases over which Circuit Court judges preside. I understand and appreciate the pressure and emotions the lawyers, litigants and victims experience in a courtroom setting. I have the experience and understanding of our judicial system and the people who comprise it to be an effective Circuit Court judge. I believe my exposure to the variety of cases that appear in Circuit Court as well as my experience in representing real people in real cases qualifies me to hold the office of a Circuit Court judge.

(11) Commission Members' Comments:

The Commission noted Mr. Taylor's sterling reputation with other members of the Bar including those members with whom he worked with in an adversarial role. The Commission also remarked that his experience and temperament are excellent.

(12) Conclusion:

The Commission found Mr. Taylor qualified and nominated him for election to Circuit Court, First Judicial Circuit, Seat 1.

**The Honorable Diane Schafer Goodstein
Circuit Court, First Judicial Circuit, Seat 2**

Commission's Findings: QUALIFIED AND NOMINATED

[HJ]

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(1) Constitutional Qualifications:

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

Judge Goodstein was born in 1955. She is 66 years old and a resident of Summerville, South Carolina. Judge Goodstein 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 1981.

(2) Ethical Fitness:

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

Judge Goodstein 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 Goodstein reported that she has made \$75 in campaign expenditures for typing.

Judge Goodstein 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 Goodstein 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 Goodstein to be intelligent and knowledgeable.

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

- (a) Lawyer Mentoring Program (George Smythe) 04/24/2016
- (b) Co-Lecturer at 2016 Orientation School for Magistrates And Municipal Judges 07/20/2016
- (c) Co-Lecturer at 2016 Orientation School for New Circuit Court Judges 08/26/2016
- (d) Co-Lecturer at 2017 Orientation School for Magistrates And Municipal Judges 03/20/2017
- (e) Co-Lecturer at 2017 Orientation School for New Circuit Court Judges 07/05/2017
- (f) Panelist at National Business Institute (NBI) Civil Court Judicial Forum “As Judges See It: Best (and worst) Practices in Civil Litigation Seminar 03/09/2018
- (g) Panelist at Law & Economics Center 13th Annual Meeting Of American College of Business Court Judges “The Business Divorce: Handling Complex Business Dissolution In The Midst of Family Breakup” 03/14/2018
- (h) Co-Lecturer at 2018 Orientation School for New Circuit Judges 07/11/2018
- (i) Co-Lecturer at 2018 Orientation School for Magistrates And Municipal Judges 07/27/2018
- (j) Co-Lecturer at 2019 Orientation School for Magistrates And Municipal Judges 03/18/2019
- (k) Lawyer Mentoring Program (Richards Hundley) 05/10/2019
- (l) Co-Lecturer at 2019 Orientation School for New Circuit Judges 07/10/2019
- (m) Co-Lecturer at 2019 Orientation School for Magistrates And Municipal Judges 07/26/2019
- (n) Lawyer Mentoring Program (Brandi Quattlebaum) 08/09/2019
- (o) Lawyer Mentoring Program (Gil Gatch) 02/28/2020
- (p) Co-Lecturer at 2020 Orientation School for New Circuit Judges (Via WebEx) 07/08/2020
- (q) Co-Lecturer at 2020 Orientation School for Magistrates And Municipal Judges 08/14/2020
- (r) Co-Lecturer at 2021 Orientation School for New Circuit Court Judges 07/06/2021

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- (s) Lawyer Mentoring Program (Lauren Mims)
- (t) Participant as guest lecturer and Judge of student trials at Charlotte Law School.

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

(4) Character:

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

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

The Commission also noted that Judge Goodstein 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 Goodstein reported that her last available rating by a legal rating organization, Martindale-Hubbell, was AV.

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

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Judge Goodstein was admitted to the South Carolina Bar in 1981.

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

- (a) I began practice as an associate with the Goodstein, Bowling, Douglas & Phillips from 1981 through 1983. I became a partner in Goodstein & Goodstein, PA from 1983 through 1998. After my election to the bench in 1998 and days before I concluded my practice, my law firm merged with the firm of Rosen, Rosen & Hagood, creating Rosen, Goodstein & Hagood. My husband continued to practice with that firm until the end of 2000.
- (b) My private practice was always a general one. However, it progressed from one which primarily was associated with the representation of plaintiffs, to one which represented both plaintiffs and defendants. In the later years, I practiced more often in the public sector, serving as Dorchester County Attorney, as General Counsel for the Charleston County Aviation Authority, and as counsel for Dorchester County School District Number Two. I prosecuted cases for the Charleston County Aviation Authority Police Department. In 1997, Goodstein & Goodstein PA began to represent the South Carolina Insurance Reserve Fund in cases arising in Charleston and Dorchester Counties. After seventeen years, my law practice had expanded into numerous areas of the private and public sector, representing both plaintiffs and defendants.

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

- (a) South Carolina Circuit Court Judge, First Circuit Seat 2, July 1, 1998, until the present. The circuit court is a court of general jurisdiction.

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- (b) In January 2011 Judge Patrick Watts, the Dorchester County Master in Equity retired and I was ordered by Chief Justice Toal to assume the duties of the Master in Equity. I performed those duties for approximately 6 months until the installation of the successor Master in Equity.

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

- (a) John Doe #53, John Doe 66, John Doe 66A, John Doe 67, Jane Doe 1 and Jane Doe 2 and Rachel Roe individually and as representatives of a class of people similarly situated, v. The Bishop of Charleston, a Corporation Sole, and The Bishop of the Diocese of Charleston, in his official capacity. Cases No. 2006-CP-18-01310, 2006-CP-18-01311 and 2006-CP-18-01636. Order Approving Settlement. The Appellate citation is 407SC128(2014).
- (b) The Protestant Episcopal Church In The Diocese of South Carolina; The Trustees of The Protestant Episcopal Church in South Carolina, a South Carolina Corporate Body; All Saints Protestant Episcopal Church, Inc.; Christ St. Paul's Episcopal Church; Christ The King, Waccamaw; Church of The Cross, Inc. and Church Of The Cross Declaration of Trust; Church Of The Holy Comforter; Church of the Redeemer; Holy Trinity Episcopal Church; Saint Luke's Church, Hilton Head; Saint Matthews Church; St. Andrews Church – Mt. Pleasant Land Trust; St. Bartholomews Episcopal Church; St. Davids Church; St. James' Church, James Island, S.C.; St. John's Episcopal Church of Florence, S.C.; St. Matthias Episcopal Church, Inc.; St. Paul's Episcopal Church of Bennettsville, Inc.; St. Paul's Episcopal Church of Conway; The Church Of St. Luke and St. Paul, Radcliffeboro; The Church Of Our Saviour Of The Diocese of South Carolina; The Church of The Epiphany (Episcopal); The Church Of The Good Shepherd, Charleston, SC; The Church Of The Holy Cross; The Church of The Resurrection, Surfside; The Protestant Episcopal Church, Of The Parish of Saint Philip, In Charleston, In The State of South Carolina; The Protestant Episcopal Church The Parish of Saint Michael, In Charleston, In The State of South Carolina and St.

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Michael's Church Declaration of Trust; The Vestry and Church Wardens Of The Episcopal Church Of The Parish Of Prince George Winyah; The Vestry and Church Wardens Of The Episcopal Church Of The Parish Of St. Helena and The Parish Church Of St. Helena Trust; The Vestry and Church Wardens Of The Episcopal Church of The Parish Of St. Matthew; The Vestry and Wardens of St. Paul's Church, Summerville; Trinity Church of Myrtle Beach; Trinity Episcopal Church; Trinity Episcopal Church, Pinopolis; Vestry and Church-Wardens Of The Episcopal Church Of The Parish Of Christ Church; Vestry and Church Wardens Of The Episcopal Church Of The Parish of St. John's, Charleston County, The Vestries And Churchwardens Of The Parish of St. Andrew v. The Episcopal Church (a/k/a, The Protestant Episcopal Church in the United States of America); The Episcopal Church in South Carolina. Case No.2013CP1800013. Order deciding the case. Appellate cite is 421S.C. 211 (2017) NOTE: Please see Remittitur Order authored by Honorable Edgar Dickson.

- (c) Timothy D. Rogers, Jr. v. State of South Carolina. Case No. 2000-CP-18-00575. Order Granting Post Conviction Relief in part and denying in part. Appellate Cite is 2013WL8596570.
- (d) Margaret Sheikh, as Personal Representative of the Estate of Asif Sh Sheikh, deceased, for the benefit of Margaret Sheikh, and four children v. Lexington Medical Center, Midland Associates, Inc. AKA Midlands Orthopaedics, P.A., Thomas Gross, M.D., and Gail B. Capell, M.D. Case #2003-CP-32-00675 Order Granting Defendants' Motion For A New Trial.
- (e) Gerald Bass, Plaintiff v. Gopal, Inc. and Super 8 Motels, Inc. Defendants. Case No. 2004-CP-38-01174. Order Granting Motion for Summary Judgment. Appellate cite is 395SC129 (2011).

Judge Goodstein reported the following regarding her employment while serving as a Judge:
Master-in-Equity for Dorchester County January 1, 2011 for approximately six months by order of Chief Justice Toal. I was responsible for all the duties of a Master-in-Equity, for

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example, foreclosure hearings. Master sales, and Supplementary hearings.

Judge Goodstein further reported the following regarding unsuccessful candidacies:

South Carolina Supreme Court, Seat 5, in Spring 2007 and while found qualified, I was not nominated. South Carolina Supreme Court, Seat 3 in Fall 2007 and while found qualified, I was not nominated. South Carolina Supreme Court, Seat 5 in Fall 2016 and was found qualified and nominated.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualification found Judge Goodstein 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 said in a summary statement that: "Judge Goodstein continues to be a positive force on the bench and willing to serve as a mentor to others with in the judiciary and in the community at large."

Judge Goodstein is married to Arnold Samuel Goodstein. She has two children.

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

- (a) South Carolina Bar Association
- (b) American Bar Association Judicial Delegate 2011, 2014, 2015, 2016
- (c) Dorchester County Bar Association Secretary (prior to judgeship)
- (d) Circuit Judges Association member
- (e) South Carolina Women Lawyers Association member

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

- (a) American Bar Association 2012 Recipient of the Pursuit of Justice Award.
- (b) 2014 Association of Justice Portrait Recipient
- (c) Dorchester County Bar Association
- (d) South Carolina Bar Association

Judge Goodstein further reported:

In 2012 I was one of 36 Judges selected on a nationwide search to participate in the National Judicial College's program entitled "Theory and Practice of Judicial Leadership"

Over the last nearly 15 years I have had the honor to not only teach at the New Judge's School but to mentor new Judges by having them hold court with me in their first weeks as a Judge. A list of Judges is as follows: Hon. Deadra Jefferson, Hon. Michelle Childs, Hon. Carmen Mullen, Hon. Benjamin Culbertson, Hon. Larry Hyman, Hon. R. Knox McMahon, Former Hon. Kristin Harrington, Hon. Edgar Dickson, Hon. Rob Stillwell, Hon. Deandra Benjamin, Hon. Craig D. Brown, Hon. Stephanie McDonald, Hon. Maite Murphy, Hon. Scott Sprouse, Hon. Letitia Verdin, Hon. Jocelyn Newman and Hon. Courtney Clyburn Pope.

(11) Commission Members' Comments:

The Commission commented that Judge Goodstein's many years on the bench and sterling reputation for positive judicial temperament are an asset to the South Carolina judiciary. They praised her community engagement and the congenial manner in which she treats all litigants who come before her.

(12) Conclusion:

The Commission found Judge Goodstein qualified and nominated her for re-election to Circuit Court, First Judicial Circuit, Seat 2.

**The Honorable Courtney Pope
Circuit Court, Second Judicial Circuit, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

[HJ]

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(1) Constitutional Qualifications:

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

Judge Pope was born in 1979. She is 42 years old and a resident of Aiken, South Carolina. Judge Pope provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2007.

(2) Ethical Fitness:

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

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

Judge Pope 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 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 to be intelligent and knowledgeable.

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Judge Pope reported that she has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

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

(4) Character:

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

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

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

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Pope was admitted to the South Carolina Bar in 2007.

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

- (a) From August 2007 to December of 2009, I was employed as a Workers Compensation Associate at McAngus, Goudelock, and Courie LLC.
- (b) From January 2010 to March 2016, I was in private practice at my law firm Clyburn Pope & Price, LLC, where I was the managing partner. My primary area of practice was family law and criminal defense. Additionally, I managed all aspects of the law practice to include financial management, hiring of personnel, and management of client trust accounts. I shared these duties in equal parts with my then law partner, Jason M. Price.
- (c) From March 2016 to June 2019, I was employed by the City of Aiken as the City Solicitor and the City of Aiken Staff Attorney. I prosecuted all Municipal level charges. Additionally in my role as Staff Attorney, I reviewed and negotiated various contracts on behalf of the City, handled all FOIA requests, handled tax litigation on behalf of the City, as well as composed Orders for various City Boards.

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

Circuit Court Judge, Second Judicial Circuit, Seat 1. I was elected on May 8, 2019 and currently hold this judicial office. The Circuit Court has general trial jurisdiction. Additionally, the Circuit Court has limited appellate jurisdiction over appeals from Probate Court, Magistrate's Court, and Municipal Court. Lastly, the Circuit Court has jurisdiction over appeals from the Administrative Law Judge Division over matters relating to state administrative and regulatory agencies.

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

- (a) Marcus Jacobs v. Barnwell Elementary School
- (b) F Duane Shields v. James Vincenzetti
- (c) Shaundra Mims vs. Chukker Creek
- (d) Matthews vs. Lakes and Streams
- (e) Ashlynn Woodruff v. Publix Super Market

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Judge Pope reported no other employment while serving as a judge.

- (9) Judicial Temperament:
The Commission believes that Judge Pope’s temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualification found Judge Pope to be “Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and “Well-Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee stated in a summary that Judge Pope had “excellent qualifications” and was overall “Well-Qualified.”

Judge Pope is married to George Washington Pope, III. She has two children.

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

- (a) SC Bar Association
- (b) American Bar Association

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

- (a) Delta Sigma Theta, Incorporated.
- (b) Aiken Chapter of the Links, Incorporated: Recording Secretary and previously served as Christmas Gala Committee Chairwoman.
- (c) Cumberland A.M.E Church, YPDers youth leader (Young People’s Department), Childrens' Church Teacher.

Judge Pope further reported:

I believe that my parents influenced and guided me to strive to act in accordance to the highest standard of morality. Every day, I try to make informed, educated decisions based on research, information, morality, and equity. During my tenure as both an attorney and a Circuit Court judge, I have had the

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opportunity to have relationships with mentors who are highly respected in the legal community.

I believe that judicial temperament and patience is of the utmost importance. I believe in permitting attorneys to make their arguments in completion. Both oral arguments, written memoranda, and legal research are all components whereby I base my decisions. I take my position as a member of the Judiciary seriously and have strived to make thoughtful, deliberate, and ethical decisions.

- (11) Commission Members' Comments:
The Commission screened Judge Pope in 2019 and noted that her BallotBox comments and responses have shown that she has established herself in her role as a circuit judge. Her temperament is exemplary.
- (12) Conclusion:
The Commission found Judge Pope qualified and nominated her for re-election to Circuit Court, Second Judicial Circuit, Seat 1.

**The Honorable Ralph Ferrell Cothran Jr.
Circuit Court, Third Judicial Circuit, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Cothran was born in 1952. He is 69 years old and a resident of Manning, South Carolina. Judge Cothran 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.

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(2) Ethical Fitness:

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

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

Judge Cothran 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 Cothran 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 Cothran to be intelligent and knowledgeable.

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

- (a) I conducted a course at the Criminal Justice Academy over a five year period regarding Auto Theft and Chop Shop Law.
- (b) I have conducted classes on Search and Seizure to local law enforcement and the local bar, as well as to the Circuit Court Judges.

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

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(4) Character:

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

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

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

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

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

Chairman, Election Commission, 1979-1990, appointed by John C. Land, III.

Assistant Solicitor, 1983-September 2006, appointed by Wade S. Kolb, Jr.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

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

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

(a) Cothran, Chandler and Cothran 1977 – early 1979

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- (b) Cothran and Cothran 1979-1997
- (c) Cothran and Robinson 1997 - 2000
- (d) Clarendon County Attorney 1979 – September 2006
- (e) Assistant Solicitor, Third Judicial Circuit 1983 –
September 2006
- (f) Circuit Court Judge, Third Judicial Circuit September
2006 - present

My practice consisted of real estate, probate, family, civil and criminal law.

The following is Judge Cothran’s account of his five most significant orders/opinions:

- (a) Homeowners Services vs. Donald J. Hatcher, et al (2006-CP-43-1688)
- (b) Oka Deas Gilliard, et al vs. Darci Strickland, et al (2008-CP-43-1384)
- (c) W.A. Berry, et al vs. Lee County Landfill SC, LLC, et al (2011-CP-31-166)
- (d) Janice H. Smith, et al vs. Rebecca Baird, J.D., et al (2012-CP-10-04064)
- (e) Gunner Palm, Jr. vs. Atlantic Pools and Water Features, Inc. (2014-CP-43-00643)

Judge Cothran reported no other employment while serving as a judge.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Pee Dee Citizens Committee for Judicial Qualifications reported that Judge Cothran 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. The Committee had no related or summary comments.

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Judge Cothran is married to Deborah Jean Brakefield. He has three children.

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

- (a) South Carolina Bar
- (b) Clarendon County Bar Association
- (c) American Bar Association
- (d) Pee Dee Inn of Court

Judge Cothran further reported:

In my judgeship, I have enjoyed serving the people of South Carolina. I am aware of the importance of how each litigant feels about their case and I have tried to treat everyone with respect and in the same manner that I would want to be treated.

(11) Commission Member' Comments:

The Commission commented that Judge Cothran possesses the correct approach for being on the bench and has a reputation of being a fair judge. They noted he did not receive one negative response regarding his temperament and he is doing things the right way.

(12) Conclusion:

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

**The Honorable Paul M. Burch
Circuit Court, Fourth Judicial Circuit, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

He was born in 1954. He is 67 years old and is a resident of Pageland, South Carolina. Judge Burch stated in his application

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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 1980.

(2) Ethical Fitness:

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

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

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

Judge Burch 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 Burch 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 Burch to be intelligent and knowledgeable.

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

- (a) Serving on Judicial panels on several occasions at annual SC Solicitors Conferences.
- (b) Serving on Judicial panels at annual SC Defense Attorney's Conventions.
- (c) Lecturing on Courtroom Violence and Security at annual Circuit Judges Conferences.

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- (d) Lecturing on Prevention and Preparation of Hearing Room Violence at the National Association of Hearing Officials Conference.

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

(4) Character:

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

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

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

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

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

- (a) Chesterfield County Council 1983-1987
- (b) SC House of Representatives 1988-1991
- (c) All Ethics filing requests were met and [he has] not been cited for any violations.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Burch was admitted to the South Carolina Bar in 1980.

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

- (a) Managed my own private practice of law from 1980-1991. My general practice included civil litigation, criminal defense, domestic relations and Social Security disability appeals with little change over the 11 years. At all times during my practice, I had sole control over the firm Trust Account.
- (b) Served as Attorney for the Town of Pageland, SC from 1983 to 1991.
- (c) I have served as a Circuit Court Judge from 1991 to present.

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

Resident Judge of the Fourth Judicial Circuit from July 1, 1991 to the present.

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

- (a) Carolina Power & Light Company vs The City of Bennettsville and Marlboro Electric Cooperative Inc.; 314 S.C. 137, 442 S.E.2d 177 (1994) (affirmed by Supreme Court).
- (b) Glenn P. Tallent and Christopher C. King vs Solid Waste Recycling Disposal User Fee Appeals Board of the County of Chester County and Chester County Tax Assessor, individually, and in their official capacity; Case Number 94-CP-12-120.
- (c) Chip Knoke as Personal Representative of the Estate of Jeremy Ryan Knoke vs The South Carolina Department of Parks, Recreation and Tourism; 478 S.E.2d 256 (1996) (affirmed by Supreme Court).
- (d) Darlington County School District vs Cedric Washington; Case Number: 94-CP-16-134.

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- (e) Donald M. Brandt Individually and as the Personal Representative of the Estate of Janice N. Brandt, Deceased vs Elizabeth K. Gooding and Gooding & Gooding, PA; 368 S.C. 618 (2006).

Judge Burch reported no other employment while serving as a judge.

Judge Burch further reported the following regarding his unsuccessful candidacies:

Unsuccessful candidate for SC House of Representatives in 1976 and 1978.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualification found Judge Burch 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 provided no additional summary or comments.

Judge Burch is married to Kimberly Thomas Burch. He has three children.

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

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

Judge Burch provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations: Pageland Volunteer Fire Department, 1972 – present.

Judge Burch further reported he believes his prior service speaks for itself.

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- (11) Commission Members' Comments:
The Commission commented that Judge Burch is highly respected by those appearing before him and working with him in court, has an excellent temperament, and treats all parties fairly. As South Carolina's Senior Circuit Court Judge, he has conducted himself as a model jurist who sets the standard for how our state judges should conduct themselves.
- (12) Conclusion:
The Commission found Judge Burch qualified and nominated him for re-election to Circuit Court, Fourth Judicial Circuit, Seat 1.

**The Honorable Daniel McLeod Coble
Circuit Court, Fifth Judicial Circuit, Seat 2**

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Coble meets the qualifications prescribed by law for judicial service as a Circuit Court judge.
- Judge Coble was born in 1987. He is 34 years old and a resident of Columbia, South Carolina. Judge Coble 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 2012.
- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Coble.
- Judge Coble 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 Coble reported that he has made \$110 in campaign expenditures for postage.

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Judge Coble 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 Coble 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 Coble to be intelligent and knowledgeable.

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

- (a) 2021 Domestic Violence, Sexual Assault, Stalking and Harassment Training by the S.C. Attorney General's Office: *Restraining Orders in Magistrate Court* (May 2021)
- (b) Understanding Evidentiary Issues: Court Education (May 2021)
- (c) Judicial Canon 3: Ethical Issues in Magistrate Court: Court Education (May 2021)
- (d) Guilty Pleas: Court Education (May 2021)
- (e) Bond Court: Court Education (May 2021)
- (f) Midlands Mediation Center, Guest Speaker: MMC Spring Training 2021
- (g) Ethics and Professionalism: Effective Relationships with the Court, Opposing Counsel, & Pro Se Litigants: *CLE - S.C. Bar* (April 2021)
- (h) Magistrate Court Series: Richland County Central Court: *CLE - S.C. Bar* (April 2021)
- (i) Residential Landlord Tenant Act: *CLE - S.C. Bar* (April 2021)
- (j) South Carolina Trial Evidence in Magistrate Court: *CLE - S.C. Bar* (April 2021)
- (k) Driving Under the Influence: DUI in Magistrate Court: *CLE - S.C. Bar* (April 2021)

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- (l) Fourth Amendment: Search and Seizure Law in Magistrate Court: *CLE - S.C. Bar* (April 2021)
- (m) Stanford Legal Design Lab, *Justice by Design*, Panelist (April 2021)
- (n) Orientation School for Magistrates and Municipal Judges: Claim & Delivery (March 2021)
- (o) Midlands Mediation Center, Guest Speaker: MMC Winter Training 2020
- (p) Ever Evolving Evidence: *CLE – S.C. Bar* (August 2020)
- (q) No-Knock Search Warrants: On-Demand CLE – S.C. Bar (June 2020)
- (r) 2020 SCSCJA Staff Seminar: Evidence (*Postponed due to COVID-19*)
- (s) 2020 It's All a Game: Top Trial Lawyers Tackle Evidence: Evidence in Magistrates Court (February 2020)
- (t) South Carolina Impaired Driving Assessment: Adjudication of DUI Cases (October 2019)
- (u) Leadership Columbia: South Carolina Judicial Systems (October 2019)
- (v) Midlands Tech, Guest Speaker: Judicial Systems CRJ 220 (September 2019)
- (w) A Guide to Prelims: On-Demand CLE – S.C. Bar (Fall 2019)
- (x) S.C. Victims' Rights Week: The Bond Hearing Process – A Creative Approach (April 2019)
- (y) South Carolina Bar Leadership Academy: Attorneys in Public Service (Running for Office) (March 2019)
- (z) Orientation School for Magistrates and Municipal Judges: Landlord/Tenant (March 2019)
- (aa) Direct Examination Podcast: Episode 3: Judge Daniel Coble (March 2019)
- (bb) Midlands Tech, Guest Speaker: Judicial Systems CRJ 220 (October 2018)
- (cc) 2018 SCSCJA Judge's Seminar: Discovery (Brady/Rule 5) (September 8, 2018)
- (dd) S.C. Victims' Rights Week: A Walk Through the Criminal Justice System (April 2018)
- (ee) 2018 SCSCJA Staff Seminar: Criminal/Civil Trial Objections (March 2018)
- (ff) Columbia Homeless Court Training, Panelist (December 2014)

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- (gg) Columbia Rotary Club, Guest Speaker: Columbia Homeless Court (June 2014)
- (hh) Richland County Bar Association, Annual Ethics CLE: Virtual Courts and Ethical Dilemmas (presented with former Chief Justice Costa Pleicones) (October 2021)
- (ii) 2021 SCSCJA Judge's Seminar: Guilty Pleas (September 2021)
- (jj) 2021 SCSCJA Judge's Seminar: Ethics: Judges and Social Media (September 2021)
- (kk) Daubert/Council & Expert Testimony: CLE - S.C. Bar (August 2020)

Judge Coble reported that he has published the following:

- (a) Published Books
 - i. Pocket Prelims: A Guide Book to Preliminary Hearings in South Carolina (S.C. Bar Publications, 2019)
 - ii. Florida Rules of Evidence: Annotated for State and Federal Court (Lawyers & Judges Publishing, 2020) (I am also working on two more books for L&J Publishing: South Carolina Rules of Evidence and Texas Rules of Evidence)
 - iii. Precedents: Annotated and Abridged Cases from the Supreme Court 1793-2019 (Submitted for publication)
 - iv. South Carolina Evidence, Third Edition (I am updating this book that was originally written by Danny Collins).
 - v. *Contributing Author for* The Fourth Amendment by Melanie Yenovkian (Chapter on Suppression Hearings) (Forthcoming 2021)
- (b) Self-Published Books
 - vi. South Carolina Trial Evidence (*Forthcoming 2021*)
 - vii. Federal Rules of Evidence: An Introduction to Trial Evidence (Harvard Law School's Library Innovation Lab H2O, 2020)
 - viii. Federal Rules of Evidence: Annotated for the Fourth Circuit (Independently published 2018)
 - ix. South Carolina Rules of Evidence: Annotated (Independently published 2019)

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- x. The 4th: Fourth Amendment Law in South Carolina (Independently published 2018)
- xi. Everyday Evidence: State Court (Independently published 2018)
- xii. Everyday Evidence: Federal Court (Independently published 2018)
- xiii. Deconstructing the DUI: A guide book to DUI law in South Carolina (Independently published 2018)
- xiv. Traffic Court in South Carolina: Offenses and Definitions (Independently published 2018) (Terry Leverette is coauthor)
- xv. Court Rules of South Carolina: A Compilation of Legal Rules 2020 (Independently published 2020) (c) Published Articles, Essays, and Book Reviews
- xvi. Expert Testimony: Daubert, Council, and Phillips S.C. Lawyer (Forthcoming September 2021)
- xvii. Ever Evolving Evidence S.C. Lawyer (September 2020)
- xviii. @Posner Thoughts - The Verified Account: A Review of Judge Posner's The Federal Judiciary: Strengths and Weaknesses 41 La Verne Law Rev. 2 (2020)
- xix. Not Your Scalia's Textualism JOTWELL (July 9, 2019) (reviewing Jeffrey Bellin, *Fourth Amendment Textualism*, **Mich. L. Rev.** (2019), available at SSRN)
- xx. A Prosecutor's Credo, Robed Oracles, and Gideon's Angels: A Review of Doing Justice Harvard L. & Pol'y Rev. Notice and Comment Blog (May 28, 2019)
- xxi. Discretionary Life Sentences for Juveniles: Resolving the Split Between the Virginia Supreme Court and the Fourth Circuit 75 Washington & Lee Law Rev. Online 101 (2019)
- xxii. The Time in Between: A Response to A Theory of Civil Problem-Solving Courts 67 Buff. Law Rev. D1 (2019)
- xxiii. Severing the Severability Doctrine: Why It's Time the Supreme Court Finally Acknowledges, Clarifies, and Severs this Doctrine 88 UMKC Law Rev. (2020)

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- xxiv. Permissible Inference or Impermissible Burden Shift: How the Supreme Court Could Decide State v. Glover Washburn L.J. Blog (Mar. 18, 2019)
- xxv. Following Friendly or Running to Rehnquist? A Review of Joan Biskupic's "The Chief" 52 Ind. Law Rev. Blog (April 19, 2019)
- xxvi. Heart-Wrenching, Yet Hopeful: A Review of Judge William Alsup's 'Won Over' The Recorder on Law.com (April 5, 2019)
- xxvii. I Recommend: Theodore Roosevelt for the Defense Judicature Bolch Judicial Institute, Duke Law School (May,2020)
- xxviii. Chasing the Chiefs: A Review of "The Chief Justices" by Daniel A. Cotter Everyday Evidence Legal Blog (May 13, 2019) (From my personal blog)
- xxix. A Letter from the Editor: When Can a Judge Write? 1 Cts. & Just. L.J. 9 (2019) (From my law journal)
 - (d) I write extensively for my legal blog, Everyday Evidence, which focuses on the rules of evidence, Fourth Amendment, civil/criminal case law, and more. I am also the founder and editor of the Courts & Justice Law Journal.
 - (e) Magistrate Court Series Judge Kenneth Southerlin (SC Bar Publications forthcoming 2020), Editorial Board.

(4) Character:

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

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

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

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

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

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

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

- (8) Experience:
Judge Coble was admitted to the South Carolina Bar in 2012.

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

- (a) From July 2012 to November 2012, I was a law clerk for the Fifth Judicial Circuit.
- (b) From November 2012 to July 2017, I was an assistant solicitor for the Fifth Judicial Circuit. I handled a wide range of cases ranging from drug offenses and DUIs to armed robbery and kidnapping. I co-counseled three murder cases and tried several other felony and misdemeanor cases. From 2014 until 2017, I was the lead prosecutor for the Columbia Homeless Court. I also organized a committee of health care professionals to address the chronically homeless in seeking solutions for their recovery, which is called Homeless Coordination.
- (c) From July 2017 until August 2021, I served as a full-time Magistrate Judge in Richland County. In this capacity, I handled both civil and criminal cases, which included bond settings, preliminary hearings, mediation, civil and criminal jury trials, transfer court, and more. In June 2018, I was appointed as the Associate Chief Judge for Richland

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County. As the Associate Chief Judge, I handled the majority of administrative issues at Central Court. I was appointed as the Municipal Judge for Arcadia Lakes from May 2020 to August 2021.

- (d) In August 2021 I opened my own law firm. I focus on DUI defense, criminal defense generally, and civil litigation (both plaintiff and defense).

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

As an assistant solicitor, I spent nearly every single week in the court room handling criminal cases. In criminal court, I managed different cases from beginning to end - from bond settings, to preliminary hearings, to guilty pleas and motions, to jury trials. I tried three murder cases with co-counsel, and I also co-counseled a “castle hearing” to determine immunity from prosecution of a murder. I tried multiple other cases to verdict.

The most rewarding experience of my time as an assistant solicitor was being part of the creation of South Carolina’s first Homeless Court. This partnership among prosecutors, judges, public defenders, and many more, helped folks transition out of homelessness and back into society. Because of the great work the court did, I worked with local health officials to create Homeless Coordination, which was focused on the top homeless folks in the City of Columbia. Our group coordinated together to create a list of the 20 most frequently arrested and hospitalized homeless people and to help them get off the streets and give them an opportunity to seek treatment.

As a full-time Magistrate Judge, I also handled criminal cases from beginning to end. I presided over both jury trials and bench trials for criminal court, bond settings, preliminary hearings, guilty pleas, and motions. As a Magistrate, I also handled civil matters. The ranged from civil motions, mediation, bench trials and jury trials. I have presided over dozens of full-length jury trials with attorneys on both sides. These trials require knowledge of the rules of evidence and an efficient application of those rules.

In addition to the civil experience from Magistrate Court, I have received over 30 CLE credit hours in the last year of reporting.

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I have recently opened my own law firm handling both criminal and civil matters. I have experienced firsthand the stresses and responsibilities that come with owning a solo law practice and working with clients.

Whether I was presiding over a summary judgment motion, castle hearing, guilty pleas, or representing a client in court, I have come to understand that a judge might not have all the answers, but they need to be able to know where to find the answers, and do so quickly. Every day in court, I had to say no, yes, guilty, not guilty, and much more. Being decisive and making decisions that upset people is not easy, but I did that for over four years as a Magistrate.

I think it is extremely important for all judges to very knowledgeable about the court rules and also empathetic to attorneys appearing before them. One area I constantly focus on is understanding what an attorney is going through as they represent a client. I am always aware of the issues that arise with attorneys and running a law practice. This includes uncooperative clients, the family of clients, running a small business, and many other issues. By understanding and seeing the attorney's position I will be a better judge and make the system as a whole more effective and judicious.

I am extremely fortunate to have some of the most respected lawyers in our state as both close friends and mentors. They have taught me since my first day as an assistant solicitor to treat other attorneys with respect and understand where they are coming from. As a solo practice attorney, this advice and mentorship has been invaluable and will continue for the rest of my career.

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

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

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

- (a) Civil: 40%
- (b) Criminal: 60%;
- (c) Domestic: 0%

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- (d) Other: 0%

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

- (a) Jury: 75%
(b) Non-jury: 25%

Judge Coble provided that during the past five years prior to his service on the bench he most often served as co-counsel.

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

- (a) State v. William Wallace, 2013GS4004554; 4548; 8/15/14. I was second seat in this double murder case. It was a weeklong trial that involved dozens of witnesses and lengthy motions.
- (b) State v. Frankie Brown, 2012GS4001088; 10/24/13. This was my first trial as first chair. I was able to strategize about the trial and make the final decisions. The jury deliberated for several hours, but we worked out a plea deal with the defense attorney before the jury returned a verdict.
- (c) State v. Adrian Lawrence, 2012GS4006014; 7/6/15. I second seated this castle hearing with the Deputy Solicitor, where the defendant was charged with murder. We were successful with the castle hearing and the defendant ultimately ended up pleading to a reduced charge.
- (d) State v. Nickolas Richardson, 2013GS4006592; 10/31/16. I second seated this murder trial and gave opening statement and handled many witnesses.
- (e) State v. Frank Singleton, 2013GS2800251; 3/12/14. I second seated this murder trial and gave opening statement and handled many witnesses.

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

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

I served as a full-time Magistrate Judge for Richland County from July 2017 to August 2021 and as a Municipal Judge for

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Arcadia Lakes from May 2020 to August 2021. Magistrates generally have jurisdiction in criminal cases that do not carry more than a \$500 fine or 30 days in jail. In civil case, Magistrates are generally limited to cases not exceeding \$7,500 in the amount in controversy. Municipal judges generally have jurisdiction over criminal cases that do not carry more than a \$500 fine or 30 days in jail.

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

- (a) State v. Haggins, Order 5469-2017-3 (Not Reported). The public defender filed a motion to dismiss for failure to comply with a speedy trial motion, Langford violation, and Rule 5 violation. I held a hearing and ultimately denied the motion to dismiss.
- (b) State v. Andrzejewski, Order 5469-2018-3 (Not Reported). In this case, I held a castle hearing on an assault charge. I wrote an order denying immunity under the Protection of Persons and Property Act.
- (c) Rodriguez v. McDaniel, Order 5469-2017-5 (Not Reported). After a civil trial, one party moved for sanctions against the other claiming that they violated ADR Rules. I denied the motion.
- (d) Rowe v. Osbourne, Order 5469-2018-14 (Not Reported). After a restraining order hearing, I granted the restraining order against the defendant. The defendant moved for a new trial based on new evidence. I denied the motion for a new trial after analyzing the required factors. This order was overturned on appeal by the Circuit Court Judge.
- (e) Neil v. Edelmayer, 2018CV4010600603 (Order from the bench). In this claim and delivery action, I awarded a judgment of \$200 to the plaintiff.

Judge Coble further reported the following regarding unsuccessful candidacies:

In 2020, I ran unsuccessfully for Circuit Court, At-Large, Seat 12. I was not screened out.

Judge Coble reported no other employment while serving as a judge.

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- (9) Judicial Temperament:
The Commission believes that Judge Coble’s temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualification found Judge Coble to be “Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee stated in summary, “With his experience and devotion to the judicial system he will be a definite asset to the bench.”

Judge Coble is married to Kristen Karr Coble. He has one child.

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

- (a) South Carolina Bar Association
- (b) Richland County Bar Association, *Magistrate Court Liaison*
- (c) S.C. Bar: CLE Publications Committee, *Chair*
- (d) S.C. Bar: Ethics Advisory Committee
- (e) S.C. Bar: Practice and Procedure Committee
- (f) South Carolina Summary Court Judges Association, Member
- (g) Richland County Magistrate Association, Treasurer

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

- (a) Summary Court Judge Mentoring Program (mentoring three new judges)
- (b) S.C. Bar: CLE Publications Committee, Chair (Present)
- (c) S.C. Bar: Ethics Advisory Committee (Present)
- (d) S.C. Bar: Practice and Procedure Committee (Present)
- (e) 1L Mentoring Program (2016, 2017, 2018, 2019, 2020)
- (f) UofSC Mock Trial Judge (2019, 2020)
- (g) Affordable Housing Resources

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- (h) Midlands Housing Trust Fund
- (i) United Way Financial Stability Council
- (j) Community Relations Council
- (k) Chair of CRC Young Contemporaries
- (l) Animal Mission
- (m) Shandon Neighborhood Council
- (n) Tarantella Club
- (o) Richland County Magistrate Association, Treasurer
- (p) Purple Ambassador, Mayor's Walk Against Domestic Violence
- (q) Trial Advocacy Certification, NDAA

Judge Coble further reported:

Having served nearly a decade in public service, I decided that to be the most well rounded and experienced attorney that I needed to open my own law practice. While it is intimidating and tough to give up such a great job as being a magistrate, I want to understand all aspects and views when I enter the courtroom and learn as much as I can about being a practicing attorney. I believe it is important for judges to see all sides and have experience representing all sides of the courtroom.

But what I believe is most important, more important than knowing the rules or the law, is the character and temperament of a judge. This means having empathy for attorneys who appear before you. I am fortunate to have some of the best and most experienced mentors surrounding me, and they taught me from the first day not to forget what it's like to be on the other side of the bench and how quickly a judge can develop "robotic." Many attorneys are in a solo firm, which means not only do they have to deal with the law and its application, but also with running a small business. I believe a judge should always be mindful of that, and I have. One year after my appointment, I was promoted to the Associate Chief Judge for Richland County in the summer of 2018. This means that I handle a majority of the administrative duties for our Central Court. And I am personally in charge of every single continuance request that comes through Central Court. Whether it is law enforcement, attorneys, solicitors, or anyone else, I have to decide whether to continue the case or deny the continuance request. Before COVID-19, I received continuance requests on a daily basis and I saw firsthand many

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of the issues that arise for private attorneys that can prevent them from making a court appearance. Handling continuances, legal issues, and other administrative issues that arise can often times be more difficult and time consuming than presiding over actual court cases. But a judge needs to be able to do both in order to run an efficient and competent court system.

After serving nearly a decade in public service, I wanted to broaden my experience as an attorney. I have decided to open my own law firm and focus on DUI defense, criminal defense, and civil litigation. I believe seeing all perspectives of the courtroom will give me an invaluable experience and make me a better attorney and hopefully a better judge if I am honored to serve again.

It is an honor and privilege to serve as a Magistrate Judge, and I am humbled to be considered for a Circuit Court Judgeship.

(11) Commission Members' Comments:

The Commission noted Judge Coble's poise at the public hearing and stated that he would make a great Circuit Court judge.

(12) Conclusion:

The Commission found Judge Coble qualified and nominated him for election to Circuit Court, Fifth Judicial Circuit, Seat 2.

**The Honorable Amy McCulloch
Circuit Court, Fifth Judicial Circuit, Seat 2**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge McCulloch was born in 1964. She is 57 years old and a resident of Columbia, South Carolina. Judge McCulloch 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 McCulloch.

Judge McCulloch 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 McCulloch reported that she has made \$515.24 in campaign expenditures for postage, stationery, and printing.

Judge McCulloch 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 McCulloch 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 McCulloch to be intelligent and knowledgeable.

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

- (a) I have been an Instructor for South Carolina Court Administration, Mandatory School for new Probate Judges from 2009 to the present.
- (b) I have been an Instructor for the SC Bar Program "Bridge the Gap" for new lawyers from 2003 to 2015.
- (c) I was an adjunct Professor for Midlands Technical College, Paralegal Program 1997 through 1998 and again in the summer of 2011 and taught classes on introduction to the law, torts, criminal, and probate trusts and estates.

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- (d) I was an adjunct Professor for University of South Carolina, College of Criminal Justice on 1997 through 1998 and taught a class titled Criminal Justice, American Criminal Courts.
- (e) In 2003, I spoke to the University of South Carolina, School of Law, Women in Law Speaker Series on the topic of “Road to be a Probate Judge”.
- (f) In 2001, 2002, 2003, 2005, 2007, 2008, and 2016, I was a presenter for the Continuing Legal Education series known as “Tips from the Bench”.
- (g) In 2007, I was a presenter at a Continuing Legal Education titled “Rules! Rules! Rules! – an overview of the Probate Rules”.
- (h) In 2014, I was a presenter at a Continuing Legal Education titled “The Modern Family – Probate Issues.”
- (i) In 2014, I was part of a panel discussion at the South Carolina Probate Judges Association on the new probate code.
- (j) In 2014, I was a presenter for the National College of Probate Judges on the topic of “Firearms and the Mentally Ill.”
- (k) In 2017, I was a presenter at the Magistrates Conference on the topic of explaining probate.
- (l) In 2017, I was a presenter at the Richland County Probate Court’s guardian ad litem training.
- (m) In 2020, I co-taught a session of the University of South Carolina, School of Law Summer Class on “Mediation in Probate Court.”
- (n) In 2021, I was a presenter for a Continuing Legal Education session for judges on the changes to common law marriage.

Judge McCulloch reported that she has published the following:

- (a) Legal Aspects of Involuntary Commitment (SC Lawyer, 2000) Co-Author
- (b) Wrongful Death and Survival Actions: How you may find yourself in Probate Court (Richbar News, 2003) Author
- (c) Avoiding Conflict After Death (IMARA Magazine, 2013) Author

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(d) Minors in Probate Court: Conservatorships, Minor Settlements, and Special Needs Trusts (SC Lawyer, 2014)
Co-Author

(4) Character:

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

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

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

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

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

- (a) I have been the Richland County Probate Judge from 1999 through the present.
- (b) I was originally elected in November of 1998 and was sworn in in January of 1999 and I am currently serving in my sixth term.

(6) Physical Health:

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

(7) Mental Stability:

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

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- (8) Experience:
Judge McCulloch was admitted to the South Carolina Bar in 1990.

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

- (a) 1990-1991 – Judicial Law Clerk for The Honorable Thomas J. Ervin, Circuit Court, Tenth Judicial Circuit – duties included assistant in the courtroom, research, and order drafting.
- (b) July 1991-September 1991 – Judicial Law Clerk for The Honorable William “Bucky” Catoe, United States Magistrate Judge for the District of South Carolina – duties included reading files and drafting of orders mainly focused on Medicaid appeals.
- (c) September 1991 – December 1996 – Assistant Solicitor, Fifth Judicial Circuit – prosecuted cases in Magistrates Court, Family Court and General Sessions.
- (d) December 1996 – December 1998 – Attorney with Law Offices of Joseph M. McCulloch, Jr. – managed the Trust and General accounts, office administration, managed the civil cases for pleadings and discovery, preliminary hearings, guilty pleas, and Family Court divorce matters.
- (e) May 1997 through November 1998 – part time contract employee with the Richland County Solicitor’s Office to train new prosecutors.
- (f) 1997-1998 Adjunct Professor at Midlands Technical College – Paralegal Program – taught courses on Introduction to Law, Legal Ethics, Torts, Criminal and Business Law.
- (g) 1997-1998 Adjunct Professor at University of South Carolina, College of Criminal Justice – taught the course Criminal Justice, American Criminal Courts.
- (h) January 1999 through present – Probate Judge for Richland County – manage and oversee administration of the office, hear estate matters, commitment hearings, guardianship and conservatorship hearings, and trust litigation.

Judge McCulloch further reported regarding her experience with the Circuit Court practice area:

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The experiences I will be describing are from 1992 to 1998, the five (5) year time frame before I began serving as Probate Judge in January of 1999.

During my time serving as an Assistant Solicitor, in addition to handling my own caseload of approximately 200 to 300 cases, I managed a team of lawyers that were responsible for a rotational trial docket. Each solicitor was responsible for his or her cases from the beginning of the investigation through the ultimate plea, trial, or dismissal. I was on rotational call for local law enforcement for warrant approval and bond hearings in an innovative twenty-four (24) hour a day program called Early Legal Assistance to law enforcement. I monitored and was responsible for discovery, communication with the arresting agency and officers, and communication with victims and other agencies. As a team leader, I was responsible for weekly discussions of cases, preparation of plea negotiations and ultimately trial preparation which included witness preparation, issuing subpoenas, preparing appropriate motions, and review of evidence. I prosecuted a range of cases including driving under the influence, burglary, criminal sexual conduct, drug distribution, kidnapping, and murder.

During my time in private practice, I handled the daily administrative duties of the office, which included personnel and payroll, client billing, monthly reconciliation of all accounts, payments and deposits, retainer agreements, and client meetings. In civil cases, I responded to and reviewed discovery, prepared pleadings and motions, participated in depositions and mediations, settled and distributed proceeds, attended pretrial hearings, and sat as co-counsel at hearings. In criminal cases, I met with clients, reviewed discovery, negotiated pleas, attended preliminary hearings, and sat as co-counsel at hearings.

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

- (a) Federal: In in the period of 1997-1998, I was involved in one federal civil case that was resolved in preliminary motions. I was co-counsel with Hugh Roberts at the time.
- (b) State: General Sessions from 1993 to 1996 (Solicitor's Office) daily/weekly

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Family Court from 1993 to 1996 (Solicitor's Office)
at least monthly or quarterly
Magistrates Court from 1993 -1996 (Solicitor's
Office) at least weekly or monthly
Circuit Court from 1997-1998 (private practice)
monthly
General Sessions from 1997-1998 (private practice)
monthly
Magistrates Court from 1997-1998 (private practice)
monthly
Family Court from 1997-1998 (private practice)
approximately six (6) times total

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

- (a) civil: none from 1993 to 1996, fifty (50%) percent during 1997-1998
- (b) criminal: one-hundred (100%) percent from 1993 to 1996, approximately 20% of those criminal cases were prosecuting juvenile cases in Family Court; twenty (20%) percent during 1997-1998
- (c) domestic: none from 1993-1996, ten (10%) percent during 1997-1998
- (d) other: office management of law firm from 1997-1998, twenty (20%) percent

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

- (a) Jury: During my time in the Solicitor's office approximately forty (40%) percent of my cases went to trial before a jury. During my time in private practice, I was second chair in several civil cases with the majority reaching disposition through settlement.
- (b) Non-jury: I was involved in a few matters that were non-jury in Magistrates Court, five to ten (5-10%) percent of juvenile criminal matters in Family Court while in the Solicitor's office, and approximately six domestic matters in Family Court while in private practice.

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Judge McCulloch provided that during the past five years prior to her service on the bench she most often served as co-counsel or chief counsel.

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

- (a) While serving as an Assistant Solicitor, a Defendant was charged with kidnapping and criminal sexual conduct, 1st degree. I was the assigned prosecutor on the case and took it from the investigation stage through its dismissal. It was significant because the facts of the case were traumatic and the outcome taught me many things. A 14-year-old girl at an all-night church "lock-in" event snuck out with another to find cigarettes. She was abducted and sexually assaulted by three individuals. I had a significant level of involvement with the Investigator, the victim and the witnesses. The defendant was identified through a drawing and BOLO. The similarity of appearance was striking. The victim and witness picked him out of a photo line-up. The Defendant remained in jail and Defendant's grandfather and main paternal figure came to every court hearing and dropped by the Solicitor's office frequently to ask about the progress of the case. At every meeting, he told me that the charges against his grandson would be dismissed. It was a DNA case and ultimately the DNA testing returned that the Defendant was not a match. I remember the powerful impact of explaining the outcome to the victim and her family. I dismissed the charges against the Defendant and remember the grandfather's relief. The process and outcome of the case was a significant experience for me and reinforced my commitment to follow the evidence and the responsibility and importance of prosecutorial objectivity.
- (b) While serving as an Assistant Solicitor, I prosecuted a man for kidnapping and criminal sexual conduct, 1st degree. The case was significant for several reasons. The victim was a young female and while working extra hours over the weekend at a law firm where she was an assistant, she was held against her will and sexually

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assaulted by the man that the law firm had hired to maintain the yard. She was extremely frightened and did not want to testify. The accused asserted the defense of consent. While the facts and evidence fully supported her assault, convincing her to testify and supporting her through her testimony and the trial was challenging on many levels. The accused was found guilty. From this case, I learned many things, including that it takes great strength and commitment to go through such an emotionally demanding trial. I also learned that I had the strength and compassion to support the victim through the process and to find justice for the victim and society.

- (c) While serving as an Assistant Solicitor, I was responsible for prosecuting a grandfather for criminal sexual conduct with a minor granddaughter. The evidence was strong to convict with medical evidence and eyewitness testimony of events. The family dynamic was such that the grandparents, including the defendant grandfather, were the custodial guardians for the minor. The case was significant because the defendant was found to lack capacity and therefore, could not be tried for the matter. I participated in the defendant's judicial commitment, as is required. His commitment resulted in his temporary placement in an inpatient facility and then his release back to his home, where again the child was living. I felt compelled and responsible to follow up with this matter with the Department of Social Services and Family Court in an effort to provide protections for minor. In the end, I felt the systems were not in place to provide adequate support.
- (d) While in private practice, I represented a husband in a simple and uncontested divorce proceeding. The wife did not appear for the hearing and there were no assets to divide. At the hearing to have the final order issued, I appeared with my client. The Family Court judge called me to the bench and privately explained that I had failed to plead a significant part of my ask and I would need to amend my pleadings and re-appear at a later date. I was mortified not only to have made such an error, but also to have made such an error before a judge I greatly

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respected. Of course, my primary concern was for my client and that I had potentially disappointed him. The judge graciously allowed me to explain the situation to my client and did not embarrass me in front of him. I left the bench and told my client that I had made a mistake and would have to correct it before he would be granted his divorce. I returned his fee and finished the matter for free. From this experience, I saw through new eyes the power and influence of a judge and I will be forever impacted by her compassion and willingness to use the situation as a teaching experience.

- (e) While in private practice, I was co-counsel on a very contentious and lengthy Family Court divorce matter that involved allegations of adultery, a dispute over custody of several children, and asset value and distribution. I am sure for attorneys that practice primarily in this area, the case would not have been so controversial but for me, it was my first experience with the regular and intense communications from my client and opposing counsel arguing almost daily on the regular decisions couples must make about their status and their children. At what I thought was the final divorce hearing where my client would predictably receive an award of support and custody, opposing counsel presented evidence for the first time, which was only that day provided by his client that changed everything. On top of the emotionality of the case, it was the requirement to change and pivot and renegotiate the case at the last moment that stayed with me.

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

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

Richland County Probate Judge – 1999 through the present - elected

The Probate Court has jurisdiction for all estate matters, the appointment and oversight of guardianships for incapacitated adults, the appointment and oversight of conservatorships for incapacitated adults and minors, approval of minor settlements

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under \$25,000.00, approval of wrongful death and survivor settlements prior to filing, trust and estate litigation, litigation involving powers of attorney, commitments for emergency mental health treatment and chemical dependency treatment, non-emergency judicial commitments, and the issuance of marriage licenses.

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

- (a) In re Est. of Kay, 423 S.C. 476, 816 S.E.2d 542 (2018).
This case was an appeal from the Laurens County Probate Court under estate file number 2007-ES-30-208, an appeal of the decision by The Honorable Frank R. Addy, 2012-CP-30-258, an appeal of South Carolina Court of Appeals decision 2016-5414, and before the Supreme Court of South Carolina, 2016-002337. I was invited by the South Carolina Supreme Court to sit as a substitute justice for this Supreme Court argument. It involved many different aspects of probate administration of an estate complicated by real estate issues; heirs in disagreement; and a question of appropriate attorney fees and personal representative commission. It was a significant experience and a humbling opportunity.
- (b) In the Matter of Carter, 2002. I presided over the first and, so far, only jury trial in the Richland County Probate Court. Under South Carolina law, parties typically litigate without a jury but may request a jury trial in the Probate Court or the Court of Common Pleas upon removal. Although it was technically a Will challenge case, it was very complex and complicated by a multitude of variables. The case involved issues of race, class, capacity, abuse and neglect, and criminal charges. The litigants conducted their respective arguments, aggressively presenting issues for me as presiding judge. At every turn, there was a challenging legal issue about evidence admission, testimony, and courtroom conduct. After a week of trial and testimony, the jury returned their emotional verdict at midnight on Friday. The case reverberated for years.

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- (c) In the matter of the Estate of Julius Clarence Dreher, Jr. estate number 1997-ES-40-880, appellate review citation Dreher v. Dreher, 370 S.C. 75, 634 S.E. 2d 646 (2006). This case required the interpretation and application of the elective share statute and a revocable inter vivos trust. My order, attached as one of my writing submissions, held that while the spouse is entitled to her elective share claim, the assets of the trust, left primarily to the decedent's children who were not the children of the surviving spouse, should not be included in the calculation of the elective share amount. I also found the statute regarding elective share to be unconstitutional. The Supreme Court of South Carolina later reversed my interpretation of the elective share statute at that time. The statute has since been amended.
- (d) In the Matter of Dhillon, 2014. This was a very legally complex case that also involved a myriad of family and geographic complications. It required determinations of intestate heirs, common law spouse and elective share claims. Factually, two women claimed to be the decedent's wife. One woman claimed to be his wife from an alleged marriage in India who had a child with the decedent. Another woman claimed to be his common law spouse in South Carolina who had two children with the decedent. The case involved contradictory legal, religious, cultural, and family issues. The conflicting testimony from the decedent's parents and the women who believed they were married to the decedent were emotionally and legally demanding. The order in this case is included as my second writing submission.
- (e) In the Matter of Sumter, 2002. The main question of disputed rights of inheritance was "Is he the Decedent's brother or is he the Decedent's son?" This matter was extremely interesting because it required extensive review of family records, court documents, the United States census, a very broken family tree, and a mildewed family Bible, and genealogical tracking back to the 1930's. This case was a sociological powerful study of how families changed names and relationships to save reputations to survive, about how children were raised in

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rural areas in the 1950's, and how secrets were kept and documented. The file should become a book.

Judge McCulloch reported the following regarding her employment while serving as a judge:

- (a) I taught group fitness classes at Columbia Athletic Club, Gold's Gym and MUV fitness from 1999 through 2019. I was considered hourly and my supervisor was Lisa Dye.
- (b) In the summer of 2011, I taught a class on probate, trusts, and estates as an adjunct Professor for Midlands Technical College, Paralegal Program. I was considered part time. My supervisor was Bill McSorley.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualification found Judge McCulloch to be "Qualified" in the evaluative criteria of constitutional qualifications, professional and academic ability, reputation, physical health, mental stability, and experience; and "Well Qualified" in the evaluative criteria of ethical fitness, character, and judicial temperament. The Committee noted: "Needs more experience outside probate cases, but has a good understanding of the judicial system and will make an excellent judge;" and "Qualified."

Judge McCulloch is married to Joseph Matthew McCulloch Jr. She has one child.

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

- (a) SC Bar – member from 1990 through the present.
- (b) Richland County Bar – member from 1998 through the present.
- (c) SC Association of Counties – member from 1999 through the present, serving on the Legislative Committee since approximately 2009.
- (d) SC Association of Probate Judges – President 2003-2004, Chair or Co-Chair of Legislative Committee from 1999

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through the present, and member from 1999 through the present.

- (e) National College of Probate Judges – member from 1999 through the present and Executive Committee member from 2017 through the present.
- (f) South Carolina Supreme Court, Probate Court Judges Advisory Committee, member since 2002 and Chair since 2009.
- (g) South Carolina Partners in Crisis – Co Chair from 2003 through 2013.
- (h) South Carolina Vulnerable Adult Task Force – member
- (i) South Carolina Suicide Prevention Coalition – member
- (j) National Center for State Courts, member of Expert Panel to develop a judicial response protocol to address abuse, neglect, and exploitation in guardianship and conservatorship cases in 2018 and 2019.
- (k) Inns of Court – member from 2019 through the present.

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

- (a) Midlands Technical College, Paralegal Advisory Board
- (b) Girls Scouts – Women of Distinction 2017

Judge McCulloch further reported:

Growing up and attending public schools in Richland County has enabled me to be sensitive to the issues and concerns faced by many in the community. While I have been fortunate in my life, I have also experienced the impact of my parents' divorce, abuse by a stepparent, financial struggles, family members struggling with addiction and mental health issues, and complicated family relationships. I know how those events can affect the choices we make and I know the impact the judicial system can have upon an individual's life. As a result, I will obey the Judge's Oath by listening courteously and impartially and will decide the matters before me with fairness and civility and rule only after careful and considerate deliberation.

(11) Commission Members' Comments:

The Commission commented that Judge McCulloch has an excellent reputation as a jurist in the Probate Court. They noted

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she often is asked to serve in a number of capacities and they appreciate her public service.

- (12) Conclusion:
The Commission found Judge McCulloch qualified and nominated her for election to Circuit Court, Fifth Judicial Circuit, Seat 2.

S. Boyd Young
Circuit Court, Fifth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Mr. Young meets the qualifications prescribed by law for judicial service as a Circuit Court judge.
- Mr. Young was born in 1974. He is 47 years old and a resident of Columbia, South Carolina. Mr. Young provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1999. He was also admitted to the Georgia Bar in 2005.
- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Young.
- Mr. Young 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. Young reported that he has made \$137 in campaign expenditures for flyers and envelopes.
- Mr. Young 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.

Mr. Young 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. Young to be intelligent and knowledgeable.

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

- (a) I have lectured and taught at the National Criminal Defense College annually since 2009. It is a two-week trial advocacy program for criminal defense attorneys with various levels of experience.
- (b) I have lectured and taught at the National College of Capital Voir Dire annually since 2007. It is a program dedicated to teaching constitutional voir dire requirements to attorneys.
- (c) In 2010, I founded a public defender training program for South Carolina, and it has since been turned into a mandated training program for all new public defenders. I continue to teach and lecture in the program.
- (d) I am on the National Association of Criminal Defense Attorneys, Capital Committee where I serve as Co-Chair. I put on an annual continuing legal education seminar regarding capital defense.
- (e) I participate annually in the South Carolina Bar Mock Trial competition.
- (f) In 2009 South Carolina Solicitors and defense lawyers received a joint grant to host training programs for capital cases. I managed the defense lawyer training and over the course of three years held multiple training events around the state. This was a joint effort to combat South Carolina's near 80% reversal rate in capital cases.

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

(4) Character:

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

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

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

Mr. Young reported the following military service:
May 1993 – February 5, 1996. United States Navy, Midshipman.
Honorable Discharge, February 5, 1996.

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Young was admitted to the South Carolina Bar in 1999. He was admitted to the Georgia Bar in 2005.

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

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- (a) 1999-2000 I was hired as a law clerk to A. Victor Rawl, Circuit Court Judge in Charleston, SC. My duties included assisting Judge Rawl with both criminal and civil matters throughout South Carolina.
- (b) 2000-2005 I was hired at the Charleston County Public Defender's Office. I was an assistant public defender for five years and promoted to senior trial attorney. I handled all levels of criminal cases.
- (c) 2005-2008 I joined the newly formed Georgia Capital Defender Office in Atlanta where I handled trial level capital cases throughout the state of Georgia.
- (d) 2008-2017 I returned to South Carolina to help form the Capital Trial Division for the South Carolina Commission on Indigent Defense. I was initially hired as the Deputy Attorney of the office.
- (e) 2017-Present I have served as the Chief Attorney of the Capital Trial Division. I supervise two other attorneys, a paralegal, and numerous interns and externs. We handle trial level death penalty cases throughout the state and have been directly responsible for saving South Carolina over \$1 Million annually.

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

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

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

- (a) Civil: 1%;
- (b) Criminal: 97%
- (c) Domestic: 1%
- (d) Other: 1%

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

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

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

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

- (a) State v. Timothy R. Jones, Jr. This was a death penalty trial in Lexington, SC in 2019. The case is currently pending in the South Carolina Supreme Court for direct review. This was the longest, most complicated death penalty case in recent history. This case was significant for a multitude of reasons, but I think it was an important example of how our mental health facilities and social institutions fail to protect our most vulnerable citizens. While there were several open Department of Social Services investigations, Mr. Jones continued to spiral out of control and it eventually resulted in the killing of five innocent children. I was lead counsel for Mr. Jones. The trial was tremendously impactful on me, both as a person and a lawyer.
- (b) Kenneth Simmons v. State, 416 S.C. 584, 788 s.E.2d 220 (2016). A Post Conviction Relief case in which I became involved based on my knowledge and experience with DNA evidence. My representation at Mr. Simmons' PCR resulted in a reversal of his conviction, and ultimately Mr. Simmons pleaded guilty for a reduced sentence. The Solicitor in the case had presented false DNA results implicating Mr. Simmons. The case demonstrates the necessity of attorneys and judges being well educated on the forensic issues that impact jury trials.
- (c) State v. Todd Kohlhepp. A 2017 case involving a serial killer from Spartanburg. Mr. Kohlhepp was charged with seven murders and the kidnapping and sexual assault of a woman found chained in a storage container on his property. This case demonstrated that early and adequate representation for the accused leads to better outcomes for all involved. Because of my early involvement I was able to ensure that all of Mr. Kohlhepp's personal property went into receivership, resulting in the victims' ability to recover, monetarily, some small part of their losses. Through the early cooperation of Mr. Kohlhepp, and with the consent of the victims, we were able to negotiate life without parole sentences for Mr. Kohlhepp - saving the State significant expense and the victims the emotional impact of a long, drawn out process. I was lead counsel for Mr. Kohlhepp.

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- (d) State v. Crystal Johnson. A murder case out of Spartanburg in 2016. Ms. Johnson was already in prison serving a sentence for child neglect when the Sheriff identified her as a suspect in a double murder that occurred several years prior. The State's intention to seek the death penalty was announced at a press conference. Once warrants were drafted I was able to get involved and conduct a thorough investigation. I was able to prove that Ms. Johnson was not involved in the murders. Additionally, I was able to uncover the identity of the actual murderer which I forwarded to the Solicitor's Office. This case is important to show why a thorough investigation is necessary, how devastating a rush to judgement can be, and why attention to detail is crucial in the administration of justice.
- (e) State v. John Edward Weik. This was a 2016 death penalty retrial in Dorchester County. Mr. Weik was tried, convicted, and given the death penalty. His sentence was affirmed in 2004. The PCR Judge found that his counsel was deficient for failing to investigate and present Mr. Weik's extensive mental health history to the jury. Weik v. State, 409 S.C. 214, S.E.2d 757 (2014). I was able to provide the Solicitor with proof that Mr. Weik was schizophrenic. He then received an offer to plead to life without parole which he accepted. The case is significant because it demonstrates the value of the appointment of qualified counsel in complicated cases to avoid costly retrials.

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

Mr. Young further reported the following regarding unsuccessful candidacies:

In 2020 I was screened as a candidate for Circuit Court, At Large, Seat 12. I was found to be well qualified but was not selected as a final candidate by the Committee.

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

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(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualification found Mr. Young “Qualified” in the evaluative criteria of constitutional qualifications, physical health, mental stability, and experience; and “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and judicial temperament. The Committee noted: “Excellent criminal experience! Very little civil experience- is willing to come up to speed on civil.”

Mr. Young is married to Laura W. Young. He has two children.

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

- (a) South Carolina Association of Criminal Defense Lawyers - Member
- (b) National Association of Criminal Defense Lawyers – Capital Trial Committee – Co-chair
- (c) South Carolina Public Defender Association – Board Member
- (d) Richland County Bar Association - Member

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

- (a) Recognized by the Red Cross as a Platelet Donor
- (b) I run an annual charity yard sale at my house to support children with an incarcerated parent at Christmas.
- (c) My wife worked with Achieve Columbia – a group dedicated to providing support services to at risk youth in local schools – which resulted in us getting an educational guardianship for a minor and having her live with us for her last two years of High School, there was a recognition by Achieve Columbia.

Mr. Young further reported:

I had the great fortune of clerking for a Judge that was respected by all parties that came before him. He taught me how to maintain poise even when others could not, the value of always being prepared, and treating others with dignity and respect no matter the circumstances. I have spent my career as a trial lawyer

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in courtrooms across South Carolina applying these lessons. I have appeared in front of great jurists, and some not so great, but we have always managed to get along and get the work done. I have managed some of the most complex cases in South Carolina and maintained a case budget that saves the citizens of South Carolina money. At the same time, I have maintained good relationships with not only opposing counsel, but also with many of the victims in cases that I was defending. If selected, I will make a good addition to the South Carolina Judiciary.

(11) Commission Members' Comments:

The Commission commented that Mr. Young is a very capable lawyer with extensive experience in criminal law. They also noted that his demeanor would serve him well as a circuit court judge.

(12) Conclusion:

The Commission found Mr. Young qualified and nominated him for election to Circuit Court, Fifth Judicial Circuit, Seat 2.

**The Honorable Brian M. Gibbons
Circuit Court, Sixth Judicial Circuit, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Gibbons was born in 1966. He is 55 years old and a resident of Chester, South Carolina. Judge Gibbons 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 Gibbons.

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

Judge Gibbons 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 Gibbons 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 Gibbons to be intelligent and knowledgeable.

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

- (a) I have presented at the 2010 SC Bar Program "Bridge the Gap" for new lawyers as Part of a panel dealing with Family Court
- (b) National Business Institute-"What Family Court Judges want you to know" May 2010 and May 2012 Panel
- (c) SC Rules of Family Court 2/08, 2/10
- (d) SC Bar-Rules, Rules, Rules Seminar
- (e) I have also presented and moderated at the Family Court Bench/Bar seminars Broadcast statewide in December 2010 and 2011
- (f) SCAJ Convention-Participated in a panel discussion on Family Court Matters in 2009

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- (g) Solicitors Solicitors/Public Defender's Convention- I have presented and served on a panel presentation for various issues
- (h) Since 2014 I have taught as an adjunct professor at the Charleston School of Law from May to July, teaching Family Law and Advanced Torts

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

(4) Character:

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

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

The Commission also noted that Judge Gibbons 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 Gibbons reported that his last available rating by a legal rating organization was a BV rating. He did not provide the name of the legal rating organization.

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

Judge Gibbons reported that he has held the following public office:

All appointed Town/City attorney positions from 1994 through May 2005. These were all appointed positions. I have never been subject to a penalty and have always timely filed ethics reports as a judge.

(6) Physical Health:

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

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

(8) Experience:
Judge Gibbons was admitted to the South Carolina Bar in 1992.

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

- (a) Associate-Hamilton, Hamilton & Delleney, PA- August 1992 through December 1993
- (b) Partner- Hamilton, Delleney & Gibbons, PA-1994-May 25, 2005
- (c) City Attorney- Chester- 1994-2000
- (d) Town Attorney- Great Falls- 1997-May 2005
- (e) Town Attorney- Fort Lawn- 1998- January 2005
- (f) Prior to being elected to the Bench, I was involved in a general practice law firm. I primarily practiced in the areas of Family Law, Criminal, and Civil litigation for almost (13) years prior to being elected to the Bench. I have represented clients in civil litigation in Common Pleas and Magistrate Courts-both plaintiff and defense. I have represented many criminal defendants ranging in seriousness from DUI offenses to Armed Robbery. Being from a small, rural county, I was able to practice law in many different areas, which I believe has trained me to be a good judge who understands all the different areas of practicing law, thus ensuring fairness and justice for litigants, defendants, and lawyers.

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

- (a) May 2005-Elected to Seat One of the Family Court, Sixth Judicial Circuit
- (b) February 2007-Re-Elected to Family Court
- (c) February 2013 Re-Elected to Family Court
- (d) May 2013- Elected to the Circuit Court, Seat One, Sixth Judicial Court, serving continuously since
- (e) February 2016 Re-Elected to the Circuit Court

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

- (a) Pittman v. Pittman, 407 S.C. 141, SC Supreme Court opinion 27352
- (b) State v. Simpson, 425 S.C. 522, SC Supreme Court opinion 27937
- (c) Huck v. Avtex Commercial, SC Court of Appeals opinion 5500
- (d) Hensley v. SCDSS, SC Supreme Court opinion 27941
- (e) SC Public Interest Foundation v. Calhoun County Council, SC Supreme Court opinion 28008

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

I have been an adjunct professor at the Charleston School of Law since 2014 teaching Family Law and Advanced Torts. These classes are in the summer months in the evenings as to not conflict with my Court schedule.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualification found Judge Gibbons 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 noted: "Judge Gibbons brings to the bench a degree of wisdom, thoughtfulness, and common sense that reflects his significant experience as both a Family Court Judge and Circuit Court Judge. His substantial involvement in his community and his long tenure as a jurist are compelling evidence of his deep commitment to public service. He is an excellent Circuit Court Judge."

Judge Gibbons is married to Lorena Crouch Gibbons. He has three children.

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

- (a) SC Bar Association, former member of the YLD Board
- (b) South Carolina Trial Lawyers Association, Sixth Circuit Representative 1997-2005
- (c) South Carolina Conference of Family Court Judges 2005-2013
- (d) South Carolina Circuit Judges Association
- (e) National Conference of Juvenile and Family Court Judges 2005-2013
- (f) Chester County Bar- Sec/Treas
- (g) Municipal Attorneys Association

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

- (a) Chester Rotary Club-Past President, Paul Harris Fellow
- (b) Chester YMCA-Past President
- (c) Chester/Fairfield Citadel Club-Past President, Secretary and Treasurer
- (d) Blackstock Bluegrass Inc.- Past President
- (e) The Citadel Alumni Association
- (f) Richard Winn Academy- Board Member
- (g) Palmetto Boys State Staff for 38 years
- (h) Board of Deacons, Chester ARP Church
- (i) Elder- Chester ARP Church

Judge Gibbons further reported:

I have always been very involved in my church and community. I have coached all of my children in their various sport activities. I have been actively involved with the American Legion Palmetto Boys State program for the past 38 year. I love helping people. I continue to serve as a Junior High Youth Group leader at my church. I am currently serving as Elder in the Chester Associate Reformed Church.

(11) Commission Members' Comments:

The Commission commented that Judge Gibbons has a wonderful reputation among the attorneys who appear before him. They cited his positive BallotBox comments, and noted that his temperament in the courtroom should serve as an example for other judges to emulate.

- (12) Conclusion:
The Commission found Judge Gibbons qualified and nominated him for re-election to Circuit Court, Sixth Judicial Circuit, Seat 1.

**The Honorable Frank Robert Addy Jr.
Circuit Court, Eighth Judicial Circuit, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Addy meets the qualifications prescribed by law for judicial service as a Circuit Court judge.
- Judge Addy was born in 1967. He is 54 years old and a resident of Greenwood, South Carolina. Judge Addy 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 Addy.

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

Judge Addy 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 Addy 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 Addy to be intelligent and knowledgeable.

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

- (a) "Dual Diagnosis" October 9, 2001
SC Association of Probate Judges
Presentation addressed the problematic practical and procedural issues concerning stabilization and treatment of mentally ill/chemically dependent individuals.
- (b) "New Probate Judge's School"
SC Court Admin. and SCAPJ, January 10, 2013 & March 15, 2007
Planned topics, organized speakers and materials, and moderated the 2003 New Probate Judge's School. Personally addressed topics of ethics and estate taxation at the 2003 and 2007 schools.
- (c) "Therapeutic Commitments – Judicial Issues and Supplemental Proceedings"
SC Association of Probate Judges, August 6, 2004
Lecture on the jurisdictional validity of commitment orders throughout the state and between states with discussion of supplemental proceedings due to non-compliance.
- (d) "General Probate Issues"
Greenwood County Bar, September 30, 2004
Presentation geared toward general practitioner. Presentation discussed recent changes in the law, disclaimers, omitted spouse and elective share petitions, and other matters related to probate jurisdiction.
- (e) "Creditor's Claim Presentment in the Probate Court"
SC Morticians Assoc., October 24, 2004

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Procedural law for presenting a claim against a decedent's estate.

- (f) 13th Annual Probate Bench/Bar, Course Planner and Moderator
SC Bar CLE Division, September 16, 2005
I planned and moderated the 2005 Bench/Bar and was subsequently told that the attendance for the event surpassed all previous bench/bar conferences.
- (g) "Temporary and Emergency Measures in Probate Proceedings"
SC Assoc. of Probate Judges, September 25, 2005
Procedural overview of Rule 65, SCRCPP, governing temporary injunctions as compared to Section 62-3-607 governing emergency orders in the estate context and 62-5-310 governing appointment of emergency temporary guardians.
- (h) "The Probate Process and Presentation of Creditors' Claims in South Carolina's Probate Courts"
SC Oncology Assoc., May 18, 2006
Presentation was a procedural overview of the process for probating an estate, presenting claims against an estate, and explanation of time limits involved.
- (i) "Roundtable Discussion"
SC Assoc. of Probate Judges, August 4, 2006
Served as panel member and discussed recent issues / hypotheticals.
- (j) "Recent Issue in the Probate Court"
Greenwood County Bar, February 23, 2007
Presentation discussed the Franklin and Brown cases concerning unauthorized practice of law and addressed competency issues when a client may be suffering from mental incapacity.
- (k) "Probate Potluck" – Round Table Discussion
SC Assoc. of Probate Judges, September 12, 2007
Panel member for discussion of various probate topics.
- (l) "Involuntary Mental Illness Commitments"
SC Summary Court Judges Assoc., May 6, 2008
Presentation on procedural and substantive law concerning involuntary commitments due to mental illness or chemical dependency.
- (m) Panel Discussion

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- SC Public Defender's Assoc., September 27, 2010
Participated as a panel member to discuss issues commonly seen in general sessions court.
- (n) "Motions Practice in Circuit Court"
SCDTTA Assoc., July 28, 2012
Judge Young and I gave a presentation on effective techniques in making motions in the common pleas context.
- (o) "Top 10 things that annoy me...and probably other judges"
SC Bar Convention, January 24, 2014
Served as a panel member with two other circuit judges to discuss inefficiencies and other common problems frequently observed in the circuit court.
- (p) "Judicial Panel Discussion"
2014 South Carolina Solicitor's Conference
Participated with other judges in discussed recent precedent and courtroom procedure at the annual Solicitor's meeting.
- (q) "Petitions to Restore Firearm Rights"
SC Probate Judges Assoc., February 19, 2015
Presentation addressed the recent changed in the law permitting individuals who were previously involuntarily committed to petition for restoration of their Second Amendment rights.
- (r) "General Sessions Mental Health Commitments"
SC Public Defender's Assoc., September 21, 2015
Presented on the process of mental illness evaluations through DMH.
- (s) "Judicial Panel Discussion"
2016 South Carolina Public Defender's Conference, September 26, 2016
Participated with other judges in discussed recent precedent and courtroom procedure at the annual Public Defender's meeting.
- (t) "Adjudication of DUI Cases"
SCDPS, November 15, 2016
Panelist. Offered the circuit court's opinion concerning the means by which impaired driving cases are prosecuted and offered suggestions to reduce traffic injuries and fatalities on SC roads.
- (u) Greenwood Bar – February 2, 2017

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- Presentation on the "Clementa Pinckney Uniform Partition of Heirs Property Act," closing arguments in light of State v. Beaty, and circumstantial evidence in light of State v. Pearson.
- (v) SC Bar Leadership Academy, Greenville, SC – March 31, 2017
Presented to the YLD on work/life balance and professionalism.
 - (w) "Transition to the Circuit Court Bench: Advantages/Challenges of Probate Bench Perspective; Common Issues"
SC Association of Probate Judges – October 3, 2017
Judge Hocker and I presented on the above topic.
 - (x) "Tips from the Bench"
SC Bar CLE Division – November 3, 2017
Judges Hocker, Griffith and I gave practical practice suggestions as part of this CLE and also discussed recent case law including State v. Blackwell and State v. Wrapp.
 - (y) "DMH and Criminal Cases: Where we stand and what you need to know."
SC Bar Convention – January 19, 2018
Monique Lee of DMH and I presented on the forensics mental illness commitment process, offered suggestions in preparing orders, and gave guidance in conducting NGRI, GMBI, and competency evaluation hearings.
 - (z) Greenwood Rotary Club – February 27, 2018, guest speaker - topic was white collar crime.
 - (aa) "What do judges want to hear from victims and victim service providers?"
South Carolina Victim Assistance Network Annual Conference – April 10, 2018
Offered practical suggestions on how to represent victims' interests effectively in the Court of General Sessions.
 - (bb) "Court Rules – What Judges want you to know."
Newberry County Bar CLE – July 3, 2018
Addressed ODC complaints for appointed counsel, bench trials, and ongoing efforts to address the Langford decision.

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- (cc) "Handling Pressures of Judging"
Annual Judicial Conference – September 17, 2019
Judge Verdin, Dr. Donna Schwartz-Watts Maddox,
and I presented to all Circuit and Family Court judges
on the topic of maintain a healthy work/life balance
and addressing the pressures of the bench.
- (dd) "Judicial Panel Discussion"
2019 South Carolina Solicitor's Conference, September 23,
2019
Participated with other judges in discussed recent
precedent and courtroom procedure at the Annual
Solicitor's meeting.
- (ee) "Tips in Contested Cases and Pro Se Litigants"
SC Association of Probate Judges, Webinar – November
20, 2020
- (ff) "Trial Issues and Motions during COVID"
SC Bar CLE Division – Criminal Law Division, Webinar,
January 8, 2021
Presentation focused on practicing during COVID and
offered suggestions for aspects of the court's
emergency operations which should be retained after
the pandemic.

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

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

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

The Commission also noted that Judge Addy 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:

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Judge Addy reported that he is not rated by any legal rating organization.

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

Judge Addy reported that he has held the following public office:

Probate Judge for Greenwood County, Elected June, 1999 – April, 2010

- (6) Physical Health:
Judge Addy appears to be physically capable of performing the duties of the office he seeks.
- (7) Mental Stability:
Judge Addy appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Judge Addy was admitted to the South Carolina Bar in 1993.

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

- (a) Eighth Circuit Solicitor's Office
September, 1993 – February, 1997
- Prosecuted all types of felony and misdemeanor cases, including homicides.
- Promoted to Deputy Solicitor during my tenure and successfully reduced the backlog in the county for which I was responsible from 20 pages to 6 pages.
- (b) Sheek, Addy & Medlock, PA
March, 1997 – February, 1998
- Upon the passing of my father, I engaged in general private practice, including personal injury, domestic and criminal cases. I was not responsible for financial matters for the firm.
- (c) Chief Public Defender for Greenwood and Abbeville Counties
February, 1998 – June, 1999

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- Responsible for defending clients charged in general sessions as well as juvenile court. Oversaw operation of office and defended all manner of criminal cases.
- At the time, the Public Defenders' Office was a contract position, meaning that I was essentially self-employed. As such, I handled all administrative and financial management of the office.

(d) Probate Judge for Greenwood County

June, 1999 – April, 2010

- Responsible for contested hearings concerning all aspects of the court's jurisdiction.
- Managed the case docket and substantially reduced delinquency in pending cases.
- Also served as Special Referee for civil matters referred to me for trial or hearing.
- Financial matters of the office were limited to weekly deposits to the treasurer's office of any fees collected.

(e) Greenwood Clerk of Court

June, 2003 – August, 2003

- Upon the retirement of Greenwood's Clerk and per state law, I assumed the role of acting clerk of court until the Governor made an appointment. Technically, I supervisory responsibility both from an administrative and financial perspective. However, the finances of the office were linked with the local treasurer's office, so accounting responsibility was minimal.

(f) Acting Circuit Court Judge

September, 2006 – 2008

- Appointed by the Chief Justice while Greenwood's resident judge was recovering from a serious illness.

(g) Eighth Circuit Drug Court Judge

August 18, 2008 – February, 2019

- Appointed by the Chief Justice to serve as judge for the Eighth Circuit Drug Court program. Preside over and supervise drug court participants throughout their participation. Worked with the Solicitor in establishing the program and crafting the model.
- Although I am still technically involved with the program, Probate Judge Travis Moore was appointed to preside due to logistical issues when I was appointed as

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Criminal Chief Administrative Judge for the 11th Circuit for years 2019 and 2020.

- Administrative and financial management is overseen solely by the 8th Circuit Solicitor's Office.

(h) Resident Circuit Judge, Eighth Judicial Circuit, Seat 1

April 16, 2010 – Present

- Preside over the circuit court, a court of general jurisdiction. The Court addresses all manner of civil and criminal cases.

- I have been treasurer for the SC Association of Circuit Judges since August 22, 2012. As such, I handle all financial affairs (dues collection, remittances, accounting, conference financial planning, honoraria, etc.) for the association. Management of the Association is primarily through the President, Judge Carmen Mullen, although she does call executive meetings periodically if specifically required under the by-laws.

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

Probate Judge for Greenwood County, Elected

June, 1999 – April, 2010

- Responsible for contested hearings concerning all aspects within the court's jurisdiction under Title 62.

Acting Circuit Court Judge, Appointed

September, 2006 – 2008

Eighth Circuit Drug Court Judge, Appointed

August 18, 2008 – February, 2019

- Appointed by the Chief Justice to serve as judge for the Eighth Circuit Drug Court program. Jurisdiction limited per the Chief Justice's order.

Resident Circuit Judge, Eighth Judicial Circuit, Seat 1, Elected

April 16, 2010 – Present

- Court of general, state-wide jurisdiction except as to domestic or probate matters. The Court addresses all manner of civil and criminal cases.

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

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- (a) State v. Karlita Phillips, 2014-GS-01-212, 213, affirmed 2017-UP-469 This homicide case was strange in that the State alleged Phillips seduced a young adult and convinced him to murder her husband, yet he ultimately shot the twin 7 brother of the intended victim, mistaking him for Phillips' husband. Preliminarily, much of the State's case relied upon statements by the non-testifying shooter given to third persons which provided motive and implicated Phillips, but ultimately the shooter did testify at trial. Ms. Phillips was convicted and the conviction was affirmed. Interestingly, the events of this homicide were recounted in an episode of the TV series "Deadly Divorce."
- (b) Rose v. SCDPPP, 429 S.C. 136, 838 S.E.2d 505 (2020). Although not earth-shaking from a legal point of view, I am very proud of my work in this case and the role I played in Mr. Rose ultimately getting his case heard. By way of background, Mr. Rose went up for parole in 2001. Due to the Parole Board's erroneous understanding of the law, PPP concluded that he did not receive sufficient votes to be granted parole. *See State v. Barton*, 404 S.C. 395, 745 S.E.2d 110 (2013). Throughout the subsequent years, Mr. Rose sought relief from the circuit courts and the ALJ, and every time he was denied a substantive hearing or any relief. In short, no court would listen to him. Ultimately, one of his petitions was docketed for a CPNJ term over which I was presiding. Although I realized that he was required to pursue his action through the ALJ, I ordered that PPP conduct an investigation in to the results of the 2001 parole hearing and recommended that the ALJ hold a formal hearing on his petition. Ultimately, the ALJ concluded that Mr. Rose was correct, that he had received the requisite number of votes in 2001, and that he should have been paroled that year. The South Carolina Supreme Court ultimately affirmed the ALJ, and Justice Kittredge had some very kind

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things to say about my appreciating the catch-22 in which Mr. Rose found himself. In my mind, this case is an example of how important it is for a judge to actively listen to all litigants, especially the *pro se*, and the obligation of judges to make sure that a party is not continually and dismissively shuffled from forum to forum in search of relief. After the Supreme Court's ruling, Mr. Rose was ultimately released from SCDC 19 years after he had been granted parole.

- (c) State v. Andrew Lee Harrison, 402 S.C. 288, 741 S.E.2d 727 (2013). Mr. Harrison was found guilty of leaving the scene of an accident involving death, and a substantial sentence was imposed. Counsel for Harrison argued that the penalty provisions of Section 56-5-1210 were unconstitutional under the Eighth Amendment, and I disagreed. On appeal and citing recent statistical evidence, the Supreme Court affirmed finding no Eighth Amendment violation and that the penalty provisions of the statute granted broad discretion under the Eighth Amendment. In commenting on my statements at sentencing, the Supreme Court stated that the court's "statements at sentencing are the very embodiment of proportionality...." The case also served to outline the appropriate procedure for a trial court when faced with statistical, intrajurisdictional comparisons between sentencing statutes.
- (d) State v. Damien L. Ritter, 2019-GS-32-2887 to 2893. This was a case I recently tried in June, 2021. Mr. Ritter was charged with the execution slayings of two persons and the attempted murder of a third. In the preceding two years, I addressed numerous motions, including multiple hearings under *Franks v. Delaware*, 438 U.S. 154 (1978). Although the pandemic delayed trial, at the request of the parties, I retained jurisdiction so that a judge familiar with the case could also preside at trial. Because the State intended to call 50 witnesses, we started early and broke late each day, finishing the

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substantive part of the case in 5 days. Mr. Ritter was ultimately convicted on all counts. Everyone's efforts on this case shows how a case can move expeditiously and efficiently yet still afford every protection of a defendant's rights, and it also demonstrates the importance of judges willingly assuming individual responsibility for resolving the most difficult cases.

- (e) Young v. Keel, 431 S.C. 554, 848 S.E.2d 67 (Ct. App. 2020) This case presented the novel question of whether a person who has had his conviction expunged under the YOA Act for an offense requiring sex offender registry must still register as a sex offender. In construing the applicable statutes strictly and literally, I ruled that sex offender registry was still required, finding that none of the explicit statutory provisions for removal from the registry were met. Although the result is counterintuitive, the issue in this case demonstrates the importance of our courts giving due deference and effect to the decisions of the General Assembly and the importance of judges applying the law as written. The Court of Appeals affirmed my ruling.

Judge Addy reported no other employment while serving as a judge.

Judge Addy further reported the following regarding unsuccessful candidacies:

I sought Seat 2 of the Eighth Circuit Court in 2009. I was found qualified and nominated but withdrew prior to the election.

- (9) Judicial Temperament:
The Commission believes that Judge Addy's temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Piedmont Citizens Committee on Judicial Qualification reported Judge Addy to be "Qualified" in the evaluative criteria

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of constitutional qualifications, physical health, and mental stability; and “Well-Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience and judicial temperament. The Committee stated in summary: “Judge Addy has a long judicial record as a Probate Judge and Circuit Court Judge, and he continues to approach his professional challenges with the same level of energy and involvement that characterize his wide range of service to his local community. The Committee found noteworthy his humility, his energetic commitment to resolving legal disputes with compassion and thoughtfulness, and his deep respect to the judicial profession. The State is fortunate to a person of Judge Addy’s experience and talent as a Circuit Court Judge.”

Judge Addy is married to Kelly Sprouse Addy. He has two children.

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

- (a) South Carolina Bar, admitted November 15, 1993
- (b) South Carolina Probate Judge's Association, President 2005-2006, Vice President 2004-2005, Secretary 2003-2004, Member 1999-2010
- (c) South Carolina Circuit Judge's Association, Treasurer, August 22, 2012 - present
- (d) American Bar Association - periodically throughout the last 11 years (not currently a member)
- (e) Chairperson, Advisory Committee to the Chief Justice, 2001-03
- (f) Circuit Court Liaison to SCDMH, 2014 – present.
Appointed by Chief Justice to oversee and address issues concerning mental illness commitments to DMH from the Courts of General Sessions.
- (g) SC Access to Justice Commission, Circuit Court Representative (appointed by Chief Justice) – February, 2021 to present

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

- (a) Greenwood Masonic Lodge AFM #91 (since 1998)

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- (b) Links at Stoney Point (social and pool membership)
- (c) Greenwood Country Club (social, pool, and tennis membership)
- (d) Greenwood Cotillion Club
- (e) Rotary Club of Greenwood (since 2018)
- (f) 2003 Executive of the Year, Emerald Chapter, IAAP

Judge Addy further reported:

I remain honored to have been entrusted with this responsibility for the last 11 years. Although many judges command obedience, respect has to be earned, and having earned the respect of the bench and bar is truly my greatest accomplishment.

In my time on the bench, I have tried every case imaginable, from minor car wrecks to medical malpractice, from larceny to murder, and every case I have tried or handled contains one constant: I have endeavored to treat those appearing before me with the utmost respect. The average citizen may appear in court only once in their life, and they are in court because something bad has happened to them. Accordingly, a judge must treat each case as the most important case they are handling because, to any individual member of the public, their case is exactly that. I take genuine pride in my reputation for patience, deliberation, and courtesy, and I shall endeavor to continue to exhibit those qualities while serving the people of our state. When I last sought reelection, I wrote: "At its core, the justice system is nothing more than a means of resolving disputes – judges are merely problem solvers." At the time I wrote this, no one anticipated the pandemic which dramatically affected all of us and especially our court system. In the last 16 months, through innovation, creativity, and hard work, we learned how to solve problems, adjust operations, and continue to provide a forum for resolution of disputes in our state.

For the last 2 years, I served as Chief Administrative Judge (Criminal) in the 11th Circuit, and because of the hard work of all stakeholders, the 11th Circuit was one of the first circuits to transition to videoconferencing. By doing so, we prevented the backlog of cases in the 11th from growing as dramatically as compared against other circuits. Significantly, many of the changes forced upon us during the pandemic

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should become permanent, such as remote video court for non-dispositive criminal matters, settlement hearings, and practically any hearing which does not require a jury. Simply stated, the pandemic forced us to become more efficient and to abandon many of our arguably anachronistic court rituals; in doing so, doing justice became more accessible, affordable, and efficient. These changes have been beneficial to all concerned and should continue.

This job is not for the faint of heart, and the obligations of our judiciary should not be entrusted in those who fail to appreciate the requisite level of dedication, demeanor, and diligence required of a judge. Having served as a judge in one capacity or another for the last 22 years, I remain honored and humbled to serve our citizens and to do so with a full appreciation of the rigors of this job, and I sincerely appreciate the trust shown to me by the members of the General Assembly.

- (11) Commission Members' Comments:
The Commission was impressed with the comments from members of the Bar about Judge Addy's judicial temperament and his ability to control the courtroom with both his voice and actions.
- (12) Conclusion:
The Commission found Judge Addy qualified and nominated him for election to Circuit Court, Eighth Judicial Circuit, Seat 1.

**The Honorable Perry H. Gravely
Circuit Court, Thirteenth Judicial Circuit, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Gravely was born in 1960. He is 61 years old and a resident of Pickens, South Carolina. Judge Gravely provided in

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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 Gravely.

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

Judge Gravely 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 Gravely 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 Gravely to be intelligent and knowledgeable.

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

- (a) I lectured at the South Carolina Solicitors' Association Annual Conference (September 21, 2015) in Myrtle Beach, S.C. on issues relating to criminal appeals on a panel with other Circuit Judges.
- (b) I lectured at the S.C. Summary Court Judges Association Conference (May, 2016) in Hickory Knob State Park on

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the Ethical Dilemma of Dealing with Sovereign Citizens and other Difficult Parties.

- (c) I lectured at the New Magistrates' Orientation School (July 29, 2016) in Columbia, S.C. on issues relating to jury trials, sanctions, jury charges and appeals in Criminal and Civil cases.
- (d) I lectured at the S.C. Defense Trial Attorneys' Summer Meeting (July 30, 2016) in Asheville, N.C. on various topics relating to civil trials and motions.
- (e) I lectured at the Magistrate and Municipal Court Meeting (August 24, 2018) in Liberty, S.C. on issues relating to bond requirements.
- (f) I spoke at the S.C. Clerk's Conference (September 26, 2018) in Greenville, S.C. on topics relating to issues with e-filing, role as Chief Administrative Judge and State Opioid Litigation.
- (g) I spoke at the State Probate Judges' Conference (October 9, 2018) in Clemson, S.C. on topics relating to ethics and applicable provisions of the Code of Judicial Conduct.
- (h) I lectured at the Annual CLE by Greenville County Bar (February 8, 2019) in Greenville, S.C. on a panel with other judge on topics relating to criminal trials, scheduling and post-conviction relief.
- (i) I spoke at the Virtual Upstate Summary Court Judges' Association (May 28, 2020) in Anderson, S.C. on a panel on Magistrate's Appeals in Circuit Court.
- (j) I spoke on a panel at the Virtual Local Government Attorneys' Association Conference (November 20, 2020) in Columbia, S.C. on the future of court proceedings after COVID.
- (k) I spoke on a panel with other judges at the Virtual Annual CLE by Greenville County Bar (February 5, 2021) on issues relating to Civil Court and e-filing.
- (l) I was a guest lecturer for Dr. David Alvis' Virtual Constitutional Law Class at Wofford College on Significant Supreme Court Opinions. (April 28, 2020 and March 4, 2021)
- (m) I have spoken to various classes and school groups at Local High Schools and Elementary Schools about law related topics and my role as a circuit judge on numerous occasions.

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

(4) Character:

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

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

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

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

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

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

(a) Graduated law school, June, 1986.

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- (b) Leatherwood, Walker, Todd and Mann, P.A. Greenville, S.C. Associate (1986-1992). Practiced insurance defense litigation, family laws and general litigation in State Circuit Courts, Summary Courts and Federal Court. No administrative or financial management.
- (c) Acker, Welmaker and Johnson, P.A., Pickens, S.C. Associate (1992-1993). Practiced in insurance defense litigation, family law, summary courts, general litigation, criminal defense, criminal prosecution for municipal courts, estate planning, estate litigation, real estate, business and corporate law. No administrative or financial management.
- (d) Acker, Welmaker, Johnson and Gravely, P.A., Pickens, S.C. Partner (1993-1995). Practiced in insurance defense litigation, family law, summary courts, general litigation, criminal defense, criminal prosecution for municipal courts, estate planning, estate litigation, real estate, business and corporate law. Limited administrative and financial management. No management of trust accounts.
- (e) The Gravely Law Firm, P.A., Pickens, S.C. Owner/Sole Practitioner (1995-2015). Practiced insurance defense litigation, family law, summary courts, general litigation, criminal defense, estate planning, estate litigation, real estate, business and corporate law. In charge of all administrative and financial management, including trust accounts.
- (f) City of Pickens- Part-time Municipal Court Judge (2003-2015). Handled criminal matters before Municipal Court, bench trials, jury trials, bonds, warrants, preliminary hearings and matters related to these duties. No management of financial matters or trust account. Administrative management over staff and office.
- (g) Circuit Court Judge, Thirteenth Circuit (2015-Present). No management of financial matters or trust account. Administrative management over staff and office.

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

- (a) Municipal Judge, City of Pickens from 2003-2015. Appointed Part-time. Limited jurisdiction for criminal matters.

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- (b) Appointed as Special Referee in numerous civil cases involving foreclosures, partition actions, property disputes and Estate Matters from 2005-2015.
- (c) Circuit Judge, Thirteenth Judicial Circuit. Elected 2015 to present. Unlimited jurisdiction.

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

- (a) Chemgard, Inc. v. Haynes, 2015-CP-23-03546. Order granting Preliminary Injunction. Issued on July 17, 2015.
- (b) Van's Camp, LLC v. State of South Carolina, et.al. 2013-CP-23-06719. Order granting Summary Judgment in favor of Defendants. Issued on July 8, 2016.
- (c) Rouse v. State, 2015-CP-23-0995. Order granting PCR filed on March 29, 2018 based on Motion to Reconsider after initially filing an Order of Dismissal. The South Carolina Court of Appeal denied Appellant's Petition for Writ of Certiorari as of February 17, 2021. Appellant Case No. 2018-000627.
- (d) White v. Green, et.al. 2016-CP-37. Order granting easement from Non-Jury Trial. Issued April 23, 2018. Affirmed in unpublished opinion of S.C. Court of Appeals. (No. 2021-UP-083-Filed March 17, 2021.)
- (e) Gilreath v. Lewis, et.al. 2017-CP-23-4367. Order for Sanctions. Issued June 12, 2018.

Judge Gravely reported no other employment while serving as a judge:

- (9) Judicial Temperament:
The Commission believes that Judge Gravely's temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualification found Judge Gravely 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 had no related or summary comments.

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Judge Gravely is married to Kathryn Coleman Gravely. He has four children.

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

- (a) South Carolina Bar Association
- (b) Greenville County Bar Association
- (c) Pickens County Bar Association
- (d) American Bar Association
- (e) Wofford Legal Society
- (f) Haynsworth / Perry Chapter of the American Inns of Court

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

- (a) BSA Scout Troop 51-Scoutmaster
- (b) Preservation of Southern Appalachian Music- Board
Member, Secretary
- (c) Wofford Legal Society-organizer
- (d) Active Pickens Partnership-organizer
- (e) South Carolina Judicial Golf Invitational Classic- Board
Member
- (f) Pickens County Historical Society, Member
- (g) Grace United Methodist Church, Pickens, S.C., Member

Judge Gravely further reported:

As an attorney, I practiced law in many different areas, including criminal, civil and probate and handled matters in Magistrate's Court, Municipal Court, Federal Court, Probate Court, General Sessions, Common Pleas and various regulatory agencies. I represented individuals, businesses, Plaintiffs, Defendants, Government agencies and served as a part-time prosecutor in Municipal Court. I also served as a Municipal Judge (obviously not at the same time as serving as prosecutor.) My vast experience in many different areas of the law has helped prepare me for being a Circuit Judge. Because of these experiences, I am aware of the challenges presented by the Court system and the obstacles that parties and their attorneys must overcome to get their cases heard.

During the COVID Pandemic over the past 17 months, a portion of which I served as the Chief Administrative Judge

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for Civil for the Thirteenth Circuit, I have worked closely with the clerks' offices in Greenville and Pickens Counties to conduct hearings and address scheduling issues. Through our team effort and hard work, these counties are well positioned to move forward after the pandemic and have remained current on most civil matters involving Motions and Non-Jury hearings. Because of the numerous WebEx hearings held, Court Administration selected me to conduct a pilot program for the Virtual Courtroom which allowed the public to view Court proceedings and make it easier to schedule hearings. This procedure was ultimately adopted by the South Carolina Court Administration for the entire state. The Virtual Courtroom has been a great benefit for handling most matters before the Court.

As a Judge, I was appointed to handle the "Polar Express" State Grand Jury case involving a meth conspiracy throughout the upstate and at the time was the largest ever State Grand Jury case with 65 defendants. The Chief Justice has also appointed me to handle all South Carolina Opioid Litigation consisting of 46 different cases throughout the state and will be pending for many years to come. Both of these matters have provided me with invaluable experience in handling complex matters and quite frankly has made me a better judge.

My involvement in the community, as a Judge and lawyer, has allowed me to stay grounded even as I sit on the "lofty" bench and the experiences have helped me empathize with parties and the struggles they have to deal with on a daily basis.

One of my primary principles as a judge is to treat every party, lawyer, witness and Courtroom staff with respect and allow all parties the opportunity to be heard. It is important to give every party the opportunity to have a fair and impartial hearing on their cases regardless of his or her position or status in life. I believe that throughout my judicial career, I have followed these principles.

(11) Commission Members' Comments:

The Commission commented that Judge Gravely has an outstanding reputation among those attorneys who practice

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before him. They noted his excellent judicial temperament and demeanor and appreciate his service to the bench and the bar.

- (12) Conclusion:
The Commission found Judge Gravely qualified and nominated him for re-election to Circuit Court, Thirteenth Judicial Circuit, Seat 1.

**The Honorable Alex Kinlaw Jr.
Circuit Court, Thirteenth Judicial Circuit, Seat 4**

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Kinlaw was born in 1952. He is 69 years old and a resident of Greenville, South Carolina. Judge Kinlaw 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 Kinlaw.

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

Judge Kinlaw 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 Kinlaw 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 Kinlaw to be intelligent and knowledgeable.

Judge Kinlaw reported that he has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

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

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

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

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

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

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

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- (6) Physical Health:
Judge Kinlaw appears to be physically capable of performing the duties of the office he seeks.
- (7) Mental Stability:
Judge Kinlaw appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Judge Kinlaw 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 -1980 Legal Services of Western Carolina
- (b) 1980-1981 Greenville County Public Defender's Office
- (c) 1982-2009 Private Practice with Office at 309 Mills Avenue Greenville South Carolina (Personal Injury, Family Law and Criminal Law) - I was a sole practitioner and handled all management and fiscal responsibilities while in private practice.
- (d) 2009-2018 – Family Court Judge Thirteenth Judicial Circuit
- (e) 2018-Present – Circuit Court Judge Thirteenth Judicial Circuit

Judge Kinlaw has held the following judicial offices:
Family Court, Thirteenth Judicial District, Seat 6.
Circuit Court, Thirteenth Judicial District, Seat 4.

Judge Kinlaw reported no other employment while serving as a judge.

Judge Kinlaw further reported the following regarding unsuccessful candidacies:

- (a) A Family Court Seat in 2008
- (b) A Circuit Court Seat in 2012

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

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(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Judge Kinlaw “Qualified” in the evaluative criteria of constitutional qualification, physical health, and mental ability; and “Well-Qualified” in the areas of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee had no related or summary comments.

Judge Kinlaw is married to Yvette Wiggins Kinlaw. He has two children.

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

- (a) South Carolina Bar Association Member 1978
- (b) Donald J. Sampson Bar Association Member 1985

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

- (a) Alpha Phi Alpha Fraternity, Inc.
- (b) Sigma Psi Pi Fraternity

Judge Kinlaw further reported:

I have really strived to make all litigants feel comfortable during their time in my Courtroom. No matter what the issues are, litigants deserve to be treated with dignity and respect.

(11) Commission Members’ Comments:

The Commission commented that Judge Kinlaw has an outstanding reputation as a jurist. Members noted his prior experience as a Family Court Judge, fairness, and respect for those who appear in his courtroom as just some of his attributes that have ably served him in discharging his responsibilities as a Circuit Court Judge.

(12) Conclusion:

The Commission found Judge Kinlaw qualified and nominated him for re-election to Circuit Court, Thirteenth Judicial District, Seat 4.

The Honorable William A. McKinnon

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Circuit Court, Sixteenth Judicial Circuit, Seat 1

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

(1) Constitutional Qualifications:

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

Judge McKinnon was born in 1973. He is 48 years old and a resident of Rock Hill, South Carolina. Judge McKinnon 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.

(2) Ethical Fitness:

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

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

Judge McKinnon 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 McKinnon 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:

[HJ]

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The Commission found Judge McKinnon to be intelligent and knowledgeable.

Judge McKinnon reported that he has given the following law-related lecture:

I have lectured at the 2008 SCAJ Annual Convention about Email Subpoenas to Third-Party Internet Service Providers

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

(4) Character:

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

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

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

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

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

(6) Physical Health:

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

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- (7) Mental Stability:
Judge McKinnon appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Judge McKinnon was admitted to the South Carolina Bar in 2001.

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

- (a) Law Clerk to the Hon. Joseph F. Anderson, Jr., Chief Judge of the United States District Court for the District of South Carolina (2001-2002).
- (b) Law Clerk to the Hon. Andrew J. Kleinfeld, Circuit Judge, United States Court of Appeals for the Ninth Circuit (2002-2003).
- (c) Covington & Burling, Washington, DC, (2003-2004). 100% litigation with a nation-wide practice, split approximately 50/50 between complex corporate litigation (representing defendants) and white collar criminal defense, including defense of securities violations.
- (d) Lewis, Babcock & Hawkins, Columbia, SC (2004-2006). 100% civil litigation, including complex civil cases in the federal and state courts of South Carolina, and appeals in both the federal and South Carolina appellate courts. My practice included all aspects of civil litigation, and was approximately 2/3 plaintiff-side and 1/3 defense-side.
- (e) Solo Private Practice, Columbia, SC (2006-2007). 100% civil litigation, almost entirely a single plaintiff-side trust litigation matter involving a prominent family and a significant amount of money.
- (f) McGowan, Hood & Felder, LLC, Rock Hill, SC (2007-2016). 85% civil litigation, which was entirely plaintiff-side (excepting defense of other lawyers on ethics charges), and 15% criminal defense. My civil practice consisted of about 50% medical malpractice work and the remainder was complex civil litigation in the federal and state courts, including appeals. My criminal defense work was in the state court system

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only. I also assisted other lawyers with ethics issues, sometimes pro bono and sometimes for a fee. The criminal defense work dropped off significantly in the final eighteen months or so because there were less appointed cases referred to the private bar.

- (g) Assistant Solicitor, Sixteenth Circuit Solicitor's Office (2015-2018). I started part-time in 2015 prosecuting DUIs, and closed my private practice and went full time in 2016. After joining the office full-time, my practice was 100% prosecution of criminal offenses in the general sessions court.
- (h) Circuit Judge, Sixteenth Judicial Circuit (2018-present)

I have not been involved in administrative or financial management of any of the firms I have practiced with, other than my solo private practice, where I billed hourly and did not have any client funds (I only billed for work performed).

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

Elected as a Resident Circuit Judge, Sixteenth Judicial Circuit of South Carolina in 2018, and continue to serve in that office. This is a court of general jurisdiction over criminal and civil matters.

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

- (a) Home Builders Association of South Carolina v. State. Bench trial judgment for Defendants, rejecting challenge to an impact fee imposed on certain new homes in York County. Affirmed by unpublished opinion, Home Builders Ass'n of S.C. v. State, No. 2020-000612, 2021 WL 914200 (S.C. 2021).
- (b) In re May 20th, 2021 Meeting of the York County Grand Jury. Order addressing reported grand juror misconduct.
- (c) Garris v Lexington School District One. Bench trial involving allegations of FOIA violations by a school board. Currently on appeal.
- (d) Burgoon v Davis et al. Order denying motion to dismiss in a complicated interstate trust matter which also included personal jurisdiction, ripeness and venue as issues.

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- (e) Saul v Sinyard. Order finding the circuit court lacked jurisdiction to partition property which was already under a family court order to be sold as part of divorce proceedings.

Judge McKinnon reported no other employment while serving as a judge:

Judge McKinnon further reported the following regarding unsuccessful candidacies:

I was a candidate for the circuit court on two prior occasions; both public hearings were in 2014. I was screened out of the JMSC for a Sixteenth Circuit resident judge seat but another candidate was selected (I withdrew prior to the actual vote), and I was not screened out of the JMSC for an at-large seat.

- (9) Judicial Temperament:

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

- (10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualification found Judge McKinnon to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health and mental stability; and "Well-Qualified" in the evaluative criteria of ethic fitness, professional and academic ability, character, reputation, experience and judicial temperament. The committee stated in summary, "Though his record of scholarship is formidable, one could not tell from Judge McKinnon's humble and conscientious approach to his work as a judge. He is clearly a man who is always eager to learn more, yet he tempers his intellect with wisdom and common sense. His industriousness and avowed love for his job bring credit not only to his work, but the judicial profession generally."

Judge McKinnon is married to Ellen Angelina Whitley McKinnon. He has one child.

Judge McKinnon reported that he was a member of the following Bar association:
York County Bar

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

- (a) National Rifle Association – Firearm Safety and Pistol Instructor
- (b) Westminster Presbyterian Church – Formerly a Deacon and now a Ruling Elder

Judge McKinnon further reported:

I previously served as a Deacon and as a Ruling Elder at Westminster Presbyterian Church in Rock Hill, and expect to rotate back on to the Session (elder board) this year. My job as a deacon was “emergency care” of congregational members. I spent a lot of time assisting, counseling, and praying with people struggling with some very difficult circumstances. I do think this experience changed me. I think that as a result of this work, I am more able to put myself in the shoes of litigants, victims, and defendants. Additionally, I have significant experience with students, having been a teacher and volunteer with the youth group at my church, experience which has given me significant insight into how youth are impacted by difficult family situations.

Finally, I think my wide range of prior experience helps me be more effective as a judge. I have worked at a firm with over 300 lawyers in one office, and also been a solo practitioner. I’ve appeared in Magistrate’s Court a few times, and filed cert petitions with the US Supreme Court. I’ve been a law clerk in a trial court and an appellate court. I’ve argued about every type of motion that exists. I both defended criminal clients and served as an assistant solicitor. I think this breadth of experience helps me better relate to, and work with, all of the various lawyers we have in the Sixteenth Circuit and our state, as well as the members of the public who come before me as litigants or defendants.

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- (11) Commission Members' Comments:
The Commission commented that Judge McKinnon appears to be in an elite group among judges in regards to his exceptional temperament.
- (12) Conclusion:
The Commission found Judge McKinnon qualified and nominated him for re-election to Circuit Court, Sixteenth Judicial Circuit, Seat 1.

**The Honorable Daniel Hall
Circuit Court, Sixteenth Judicial Circuit, Seat 2**

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Hall meets the qualifications prescribed by law for judicial service as a Circuit Court judge.
- Judge Hall was born in 1954. He is 67 years old and a resident of York, South Carolina. Judge Hall 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. He was also admitted to the North Carolina Bar in 1988.
- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Hall.
- Judge Hall 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 Hall reported that he has not made any campaign expenditures.
- Judge Hall 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 Hall 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 Hall to be intelligent and knowledgeable.

Judge Hall reported that he has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

Judge Hall reported that he has published the following:
Clergy Confidentiality: "A Time to Speak and a Time to Be Silent," by Lynn Buzzard and Dan Hall, 1988, Christian Management Association.

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

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

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

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

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

- (6) Physical Health:
Judge Hall appears to be physically capable of performing the duties of the office he seeks.
- (7) Mental Stability:
Judge Hall appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Judge Hall was admitted to the South Carolina Bar in 1988.

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

- (a) Sixteen Judicial Circuit Solicitor's Office, 1988-1990
- (b) Sole Practitioner, 1991-1999, General practice with focus on personal injury and criminal defense – Responsible for all management including trust accounts.
- (c) Municipal Judge, York, South Carolina – 1993-1999
- (d) Sixteenth Judicial Circuit Solicitor's Office, Assistant Solicitor, 1999-2011
- (e) Sixteenth Judicial Circuit Public Defender's Office, Assistant Public Defender, June 2011-August 2014
- (f) Sixteenth Judicial Circuit Resident Judge – January 1, 2015-present

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

- (a) Sixteenth Judicial Circuit Resident Judge - January 1-present.
- (b) Municipal Judge – City of York, South Carolina – 1993-1999

Appointed by the York City Council

Signed criminal warrants, set bonds and held preliminary hearings for General Sessions matters occurring in city limits. Presided over plea court, bench trials and jury trials for criminal or traffic charges in which the statutory penalty

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was no greater than 30 days in jail or the fine was not more than \$200

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

(a) Morningstar v. York County, 2013CP46246.

South Carolina Court of Appeals Unpublished Opinion No. 2018-UP-250

(b) State v. James Baldwin, 2018GS1200733.

This was a ten day murder trial with a number of significant evidentiary rulings.

(c) State v. Leigh Ann Deel, 2018GS4602211

This was an order quashing nine hundred indictments submitted to the York County

Grand Jury by the solicitor and acted upon in a ten hour period.

The Court ruled this was an unnecessary and unreasonable burden on the grand jury.

(d) Dolbert v. Jeff Carlson, 2020CP1001917.

This was a complex LLC dissolution case with a very lengthy hearing on a number of motions including Partial Summary Judgment, Temporary Restraining Order and Motion to Dismiss.

(e) State v. Christian Mark Cutler, 2019GS2308746.

This was a Domestic Violence First Degree trial in which the Court ordered a bifurcation of the trial in order to comply the South Carolina Supreme Court's ruling in State v. Cross, 832 SE2nd 281(2019).

Judge Hall reported no other employment while serving as a judge.

Judge Hall further reported the following regarding unsuccessful candidacies:

(a) Republican Primary Candidate for Solicitor, Sixteenth Judicial Circuit – June, 1996

(b) Candidate for Judge, Sixteenth Circuit Family Court – 1998 – withdrew

(c) Candidate for Judge, Circuit Court At-Large, Seat 9, March 2006 – Qualified but not nominated

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- (d) Candidate for Judge, Circuit Court At-Large, Seat 6, January 2009 – Qualified and Nominated, but withdrew prior to February election
- (e) Candidate for Judge, Circuit Court At-Large, Seat 8, January 2010 – Qualified but not nominated
- (f) Candidate for Judge, Circuit Court At-Large, Seat 9, January 2011 – Qualified and Nominated, but withdrew prior to February election
- (g) Candidate for Judge, Circuit Court At-Large, Seat 16. January 2012 – Qualified and Nominated, but withdrew prior to February election

(9) Judicial Temperament:

The Commission reviewed the BallotBox survey responses for Judge Hall and the allegations about his improper judicial temperament that were raised in a complaint filed with the Commission. Judge Hall’s written response, as well as his testimony at the public hearing, was that while he disagrees with this criticism, he will continue to work on having a more sensitive and polite demeanor. The Commission noted that an overwhelming percentage of the BallotBox respondents found Judge Hall to be well-qualified in the evaluative criteria of judicial temperament.

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualification found Judge Hall “Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee stated in summary, “Judge Hall brings to the bench a wide range of professional experience, both legal and non-legal. This experience is reflected in his admirable work ethic, his dogged independence, and his determination to treat all who come before him fairly and without preference. The Committee believes that Judge Hall is well-qualified to serve as a Circuit Judge.”

Judge Hall is married to Cathleen McCreight Hall. He has four children.

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

- (a) York County Bar Association – Treasurer, 1992
- (b) SC Bar Association
- (c) NC Bar Association

Judge Hall provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
Filbert Presbyterian Church – Clerk of Session

(11) Commission Members' Comments:

The Commission addressed concerns regarding bias and temperament. Judge Hall responded to the concerns that were raised, and the Commission was satisfied with both his written response to the complaints and his testimony during the public hearing. In addition, Judge Hall assured the Commission that he will continue to improve his temperament and refrain from showing any bias to attorneys or litigants.

An affidavit was filed against Judge Hall by Solicitor Kevin Brackett, and the Commission reviewed the documents submitted by the Solicitor. Judge Hall testified in response to the complaint and provided a written response, which the Commission also reviewed. Upon review of the complaint, the oral and written responses, and the documents provided, the Commission does not find a failing on the part of Judge Hall in the nine evaluative criteria, and further finds that the complainant was not credible in light of the overwhelming percentage of positive BallotBox survey responses in support of Judge Hall.

A separate affidavit was also filed against Judge Hall by Mrs. Daisy Neal. The Commission reviewed the documents submitted by Mrs. Neal and heard testimony from Mr. and Mrs. Neal. Judge Hall provided a written response to the affidavit, which the Commission also reviewed. Upon reviewing the complaint, the written response, and the documents provided, the Commission does not find a failing on the part of Judge Hall in the nine evaluative criteria.

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- (12) Conclusion:
The Commission found Judge Hall qualified and nominated him for re-election to Circuit Court, Sixteenth Judicial Circuit, Seat 2.

**FAMILY COURT
QUALIFIED AND NOMINATED**

**The Honorable Michael H. Murphy III
Family Court, First 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, First Judicial Circuit, Seat 2, 2 candidates applied for this vacancy, and 1 candidate withdrew before the Commission voted. Accordingly, the name and qualification of 1 candidate is hereby submitted in this report.

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

Judge Murphy was born in 1970. He is 51 years old and a resident of Summerville, South Carolina. Judge Murphy provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1998.

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

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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 that he has made \$490.04 in campaign expenditures for paper, printing and postage.

Judge Murphy 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 Murphy 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 Murphy to be intelligent and knowledgeable.

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

- (a) I have taught one semester of Business Law at Limestone College. The course was held at the Defense Finance and Accounting Service (DFAS) building in North Charleston, South Carolina.
- (b) Throughout my twenty years as a judge advocate officer I have taught numerous courses on such subjects as Rules of Engagement (ROE), Standard Rules for the Use of Force (SRUF), Law of Armed Conflict, Code of Conduct, Detainee Operations, Ethics, Military Justice (State and Federal), Investigations, Domestic Operations, Equal Opportunity (EO), Sexual Harassment Assault Response Prevention (SHARP), and other topics.

Judge Murphy reported that he 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 him.

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

The Commission also noted that Judge Murphy 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 Murphy reported that his last available rating by a legal rating organization, Martindale-Hubbell, was 4.4/5.0 Peer Reviews Distinguished for High Professional Achievement.

Judge Murphy reported the following military service:

Yes. Current rank: 06/Colonel. Current M-day soldier (not full time).

- (a) South Carolina Army Reserve National Guard, 1989-1995, 1997-present
- (b) Mississippi Army Reserve National Guard, 1995-1997
- (c) DD214s (3) attached as Exhibit A. Honorable.

Judge Murphy reported that he 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 he seeks.

(7) Mental Stability:

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

(8) Experience:

Judge Murphy was admitted to the South Carolina Bar in 1998.

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

- (a) Wern Law Firm, North Charleston, SC
Associate, May 11, 1998 to November 1999
Personal injury attorney. Pursued recovery for clients involved in auto accidents, slip and falls, dog bites and other personal injuries.
- (b) Ninth Circuit Solicitor's Office, Moncks Corner, SC
Assistant Solicitor, January 1999-March 2001
Prosecuted Misdemeanors and Felonies ranging from Forgery to Murder in General Sessions Court. I also prosecuted juvenile cases in family court during this time when the need arose.
- (c) Steinberg Law Firm, Goose Creek and Summerville, SC
Associate, March 2001-March 2007
Trial attorney, Personal Injury, Worker's Compensation, Social Security Disability, Domestic (to include Juvenile Defense), and Criminal Defense
- (d) Quattlebaum and Murphy, LLP, Summerville, SC
Partner, March 2007-December 31, 2007
Trial attorney, Personal Injury, Worker's Compensation, Social Security Disability, Domestic (to include Juvenile Defense), and Criminal Defense
- (e) Murphy Law Firm, LLC, Summerville, SC
Partner, January 1, 2008 - December 31, 2010
Trial attorney, Personal Injury, Worker's Compensation, Social Security Disability, Domestic (to include Juvenile Defense), and Criminal Defense
- (f) Solo Practitioner
Contract attorney, September 2011 - 2014
 - i. Berkeley County Department of Social Services.
Represented DSS in Abuse and Neglect Cases.
October 2011 to December 2001. Moncks Corner, SC
 - ii. First Circuit Solicitor's Office. Prosecuted misdemeanors crimes in Dorchester County Magistrate court and later cases in Orangeburg County General Sessions Court. January 2012 to June 2012; October 2013 to March 2014. Summerville and Orangeburg, SC
- (g) Vannoy and Murphy, Moncks Corner, SC

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Partner, January 1, 2014, to present

Trial attorney, Personal Injury, Worker's Compensation, Social Security Disability, Domestic(to include Juvenile Defense), and Veteran Disability.

- (h) South Carolina Army Reserve National Guard. May 23, 1989, to present. Current position is military judge.

Judge Murphy further reported regarding his experience with the Family Court practice area:

Divorce. I have extensive experience in divorce cases. Since I left the Ninth Judicial Circuit Solicitor's Office and joined Steinberg Law Firm, I developed and have grown an extensive family law practice. I have represented clients either as a Plaintiff or Defendant counsel and only as sole counsel. All grounds of divorce have been pursued or defended. I have argued and defended hundreds of motions in front of judges to include emergency motions, expedited motions, motions to compel, motions to quash, and other motions that arose prior to the hearing on the merits. I have resolved numerous divorces through agreement or contested trials. On several occasions, I have effectuated service on hard to locate defendants and if required, service through orders of publication. Finally, I have represented several clients either in separate support and maintenance actions and property settlement agreements.

Equitable Division of Property. As part of the divorces described above, numerous clients possessed substantial real and personal property and investment accounts. I have actively engaged in the discovery process, to include subpoenas, depositions, and written discovery, to get a clear picture of the adverse party's financial position to properly advise my client. I have also responded to the same request from the opposing party. I have drafted quit claim deeds, qualified domestic relations orders, and other transfer of ownership documents upon agreement or decision by judges to effectuate the equitable division of property. Further, I have drafted numerous orders dividing military spousal benefits.

Child custody. A substantial number of child custody issues arise during the divorce process above. On several occasions' pleadings addressed such allegations of habitual drunkenness, physical cruelty, and other areas of unfitness as a parent. On most occasions, my clients received either sole custody or

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primary custody of their child(ren). On occasions, although my clients were not awarded custody by the court initially, this changed either prior to or at the merits hearing.

Further, I have represented single mothers, as well as, non-custodial fathers. Representation of single mothers arose in situations where the non-custodial father would not return the child or a prior agreement between the parties was no longer applicable, such as the other party engaging in excessive alcohol or drug use. For non-custodial fathers, I have sought either custody of their minor child or visitation rights. This usually has occurred when the custodial mother, although allowing visitation before, suddenly stopped visitation.

Adoption. I have handled several termination of parental rights (TPR) cases followed by the adoption of the minor child(ren). My representation included contested and non-contested cases. On occasions I have defended TPR cases with, if successful, had a follow-on request for adoption. These cases were either privately brought or brought by the Department of Social Services. At the time of this submission, I have three (3) TPR/adoption cases pending.

Abuse and Neglect. For abuse and neglect, I previously was a contract attorney with the Department of Social Services. I handled abuse and neglect cases through Berkeley County at the Probable Cause Hearing, First Call Merits Hearing, Merits Hearing, Intervention Hearings, and Permanency Planning Hearing, either by agreement or contested. I worked extensively with the case workers in the preparation of the case and advised the caseworkers during the investigation. While in private practice, I have defended numerous clients in actions brought by the Department of Social Services. As above, all stages of a DSS cases were handled (Probable Cause Hearing, First Call Merits Hearing, Merits Hearing, Intervention Hearings, and Permanency Planning Hearing).

Further, I have attended numerous settlement conferences, and foster care review board meetings at local DSS offices and represented numerous clients subject to a DSS safety plan.

Juvenile Justice. When I was with the Solicitors Office Ninth Judicial Circuit, I prosecuted juvenile cases to include all status offenses and non-status offenses. When I entered private practice, I continued to practice juvenile justice but on the defense side.

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I have represented juveniles on status offenses and non-status offense, to include armed robbery, burglary, criminal sexual conduct, truancy, incorrigible and runaway, to name a few. Representation included appearances at detention hearings, adjudications hearings and disposition hearings. On several occasions, I have represented juveniles at probation revocation hearings.

Other: I also represent clients in cases against the South Carolina Department of Social Services (child support enforcement division), child support modifications, child support arrears cases, and request for child support cases. I also have represented clients on rule to show cause cases. I have pursued and defended rule to show cause matters.

The frequency of my appearance before a family court judge is significant with my case load being eighty-five percent (85%) family law. I routinely appear in Charleston County, Berkeley County, and Dorchester County, with occasional appearances outside of the tri-county area. Prior to COVID-19 on average, I appeared in Family Court ten (10) to fifteen (15) times per month, if not more.

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

- (a) federal: 5% (Administrative Hearings)
- (b) state: 95%

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

- (a) civil: 5%
- (b) criminal: 5% (Juvenile Proceedings in Family Court)
- (c) domestic: 85%
- (d) other: 5%

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

- (a) jury: 0%
- (b) non-jury: 100%

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

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

- (a) Buchwalter case. The Buchwalter case is a fault-ground divorce and child custody case. The case started on an emergency basis as the wife was in the process of relocating the minor children to Georgia. Once notified that she would be leaving as evidenced by her packing the car with her and the children's belongings, faced with extreme time constraints, an ex-parte order was requested and granted preventing the wife from removing the children from South Carolina. Further, the ex-parte order granted my client temporary custody of the minor children to include a non-biological child. At the time of service of the pleadings and ex-parte order, the wife had the children in the car packed up and was in the process of leaving for Georgia. We successfully stopped her relocation of the children to the State of Georgia, and received ex-parte custody of the children. This began as a highly contested case with numerous parties involved, to include opposing counsel, guardian ad litem and biological father of my client's stepdaughter. The matter ended by agreement with my client retaining custody of all children, to include his stepdaughter under the de facto custodian principle. This matter arose after my redeployment from Kosovo and was my first contested action upon reentering private practice after a year-long overseas deployment.
- (b) Gage case. The Gage case involved child custody. The parties were not married so initial custody resided with the natural mother. I have represented Mr. Gage on several occasions during the years 2014 to 2020. In 2014, I represented Mr. Gage in the pursuit of visitation rights. I was successful but the case ended in a dismissal as both parties did not appear at the Final Hearing. Fast forward several years with Mr. Gage making substantial positive changes in his life. We filed an action requesting sole custody of the minor child of the case due to the mother engaging in frequent illegal drug use and having the minor child in an unsafe environment due to the exposure to

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criminals and criminal activity. This case involved a total of four (4) temporary hearings to include an emergency hearing. The parties in this case operated under four (4) temporary orders. Mr. Gage in this action first shared joint-custody (week on/week off) of the minor child, but after several change of circumstances motions, Mr. Gage was awarded sole custody of the minor child with the biological mother receiving visitation at Mr. Gage's discretion on a final basis. Mr. Gage, as mentioned previously, made substantial positive changes in his life, and through perseverance this fact became known to the court ending in full custody for Mr. Gage.

- (c) Estes case. The Estes case did not begin well for my client. Prior to my representation, an order was issued against my client for criminal contempt that had her in custody at the local detention center. Ms. Estes was married but her husband was not the biological father of her child. She left the marriage and took her biological child with her out of state to Louisiana. There existed a court order in place preventing this which gave rise to the criminal contempt noted above. Her now ex-husband received custody of her child under this court order. I filed a motion requesting that the order be vacated, and custody returned to my client. We were successful. Thus began a highly contested child custody case. The action included several motions; a rule to show cause petition, appointment of a guardian ad litem, mediation, and settlement negotiations throughout. At the conclusion of the case, my client was allowed to return to the State of Louisiana with her minor child with her ex-husband receiving visitation rights.
- (d) Karabees case. I have represented Mr. Karabees on numerous occasions. The first representation included a protection from domestic abuse action with a corresponding Department of Social Service Abuse and Neglect matter. The matters were resolved through reconciliation of the parties and the return of the minor child to the parties. Unfortunately, there was a breakdown of the marriage with the wife filing against Mr. Karabees seeking sole custody of their child. This matter was resolved by agreement where the parties shared custody of the minor child. While operating under this order, Ms.

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Karabees relocated out of state with the minor child. An action was filed seeking the return of the minor child. During the pendency of the action, Mr. Karabees was arrested for a serious criminal charge. Due to his pending criminal charge, the mother was no longer allowing his visitation with the minor child. We filed an action seeking divorce and return of the child. Numerous orders were issued to include an ex-parte order granting Mr. Karabees custody as the child was not returned to South Carolina initially. The matter was eventually resolved with the parties agreeing to share custody of the minor child. Recently, another action was filed wherein the ex-wife sought emergency sole custody of the minor child. At the emergency hearing the relief requested by Ms. Karabees was denied with attorney fees awarded to my client. The matter is still pending.

- (e) Al-Dujail trial: During my deployment to Iraq, I was an attorney advisor for Iraq High-Tribunal (IHT). The IHT was responsible for trying the former regime of Iraq to include the former President Saddam Hussein. As part of this process, the Regime Crime Liaison Office (RCLO) advised the IHT to the point where they were able to conduct the first trial on October 19, 2005. Besides Saddam Hussein, the case involved several co-defendants, Barzan Ibrahim al-Tikriti, Taha Yassin Ramadan, Awad Hamed al-Bandar Al-Sa'dun, Abdullah Kadhem Roweed Al-Musheikhi, Mizher Abdullah Roweed Al-Musheikhi, Ali Daeem Ali, Mohammed Azawi Ali. During that time, I was present and actively engaged in conducting detainee operations, setting up defense counsel visits, administrative hearings, interrogations, and witness interview. I worked hand in hand with all branches of the military, federal agencies to include US Attorneys, FBI, DEA, ATF, US Marshals Services, and the US State Department to include Embassy Staff. Further, I advised the Commanding General (CTF-134) and subordinate Commanders for Detainee Operations in Iraq on legal issues surrounding the detention of Saddam Hussein and high-ranking member of the former Iraq Ba'ath Party Regime in U.S. Custody. I oversaw High Value Detainee (HVD) operations for the RCLO. My responsibilities included scheduling all High

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Value Criminal (HVC) and High Value Detainee (HVD) defense counsel visits for 64 individuals, actively participating in weekly high-risk defense attorney pick-ups at Entry Control Point (ECP) 1 at Route Irish. I further planned, coordinated, and participated in innumerable air and convoy missions required to move the defendants, their international attorneys, RCLO staff, IHT Judges and Investigators between various detention centers and court facilities located near Camp Victory, Baghdad International Airport and the International Zone. I acted as the primary interface between CTF 134, U.S. Marshalls, other U.S. Police/Intelligence Agencies, Iraq Security Forces, and civilian attorneys representing defendants being held for various war crimes, genocides, and crimes against humanity.

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

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

- (a) Associate Municipal Judge, Town of Summerville. Appointed. January 2015 to January 2019. Traffic and criminal cases within the municipality of Summerville. Jurisdiction over cases include a fine not exceeding \$500.00 or imprisonment not exceeding 30 days, or both. Also, conducted preliminary hearings, bond hearings, jury trials, bench trials, and issued arrest and search warrants.
- (b) Part-time Magistrate. Dorchester County. Appointed. September 23, 2020, to present. Jurisdiction includes all criminal offenses subject to the penalty of a fine, as set by statute, but generally, not exceeding \$500.00 or imprisonment not exceeding 30 days, or both. Further, responsible for setting bail, conducting preliminary hearings, and issuing arrest and search warrants. Civil jurisdiction when the amount in controversy does not exceed \$7,500.00. Routinely preside over rule to vacate and eviction proceedings.
- (c) Certified Military Judge pursuant to Article 26 of the Uniform Code of Military Justice and South Carolina Code §25-1-2455. Appointed. May 3, 2019, to present.

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Title 10 federal jurisdiction: Except as otherwise expressly provided, special courts-martial may try any person subject to the code for any noncapital offense made punishable by the code and, as provided in this rule, for capital offenses, to include dishonorable discharge, dismissal, confinement for more than 1-year, hard labor without confinement for more than 3 months, forfeiture of pay exceeding two-thirds pay per month, or any forfeiture of pay for more than 1 year.

South Carolina jurisdiction: A military judge presides at all general and special courts-martial and has the same authority as a South Carolina Circuit Judge in General Sessions Court. Maximum punishment includes (1) dismissal, or dishonorable or bad-conduct discharge; (2) confinement of not more than twelve months; (3) a fine of not more than forty days' pay; (4) reduction of enlisted personnel to the lowest pay grade; (5) forfeiture of pay and allowances not to exceed forty days' pay; (6) a reprimand; (7) any combination of these punishments.

Judge Murphy did not provide a list of his most significant orders or opinions:

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

- (a) South Carolina Army Reserve National Guard. May 23, 1989, to present. Current position is military judge. Responsibilities: Serve as a Military Judge for the South Carolina National Guard. Ensure Special and General Courts-Martial are in strict compliance with the South Carolina Code of Military Justice. Report on all criminal legal actions in the state and coordinates legislative amendments to the Military Code. When not in conflict with judicial duties, provide legal assistance to mobilizing Soldiers, specifically providing wills, powers of attorney, and other necessary documents. Screen mobilizing Soldiers to ensure fitness for deployment with no adverse legal consequences and, when appropriate, assist Soldiers in removing legal impediments to mobilization. Support deploying Soldiers and family members on such collateral issues as USERRA, SCRA, and Family Care Plans.

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Provide legal advice and assistance to Commanders and Soldiers as needed during DOMOPs. Maintains personal legal and military qualifications.

Supervisor: Brigadier General Jeffrey A. Jones

1 National Guard Road

Columbia, SC 29201

Phone: (803) 299-4215

- (b) Vannoy and Murphy. Partner, January 1, 2014, to present. Responsibilities: Trial attorney in the areas of personal injury, worker's compensation, social security disability, domestic (to include Juvenile Defense), and veteran disability.
Supervisor: None
- (c) Murphy's Law of South Carolina, Inc. January 1, 2011. Owner. I formed this entity after I left Murphy Law Firm, LLC (Question ten). General practice law firm handling legal cases in the areas of personal injury, worker's compensation, social security disability, domestic (to include juvenile defense), criminal defense, veterans' disability and contract work. Former names: Murphy's Law of Summerville, LLC and Murphy's Law of South Carolina, LLC

Judge Murphy further reported the following regarding unsuccessful candidacies:

Yes. Summerville Town Council District Four (4). The general election occurred in 2007.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualification found Judge Murphy "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 noted: "Judge Murphy is a well-rounded candidate with strong juvenile practices. He is an excellent problem

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solver [with] an excellent [track] record of performing under high pressure situations.”

Judge Murphy is married to Karin Elizabeth Murphy. He has three children.

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

- (a) South Carolina Bar;
- (b) Dorchester County Bar;
- (c) Berkeley County Bar; and
- (d) Military Member South Carolina Bar

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

- (a) National Guard Association (State and Federal)(Life Member)
- (b) Military Officers Association of America (Life Member)
- (c) Citadel Alumni Association (Life Member)
- (d) Citadel Brigadier Foundation
- (e) Summerville Citadel Club
- (f) Veterans of Foreign Wars (VFW) , Post 3137,” Post on the Coast, Post judge Advocate. (Life Member)

Judge Murphy further reported:

I am honored to be considered for a family court judgeship. Except for a short period of time after birth and attendance at law school out of state, I have called South Carolina home, namely Dorchester County. All of my primary education occurred in Dorchester County. This was followed by The Citadel.

My early life experiences, followed by military service, professional degrees, marriage and fatherhood, developed an individual with humility, confidence, honor, integrity, knowledge, experience, and calmness. Since May 11, 1998, I have acquired the knowledge and experience to positively shape the lives of children and families throughout South Carolina. I look forward to continuing this path as a family court judge.

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- (11) Commission Members' Comments:
The Commission commented that Judge Murphy has a proven track record of hard work as a part-time magistrate, colonel and military judge with the National Guard, and in his private practice. He has displayed an intelligence and calm temperament that will serve him well on the bench.
- (12) Conclusion:
The Commission found Judge Murphy qualified and nominated him for election to Family Court, First Judicial Circuit, Seat 2.

**The Honorable Vicki J. Snelgrove
Family Court, Second Judicial Circuit, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Snelgrove meets the qualifications prescribed by law for judicial service as a Family Court judge.
- Judge Snelgrove was born in 1957. She is 64 years old and a resident of Aiken, South Carolina. Judge Snelgrove 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 1982.
- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Snelgrove.
- Judge Snelgrove 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 Snelgrove reported that she has made \$45.00 in campaign expenditures to J.D. Davis for assistance with the technology of her application.

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Judge Snelgrove 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 Snelgrove 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 Snelgrove to be intelligent and knowledgeable.

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

- 1994 Hot Tips- family law; Checking the Title of Property Awarded to Your Client; conveying the importance of making sure that you client is getting property free and clear of unknown liens
- 1992-1996 Presented at South Carolina Trial Lawyers Association Convention-Family Law division presenting case updates on various topics- alimony, child support and custody
- 1996 Hot Tips-Family Law; Putting Your Client to Work- Ideas for allowing your client to put together information to help his or her own case
- 2001 Hot Tips; family law- When Do You Do QDRO When You are Not Dividing the Plan? Explanation of a then recent case on the issue of whether ERISA Plan Participants can change the identity of a surviving spouse benefit, even if the spouse consents. Includes the test of Hopkins.
- 2002 Hot Tips; Family law; Guardian ad Litem for adults in Family Court; suggests that it can be problematic to appoint a GAL for an adult without any evidentiary hearing as to that adult's incompetency. Includes sample

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- notice of motion and motion for appointment of special guardian and/or special conservator and relevant statutes.
- 2003 Hot Tips; family law; Ideas on How to Divide Investment Assets After Filing. Suggestions on what to do with assets that have changes since the filing of the action.
- 2005 Hot Tips; family law; Refresher on Checking Your Title. Emphasizes the usefulness of checking title to any property your client may receive in an agreement.
- 2006 Hot Tips; family law; My Cheat Sheet. Offers a "cheat sheet" strategy for organizing and updating critical case facts and issues.
- 2007 Hot Tips; family law; cannot recall topic of presentation
- 2007 Horry County Family Law meeting; family law; UCCJEA v. UCCJA; compare the two statutes and point out the differences.
- 2008 Hot Tips; family law; Cannot recall topic of presentation
- 2008 Course Planner for the SC Bar Family Law Meeting seminar
- 2009 SideBar!; Family law; Discuss important Family Court cases of the last year with Jan Warner
- 2012 Family Court Bench/Bar
- 2013 SC Bar Convention
- 2013 Hot Tips; family law; cannot recall topic
- 2014 Hot Tips; family law; cannot recall topic
- 2015 Hot Tips; family law; cannot recall topic
- 2016 Hot Tips; family law; cannot recall topic
- 2017 Hot Tips; family law; cannot recall topic
- 2018 Hot Tips; family law; cannot recall topic
- 2019 Hot Tips; family law; cannot recall topic
- 2019 Family Court Bench/Bar- Things I can tell a Family Court Judge that you cannot and things I can tell a family court lawyer that you cannot; presented with my daughter who is family court attorney
- 2020 Hot Tips; family law; cannot recall topic

Judge Snelgrove reported that she has published the following:
SC Family layers Toolkit- First Edition-evidentiary objections
SC Client Handbook- First Edition; Board of Editors

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(4) Character:

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

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

The Commission also noted that Judge Snelgrove 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 Snelgrove reported that her last available rating by a legal rating organization, Martindale-Hubbell, was AV.

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Snelgrove was admitted to the South Carolina Bar in 1982.

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

1982-2010 Johnson, Johnson, Whittle and Snelgrove, Attorneys,
P.A.

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1982-1985a general practice of domestic relations; real estate and personal injury
1985-2010exclusively domestic relations
Though I had signature authority on General account and the Trust account, I did not perform any management of those accounts

Judge Snelgrove reported that she has held the following judicial office(s):
July 8, 2010 to present- Family Court; elected by the General Assembly in 2010.

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

- (a) Whitney Lynn Moore v. Arthur Rose Moore, 414 S.C. 490, 779 SE2d 533 (2015)
- (b) Christopher Emanuel v. Jane Doe, 2014-DR-02-1847
- (c) Haltiwanger v. Haltiwanger, 2018-DR-02-640
- (d) Judy Harriett-Brandt v. Donald M. Brandt, Unpublished opinion; Appellate Case No. 2013-002279
- (e) Brown v. Odom, 425 S.C. 420, 823 2d 183 (Ct. App. 2018)

Judge Snelgrove reported no other employment while serving as a judge.

- (9) Judicial Temperament:
The Commission believes that Judge Snelgrove’s temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualification found Judge Snelgrove to be “Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and “Well Qualified” in the remaining evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee commented that Judge Snelgrove has “excellent qualifications and temperament.” The Committee found Judge Snelgrove to be overall “Well Qualified.”

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Judge Snelgrove is married to Von P. Snelgrove. She has two children; one is deceased.

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

- (a) SC Bar Board of Governors- 1998-2000
- (b) Family Law Section Council- President 2007-2008

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

Judge Snelgrove further reported:

I am fascinated by the work we do on the Family Court bench. I attend seminars that provide information that may be different than what I have been doing; I make every attempt to self-analyze by own biases and life experiences. I make every effort to self correct; I ask colleagues for honest feedback. I listen to persons who are willing to share their own Family Court experiences and try to view the experience from the eyes of a litigant. I try to find relevant ways to communicate with juvenile defendants- movies, music, dance, books, etc.

(11) Commission Members' Comments:

The Commission commented that Judge Snelgrove upholds the ideals of the judiciary. They noted that she is well-prepared and has an excellent demeanor.

(12) Conclusion:

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

Thomas M. Bultman
Family Court, Third Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

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(1) Constitutional Qualifications:

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

Judge Bultman was born in 1953. He is 68 years old and a resident of Sumter, South Carolina. Judge Bultman 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 Bultman.

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

Judge Bultman 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 Bultman 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 Bultman to be intelligent and knowledgeable.

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

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- (a) Trying The Equitable Distribution Case: A Bench Bar Conference. Friday, June 10, 1988, USC School of Law, Columbia, South Carolina: Ethical Considerations in Family Court
- (b) Domestic Practice; “Hot Tips From The Experts” Rides Again. Friday, May 15, 1992, at the USC School of Law, Columbia, South Carolina: Dependency Exemption: Is It Really Worth Fighting For?
- (c) Domestic Practice; Hot Tips From The Experts. Friday, May 6, 1994, at the USC School of Law, Columbia, South Carolina: Compelling Settlements in the Family Court
- (d) Domestic Practice; The Continuing Saga of “Hot Tips From The Experts.” Friday, July 21, 1995, at the USC School of Law, Columbia, South Carolina: Registration of Delayed Birth Certificates
- (e) Domestic Practice; Hot Tips From The Experts. Friday, August 23, 1996, at the USC School of Law, Columbia, South Carolina: Compelling Settlements in the Family Court
- (f) Domestic Practice; Hot Tips From The Experts. Friday, September 12, 1997, at the USC School of Law, Columbia, South Carolina: Compelling Settlements in the Family Court
- (g) Domestic Practice; Hot Tips From The Experts. Friday, August 28, 1998, at the USC School of Law, Columbia, South Carolina: Validity of Foreign Divorce Decrees
- (h) Hot Tips From The Best Domestic Practitioners. Friday, September 24, 1999, at the USC School of Law, Columbia, South Carolina: Reducing or Terminating Alimony – A Case Review
- (i) Hot Tips From the Coolest Domestic Law Practitioners. Friday, September 23, 2005, at the USC School of Law, Columbia, South Carolina: Domestication of Foreign Adoption Decrees
- (j) 60 Tips To Build A Successful Family Law Practice. Friday, April 22, 2006, at the USC School of Law, Columbia, South Carolina: Billing Practices and Other Suggestions to Consider

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

(4) Character:

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

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

The Commission also noted that Judge Bultman 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 Bultman reported that his last available rating by a legal rating organization, Martindale-Hubbell, was B V or Distinguished. Judge Bultman reported that in the 2008, 2011, 2012, 2013, 2014, 2015, and 2016 editions of Super Lawyer Magazine, he was recognized as Super Lawyer Family Law.

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Bultman was admitted to the South Carolina Bar in 1978.

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

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- (a) Richardson, James & Player, 1978 to 1987, General Practice
- (b) Part-Time Assistant Solicitor, Third Judicial Circuit, 1983 to 1987
- (c) Bryan Law Firm, 1987 to February 2018, emphasis on Family Law, but also practiced Social Security and VA Disability; and before I was elected as a Family Court Judge, I was the law firm's managing partner.

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

- (a) Elected by the South Carolina General Assembly as Family Court Judge, Third Judicial Circuit, Seat 1, in a joint session which took place on February 10, 2018. The current term for this position ends on June 30, 2022. I filled the unexpired term of Family Court Judge George M. McFaddin, Jr. who became a Circuit Court Judge.
- (b) The Family Court's exclusive jurisdiction is provided in S.C. Code Ann. §63-3-530.

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

- (a) South Carolina Department of Social Services v. McKenzie, 2019-UP-374 (December 2019)
- (b) Crabtree v. Crabtree, 2021-UP-111 (April 7, 2021)
- (c) Reginald Perry vs. Jennifer Olsen (Docket Number 2018-DR-43-1304), Family Court, Third Judicial Circuit, Sumter County. This was an initial custody action involving the mother and father, who were not married. I granted the parties joint custody with father, Reginald Perry, being designated as primary placement parent, and mother, Jennifer Olsen, being designated as secondary placement parent. Mother, Jennifer Olsen, has appealed my decision to the South Carolina Court of Appeals. The South Carolina Court of Appeals has not yet rendered its decision.
- (d) Christopher A. Clampitt vs. Stacy T. Clampitt and Third Party Defendants CKMN, Inc., Sarah K. Black and Christopher Jon Clampitt (Docket Number 2017-DR-32-1901), Family Court, Eleventh Judicial Circuit, Lexington County. This Lexington County Family Court case was one of the oldest on the docket. It took nine days to try and every

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issue was contested, except that Plaintiff and Defendant wanted the children's guardian ad litem to be fully compensated for his services. The guardian ad litem's fee was \$92,000.00. The virtual "Reconsideration" Motion Hearing was conducted on Friday, June 25, 2021. I expect Plaintiff, Christopher A. Clampitt, to file an appeal with the South Carolina Court of Appeals.

- (e) Ronnie Gainey vs. Tamara Gaylord (Docket Number 2020-DR-14-130), Family Court, Third Judicial Circuit, Clarendon County. The issue involved was whether there was a common law marriage. This is the first common law marriage case at which I presided after the South Carolina Supreme Court issued its decision in the case of Stone v. Thompson, 428 S.C. 79, 833 S.E.2d 266 (2019), which abolished common law marriage prospectively and which changed the burden of proving common law marriage for those cases not affected by the prospective ruling.

Judge Bultman reported no other employment while serving as a judge.

- (9) Judicial Temperament:
The Commission believes that Judge Bultman's temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualification found Judge Bultman 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 had no related or summary comments.

Judge Bultman is married to Marsha Short Black Bultman. He has two children.

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

- (a) Sumter County Bar Association

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- (b) South Carolina Bar Association

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

- (a) Sumter Rotary Club
President 1993-1994, President Elect 1992-1993, Secretary 1991-1992, Board of Directors 1988-1991, Treasurer 1983-1988, and Paul Harris Fellow
- (b) South Carolina Bar, Pro Bono Service Award 1989
- (c) Quixote Club (formerly Sunset Country Club)
- (d) Thalian Club

Judge Bultman further reported:

- (a) Until I was elected as a Family Court Judge, I was a certified fellow in the American Academy of Matrimonial Lawyers since May 16, 1992. During that time frame I served as treasurer, secretary, vice-president, and president of the South Carolina Chapter of the American Academy of Matrimonial Lawyers. I have tried numerous Family Law cases, as well as handling appeals to the South Carolina Appellate Court in Family Law cases.
- (b) My knowledge of South Carolina Family Law, as well as my judicial temperament, I believe have been beneficial to the lawyers and parties who have appeared before me.

(11) Commission Members' Comments:

The Commission commented that Judge Bultman has an excellent judicial temperament and they are thankful for his service as a judge. They commented on his stellar reputation amongst the family court bar and the litigants who appear before him.

(12) Conclusion:

The Commission found Judge Bultman qualified, and nominated him for re-election to Family Court, Third Judicial Circuit, Seat 1.

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**The Honorable Cely Anne Brigman
Family Court, Fourth Judicial Circuit, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Brigman was born in 1961. She is 60 years old and a resident of Darlington, South Carolina. Judge Brigman 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 Brigman.

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

Judge Brigman 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 Brigman testified that she 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 Brigman to be intelligent and knowledgeable.

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

In the Best Interest of a Child: 2020 Annual Guardian ad Litem Training and Update January 31, 2020. She served on a panel of Family Court Judges addressing the judge's perspective and expectations of Guardians ad Litem.

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

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

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

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

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

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

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

- (7) Mental Stability:
Judge Brigman appears to be mentally capable of performing the duties of the office she seeks.
- (8) Experience:
Judge Brigman was admitted to the South Carolina Bar in 1986.

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

- (a) Greene, Lockemy and Bailey 1986 – 1989. I was an associate attorney. My responsibilities involved Family Court litigation, civil litigation primarily representing plaintiffs in personal injury actions and limited criminal defense. I also performed residential real estate closings. I was not involved with administrative or financial management of this firm. I did not manage the trust account.
- (b) Baker Law Firm 1989 – 2004. I practiced as an associate attorney. My responsibilities involved Family Court litigation, civil litigation primarily representing plaintiffs in personal injury actions, and residential real estate closings. I also handled cases in Probate Court. I was not involved with administrative or financial management of this firm. I did not manage the trust account.
- (c) In March 2004, I was appointed to fill a position as a part-time Magistrate for Darlington County. I served as Chief Magistrate. I left this position upon my election to the family court bench in 2015.
- (d) McDougall and Self May 2004 until November 2009. I practiced as an associate. My practice was limited to Family Court litigation. I was not involved in financial or administrative management nor did I manage the trust account.
- (e) Jebaily Law Firm November 2009 until June 2015. I practiced as an associate, limited to Family Court litigation and some matters in probated court. I was not involved with financial or administrative management nor did I manage the trust account.

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Judge Brigman further reported the following regarding unsuccessful candidacies:

- (a) In 2011, I was a candidate for a Family Court seat for the Fourth Judicial Circuit. I came out of screening but withdrew prior to the election. The seat was filled by Hon. Salley H. McIntyre.
- (b) In the fall of 2012, I was a candidate for Family Court At Large Seat 4. I was found qualified but did not come out of screening.
- (c) In 2015, I was a candidate for Family Court, Fourth Judicial Circuit, Seat 1. I was elected by the General Assembly.

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

- (a) The cases I presided over in Magistrate's Court did not require written orders.
- (b) Annie R. Jackson v. Sammy Lee Jackson, Louise Jackson, and Walter Williams,
 - a. 432 S. C. 415, 853 S. E. 2d 344 (S.C. Ct. App. 2020)
- (c) Alisha Rudick v. Brian Rudick, Appellate Case No 2016-002169 (S. C. Ct. App. August 21, 2019)
- (d) Christopher K. Maddaloni v. Jacqueline Pidanick, Unpublished Opinion No. 2019-UP-337
- (e) South Carolina Department of Social Services v. Jessica Rownd and Christopher Bass, Unpublished Opinion No. 2018-UP-371

Judge Brigman reported no other employment while serving as a judge.

- (9) Judicial Temperament:
The Commission believes that Judge Brigman's temperament is and would continue to be excellent.
- (10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualification found Judge Brigman 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 did not have related or summary comments.

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Judge Brigman is married to Gregory Wendell Brigman. She has two children.

Judge Brigman reported that she was a member of the following Bar and professional association:
South Carolina Bar Association

Judge Brigman provided that she was not a member of the any civic, charitable, educational, social, or fraternal organizations:

Judge Brigman further reported:
I have thoroughly enjoyed my service on the Family Court bench and would be honored to serve another term.

- (11) Commission Members' Comments:
The Commission members noted that Judge Brigman's BallotBox comments and reference letters establish that she has an outstanding reputation as a jurist.
- (12) Conclusion:
The Commission found Judge Brigman qualified and nominated her for re-election to Family Court, Fourth Judicial Circuit, Seat 1.

Eugene P. Warr Jr.
Family Court, Fourth 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, Fourth Judicial Circuit, Seat 3, 1 candidate applied for this vacancy. Accordingly, the names and qualifications of 1 candidate is hereby submitted in this report.

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(1) Constitutional Qualifications:

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

Mr. Warr was born in 1959. He is 62 years old and a resident of Lamar, South Carolina. Mr. Warr 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 Mr. Warr.

Mr. Warr 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. Warr reported that he has not made any campaign expenditures, other than postage for letters mailed to the Judicial Merit Selection Commission.

Mr. Warr 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. Warr 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. Warr to be intelligent and knowledgeable.

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Mr. Warr reported that he has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

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

(4) Character:

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

The Commission's investigation of Mr. Warr did not indicate any evidence of disqualifying financial issues.

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

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

Mr. Warr reported the following account of his tenure in public office:

University of South Carolina Board of Trustees, Trustee for the Fourth Judicial Circuit, Elected May 2003 by South Carolina Legislature. I am still serving presently having been re-elected in 2004, 2008, 2012, 2016 and 2020. I have annually filed a State Ethics Commission report and I have always been timely with my filings.

(6) Physical Health:

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

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

(8) Experience:
Mr. Warr was admitted to the South Carolina Bar in 1985.

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

From March 1982 through November 1985 (when I was sworn into the bar) I worked at the Saleeby, Cox and Bledsoe law firm located in Hartsville, SC as a law clerk. The majority of my work for Saleeby, Cox and Bledsoe was during the summer and between the fall and spring semesters. I worked as a clerk for the SC Senate Judiciary Committee during my second year of law school which was the fall of 1983 and spring of 1984.

November 1985 through July 1989 – I was an associate attorney at the Saleeby, Cox and Bledsoe law firm. During my years at the Saleeby firm I handled many different areas of practice including personal injury, criminal, workers compensation, civil litigation, probate matters, real estate and domestic.

In July 1989 I left the Saleeby firm and joined with then solo practitioner David M. Beasley (both of us grew up in Lamar, SC) to form the firm of Beasley and Warr in Hartsville, SC. Later, attorney John M. Ervin III joined our firm. In 1993 James H. Lucas and Fred W. Auman, III left the Saleeby firm and joined our practice. In 1994 Beasley was elected Governor and left the practice of law. During the years from 1989 to 1994 I practiced primarily in the areas of personal injury, real estate, probate, domestic law and I was regular counsel to Carolina Bank & Trust Company. I also handled general civil litigation matters. In 2005 H. Thad White Jr. joined our firm. In 2009 Fred W. Auman III left our office and began a solo practice. Our firm has been known as Lucas, Warr & White since 2009.

For approximately the past fifteen (15) years I have steadily increased my practice in Circuit Court mediation and serving as special referee in non-jury matters. I have heard many civil matters as special referee and in recent years I have mediated

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many cases in primarily Darlington County and Florence County. Otherwise, I still do some personal injury practice, real estate, probate, general civil litigation and business formation and transactions. I remain as regular counsel to Carolina Bank & Trust Company which I have done since 1989. I have not been a practitioner in the Family Court for the past several years, but I have approximately thirty years of experience in Family Court matters.

From 1989 to 1994 I jointly managed our firm's regular and trust accounts with David Beasley. After Beasley left the practice I became the office manager as to financial management and management of trusts accounts. I continue that role currently at Lucas, Warr & White.

Mr. Warr further reported the following in regards to his experience with the Family Court practice area:

My experience in the Family Court began as soon as I was admitted to the South Carolina Bar in 1985. I began at that time to handle divorce and child custody matters. Additionally, I was frequently appointed to represent parties in DSS cases and to serve as a guardian in those matters. I have handled a few adoptions but I have not been involved in an adoption for many years. As to equitable distribution, I believe I am capable not just from my legal experience, but also I was an accounting major in college and I have business experience outside of the practice of law. In the DSS appointments I received for many years I handled a variety of matters dealing with abuse and neglect of minor children and juveniles who had experienced trouble. I have represented parents accused of neglecting or abusing children and I have often served as guardian for children in DSS cases and in child custody disputes. Through the years I handled many divorce cases which at times were contested as to divorce, child custody and equitable distribution.

I have not been a practitioner in Family Court for the past several years. However, I do have about thirty years of experience in the Family Court.

I have in recent years heard a wide variety of cases as special referee. I believe I have learned a good deal about dealing with emotional parties and anger between litigants. Serving as special referee has also given me experience in ruling on

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matters during a hearing, handling objections and dealing with other unpredictable matters which arise.

I have combined my service as special referee with an increasing case load as Mediator. I mediate many different types of matters pending in the Circuit Court and I believe I do so efficiently.

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

- (a) Federal: I have not appeared in Federal Court in the past five years. In the earlier years of my legal career when I practiced more heavily in general civil litigation I appeared a fair number of times in Federal Court.
- (b) State: In the past five years I have been to trial in only one jury trial (automobile accident) as we now settle many matters at mediation. I have appeared in many non-jury matters such as on motions and I have appeared on a regular basis before a special referee or Master-in-Equity. I have handled many foreclosure matters for a banking client before a special referee or Master-in-Equity in the past five years.

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

- (a) Civil: 20%;
- (b) Criminal: 0%
- (c) Domestic: 0%;
- (d) Other: 80%
 - Real Estate
 - Special Referee
 - Medation
 - Probate
 - Business formation/transactions

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

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

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

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

(a) Henry Wesley Beasley v. Al Dawson

(This case involved a boating accident at Lake Marion. The Defendant was operating a boat and struck the Plaintiff who was swimming near a dock and seriously injured him. The case involved issues about boating, water safety and negligence and was tried to a jury in Florence County and then settled before the jury returned to the courtroom with a verdict.)

(b) Beulah Robinson and Susan Jordan v. Gena Poole Davis and Pepsi-Cola Bottling Company

(In this case, which I tried with my mentor James C. Cox, Jr. of the Saleeby, Cox and Bledsoe firm in Hartsville, the Plaintiffs were seriously injured when a drunk driver hit a large truck which then hit the Plaintiffs. The jury returned an award for the Plaintiffs against the Defendants which I was told at the time in 1990 was the largest civil jury verdict ever in Darlington County, but I am not certain that is true.)

(c) Wright and Gadsden v. Colleton County

(In this case a young man twenty-one years of age was killed while traveling as a passenger with his father when they were struck at night by a Colleton County Deputy Sheriff who was traveling at a very high rate of speed with no blue light or siren. The jury in Colleton County returned a favorable verdict in favor of Plaintiff. I tried this case with attorney Paul N. Siegel of Walterboro. Colleton County filed an appeal, but the Court of Appeals affirmed the decision. Wright v. Colleton County (S.C. App. 2014) Appellate Case No. 2012-212865, (Unpublished Opinion No. 2014-UP-011).

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- (d) Progressive Home Builders, Inc. v. Grace Hucks and Window Works, Inc.
(This construction dispute went to a non-jury trial in Florence County. My client Window Works, Inc. won its cross-claim against Hucks for payment of a substantial amount for windows and doors it provided for a large, upscale house. Hucks filed an appeal, but the Court of Appeals affirmed the decision. Progressive Home Builders, Inc. v. Hucks (S.C. App. 2013) Appellate Case No. 2010-181289, (Unpublished Opinion No. 2013-UP-057).
- (e) In the Matter of the Estate of Nathaniel Welch Morrisette, Jr.; 2014-CP-40-02769
(Many parties were involved in this probate matter which was a dispute over the validity of Morrisette's Will. I represented two of the named beneficiaries in the disputed Will. The estate was large in value and highly contested. It began in Probate Court in Richland County and was moved to Common Pleas.)

Mr. Warr reported that he has personally handled three civil appeals:

- (a) Wright v. Colleton County, Appeal from Colleton County, Court of Appeals Affirmed January 8, 2014, Appellate Case No. 2012-212865, (Unpublished Opinion No. 2014-UP-011).
- (b) Progressive Home Builders, Inc. v. Hucks, Appeal from Florence County, Court of Appeals Affirmed January 30, 2013, Appellate Case No. 2010-181289, (Unpublished Opinion No. 2013-UP-057).
- (c) Gertrude Wrenn v. Chester County Hospital, Case was dismissed on Defendant's Motion. On an appeal to the Court of Appeals that decision was Reversed and the case then settled prior to trial, (1987-CP-12-00161A).

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

Mr. Warr reported that he has not held judicial office; "however, I have served as special referee on hundreds of cases over the last twenty years approximately."

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- (9) Judicial Temperament:
The Commission believes that Mr. Warr's temperament would be excellent.
- (10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualifications found Mr. Warr "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. There was no summary or related statement from the Committee.

Mr. Warr is married to Cassandra Anderson Warr. He has two children.

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

- (a) South Carolina Bar;
- (b) Darlington County Bar (President 1999-2000);
- (c) Pee Dee Chapter of the American Inns of Court.

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

- (a) Pee Dee Chapter - American Inns of Court
- (b) Lamar Civitan Club

Mr. Warr further reported:

I was raised in a rural community in Darlington County. We lived on the farm where my father and grandfather also were raised. My mother also grew up in a farm family not far away in Florence County. As a child I had all of my grandparents near me and I was regularly with them. My parents both grew up working hard on the farm and that was expected of me also.

When I was eight years old I was told my time to work in the tobacco field had arrived. I was excited about it until I actually got started. The difficulty of the work and the heat all day was extremely tough, but it made me realize life is not easy and every day would have its challenges. My father often gave me serious tasks to handle at a young age. Out of necessity, I learned how to be self disciplined.

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My father Preston Warr farmed, operated an agricultural retail business, operated a tobacco sales warehouse, served in the state House of Representatives and for twenty-five years served as a part-time Magistrate in Darlington County. I was with him on many occasions as he handled a wide variety of issues and conflicts. Obviously, I am favorably biased toward my father, but he was an outstanding Magistrate who could read people and he was always courteous and kind to them. Although he retired from that position over twenty-five years ago, I still hear stories from people who were in law enforcement and others with civil matters who tell a story about appearing in Magistrate Court with my father. He settled many disputes and seemed to have an almost magical way of helping fighting neighbors or family members in a dispute to forgive, reconcile and move on.

I believe my father was a good listener and always treated even the most difficult people with respect and courtesy. On occasion I saw him change a hostile litigant into a cooperative and contrite person by simply treating that person with patience and listening or maybe telling that person a story that somehow related to them.

My mother also had great impact on me as to how to treat others. She was a very outgoing person who loved other people and she held my two sisters and me to a high standard in our behavior and conduct toward others. I learned many great lessons from wonderful parents and they no doubt largely shaped who I am today.

If I am elected to a judicial position, I would do my best to do my duty to our state and its citizens, and also to honor the way I was taught by my parents as I saw how they conducted their lives.

As a lawyer practicing since 1985, I have experienced representing many types of people. I have had clients who were clearly good, honest people trying to live in the right way and I have had clients who were not honorable or honest. I have represented them all to the best of my ability and I have learned much about human behavior from these experiences. I also noticed many years ago that when people are going through a divorce it is usually the worst time of their lives. Often as a lawyer you see people in Family Court who are not in their normal state of mind due to their anxiety, fear and worry about what is about to happen with their lives, children, and with their

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finances. I believe a Family Court judge should consider these factors and understand that people in this difficult stage in life need patience from the bench and they need to know they will be fairly heard. Many other matters that come before the Family Court are similar in that the participants are appearing about a matter that is of critical significance in their lives. Participants in any type of matter, witnesses, lawyers and court personnel all deserve a patient, caring and hopefully wise judge. I would strive every day to live up to that standard.

I have seen good and bad in many people. I have been through many types of storms in life with these people and I believe I have the balanced perspective which is needed to serve as a judge.

I believe my life's experiences and the blessing of being raised by hard working parents who demanded a lot from me have prepared me for effective service as a judge.

(11) Commission Members' Comments

The Commission commended Mr. Warr for his excellent BallotBox survey results and were impressed with his reputation among the Bar and his demeanor before the Commission.

(12) Conclusion:

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

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

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge. Stricklin was born in 1969. He is 52 years old and a resident of Columbia, South Carolina. Judge Stricklin provided in his application that he 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 1994.

(2) Ethical Fitness:

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

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

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

Judge Stricklin testified he has not:

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

Judge Stricklin 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 Stricklin to be intelligent and knowledgeable.

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

I have been the co-planner and moderator for Hot Tips for approximately the past ten+ years. The program is designed for short presentations covering a wide variety of Family Court topics. In addition to planning this program, I have presented and have focused on the issue of alimony for over a decade. I have also been a presenter at the Family Law Essentials CLE held by the South Carolina Bar. The program provides the basics to typically new lawyers or lawyers new to the practice of Family

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Law. My presentations have been on the substantive and procedures of Temporary Hearings. On multiple occasions, I have been a course planner and speaker at the South Carolina Bar Convention, covering a variety of Family Court topics. For example, one year I arranged for a professor from Wake Forest University to speak on her analysis of studies dealing with custody and visitation issues. All Family Court Judges were required to attend the convention CLE. The South Carolina Bar also had a sister program to Hot Tips called Cool Tips. I spoke at these programs as well on a variety of Family Court issues. In 2019, I spoke at the Horry County Bar CLE on the issue of alimony that included an emphasis on the recent tax law changes impacting the Family Court. I have also been a presenter at the South Carolina Bar Bench Bar CLE. I have taught at the new Judges School on the substantive and procedures of Temporary Hearings. I have been a presenter at the South Carolina Association of Justice Seminar (formally SCTLA). On average, I would estimate that I have been involved with at least two seminars per year for the past ten to fifteen years. In addition to working on seminars involving Family Law issues, shortly after completing law school, I taught one or two paralegal courses at Orangeburg-Calhoun Technical College.

Judge Stricklin reported he has published the following:

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

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(e) I was asked and agreed to assume the editorial duties for Marital Litigation in South Carolina Substantive Law by Professor Emeritus Roy T. Stuckey. To date, I have done limited work on the publication.

(4) Character:

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

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

The Commission also noted that Judge Stricklin 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 Stricklin reported that his last ratings by legal rating organizations as,

- (a) Martindale-Hubbell: BV rating
- (b) Super Lawyers – Family Law since (at least) 2013
- (c) Legal Elite of the Midlands by Columbia Business Monthly, since (at least) 2014

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

Judge Stricklin reported that he has never held public office other than judicial office:

(6) Physical Health:

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

(7) Mental Stability:

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

- (8) Experience:
Judge Stricklin was admitted to the South Carolina Bar in 1994.

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

- (a) Richland County Public Defender's Office, November 1994 until June 1995. I almost exclusively represented juveniles charged with criminal offenses in the Family Court. My job also required me to work on some other cases like probation violations and to assist with legal research.
- (b) Moore Taylor Law Firm (The firm has had various names in the past as partners have joined and left the law firm). I joined the firm as an associate in June 1995. I became a partner approximately five years later. After going into private practice, I worked almost exclusively with Family Court cases. Primarily, I represented individuals in domestic cases, involving divorce, custody, visitation, health insurance, college expense cases, equitable distribution and support (alimony and child support). I have also handled adoptions and South Carolina Department of Social Services cases. Earlier in private practice, I worked on some magistrate cases, probate cases and various administration issues related to our retirement plan, case management system, hiring and overall function of the firm. I was Managing Partner for two years. All of the partners are responsible for overseeing the accounts of the firm.
- (c) Family Court Judge, March 24, 2020 to present.

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

Family Court Judge, March 24, 2020 to present. I was elected in February 2020. Jurisdiction in South Carolina Family Court as established by law.

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

- (a) Brooklyn Danko v. John Danko, 2018-DR-40-2437
- (b) SCDSS v. Shanice Gillie, Tyrone Weeks, Sr., 2019-DR-40-4065

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- (c) Craig Gallivan vs. Lisa Estabrooks, 2016-DR-40-2110; 2020-DR-40-1558; 2020-DR-40--0532
- (d) Nicole Christine Johnson vs. Robert Dale Johnson, 2020-DR-40-2880 (UCCJEA)
- (e) SCDSS v. Shanaya C. McRae, D'Eamte S. Pearson, 2019-DR-40-4260

Judge Stricklin reported no other employment while serving as a judge.

9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee reported that Judge Stricklin 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. The Committee noted: "Well respected with excellent qualifications."; and "Well qualified."

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

Judge Stricklin further reported:

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

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

My wife and I will celebrate our 27th wedding anniversary this year. We have twins in college and a rising freshman in college so we have first-hand experience with raising children. We have prepared our finances to allow me to be a judge. I know my character and demeanor are appropriate for the Court. My knowledge and experience are part of my strengths to offer to the bench. While in private practice, I had other lawyers retain me to arbitrate cases, essentially paying me to act as the judge for their cases. I am honored to serve in this role for the State of South Carolina.

Judge Stricklin reported he is a member of the following Bar organizations:

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

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

- (a) Dreher Booster Club; various positions over the past four years, including secretary
- (b) St. Joseph's Church; Eucharistic Minister

(11) Commission Member' Comments:

The Commission commented that Judge Stricklin has brought to the bench exactly what he brought to the Bar and he is upholding the ideals of the judiciary while being an exemplary family court judge.

(12) Conclusion:

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

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**The Honorable Gwendlyne Young Jones
Family Court, Fifth Judicial Circuit, Seat 4**

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 1962. She is 59 years old and a resident of Irmo, SC, 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 1989.

(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.

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.

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

- (a) I have made presentations at the Family Court New Judge's School Orientation for the past eleven years on the topics of: "Family Court Judge from a New Judge's Perspective", "How to Handle a Domestic Custody Trial", and "Juvenile Procedure"
- (b) I have made presentations at the Family Court Bench and Bar on the topics of: "Self-represented Litigants", "Case law updates, and "Operating under the Covid-19 Pandemic".
- (c) I have served on a judge's panel conference for the NBI Judicial Forum.
- (d) I have served on a panel sponsored by Delta Sigma Theta Sorority, Incorporated involving Human Trafficking.
- (e) I have served on a panel involving domestic relations overview for a church-sponsored activity at New Directions.
- (f) I made a presentation at the South Carolina Black Lawyers' Annual Retreat on family law update.
- (g) I participated on a panel regarding juvenile delinquency and compliance at the Department of Juvenile Justice and various schools.

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 disqualifying financial issues.

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.

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- (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.

- (8) Experience:
Judge Jones was admitted to the South Carolina Bar in 1989.

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

- (a) 1989-1995: Richland County Public Defender's Office: Responsible for the representation of indigent persons in jury trials, guilty pleas, bond hearings, preliminary hearings and probation violations.
- (b) 1994-1995: Supervisor of the Juvenile Division of the Richland County Public Defender's Office: Responsible for overseeing two other attorneys in the public defender's office. Duties included representing indigent persons in Family Court in bench trials, guilty pleas, probation violations, waivers and detention hearings.
- (c) 1992: Interim Chief Public Defender for the Richland County Public Defender's Office. Responsible for the management of fifteen attorneys and support staff; presenting budget to County Council and maintaining an active caseload of approximately two hundred and fifty cases.
- (d) 1995-2010: Solo Practitioner, Law Offices of Gwendlyne Young Smalls. Practiced in Family Court throughout the State of South Carolina involving juvenile defense,

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divorces, abuse and neglect, adoptions, child custody and child support matters. Also practiced in General Sessions, United States District Court for South Carolina and Magistrate Courts throughout the state handling criminal defense matters.

- (e) 1995-1996: Kellogg Contract with South Carolina Department of Social Services. Responsible for the litigation of termination of parental rights cases for five counties.

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

Yes. I was elected to the Fifth Judicial Circuit Family Court Seat 4 on February 3, 2010. I am currently in the same position, having been re-elected in 2016.

Family court is a court of limited jurisdiction to hear and determine actions involving the validity of marriages, divorce, separate maintenance, adoptions, termination of parental rights, child custody, child abuse/neglect, protection of vulnerable adults, juvenile delinquency and other matters as provided by law.

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

- (a) Tommy Baker v. Marrion Baker, 2012-DR-28-0506
- (b) Maureen Weirick v. Daniel Canto, 2011-DR-40-1190
- (c) Marcus Duncan v. Marjorie Metellus Duncan, 2009-DR-40-0003
- (d) Saswati Samaddar v. Abhijit Samaddar, 2009-DR-40-3928
- (e) Jesse Grannis v. Christopher Grannis, 2013-DR-40-1813

Judge Jones further reported the following regarding unsuccessful candidacies:

Yes. I ran for Richland County Family Court, Seat 1 in 2005. I was successfully voted out of screening as qualified and nominated; however, I did not win the election.

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- (9) Judicial Temperament:
The Commission believes that Judge Jones's temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualification found Judge Jones "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 noted: "Excellent qualification, well respected and compassionate"; and "Well qualified."

Judge Jones is married to Troy Manning Jones. She has five children.

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

- (a) Member, John Belton O'Neall Inn of Court
- (b) Member, Richland County Bar Association
- (c) Member, South Carolina Women Lawyers Association
- (d) Member, South Carolina Bar Association
- (e) Member, South Carolina Conference of Family Court Judges
- (f) Member, South Carolina Black Lawyers Association

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

- (a) Delta Sigma Theta Sorority, Incorporated
- (b) Jack and Jill of America
- (c) Member, Journey United Methodist Church

Judge Jones further reported:

My family, faith, legal career and education are all life experiences that have equipped me with the necessary tools to serve our state as a family court judge for the past eleven years. Since my initial election in 2010, I have suffered a great loss, losing both of my greatest cheerleaders, my parents. The loss of my parents has been my daily fuel, enabling me to be a judge that is knowledgeable, fair, exhibiting the appropriate

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demeanor and temperament toward any and every person that comes before me. I strive daily to uphold the principals which were strongly instilled in me by my parents. Growing up, I watched both of my parents serve and counsel those in need with compassion. With that in mind, I am acutely aware that the decisions I make on a daily basis will strongly impact the lives of those that appear before me. I am passionate about issues that affect children and families and I am eternally grateful that the traits of honesty and fairness have propelled me forward to doing the very best I can do each and every day.

(11) Commission Members' Comments:

The Commission commented that Judge Jones enjoys a reputation of being fair, patient, and hard working with an excellent temperament.

(12) Conclusion:

The Commission found Judge Jones qualified, and nominated her for re-election to Family Court, Fifth Judicial Circuit, Seat 4.

The Honorable Usha J. Bridges
Family Court, Seventh Judicial Circuit, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Bridges was born in 1960. She is 61 years old and a resident of Gaffney, South Carolina. Judge Bridges provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1993.

(2) Ethical Fitness:

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

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

Judge Bridges 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 Bridges 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 Bridges to be intelligent and knowledgeable.

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

- (a) I have lectured at Orientation School for New Family Court Judges School from 2012 until present
- (b) Lectured at trial lawyers
- (c) Lectured at SCAJ Family Law Seminar, April 2011
- (d) Spoke at South Carolina Bar Seminar, December 2014

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

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

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

The Commission also noted that Judge Bridges 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 Bridges reported that her last available rating by a legal rating organization was by Martindale-Hubbard, but she was unsure of the rating.

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

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

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

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

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

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

- (a) April 1993-November 1993, Fletcher N. Smith & Associates, April 1993-November 1993; general law practice with emphasis on personal injury and family law;
- (b) December 1993-June 1996, Cherokee County Public Defender; juvenile public defender for county and also served as Guardian ad Litem for the Department of Social Services cases;
- (c) July 1996-July 2010 Private practice Usha J. Bridges, Attorney at Law – general practice emphasis on family law

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- practice included having a contract with Cherokee County as a juvenile public defender, a contract with the Governor’s office to represent the volunteer guardian ad litem for abuse and neglect cases with DSS actions and also a part-time magistrate judge (from July 1999 until May 2010) for the City of Gaffney; and
- (d) 2010-present sitting Family Court Judge, Seventh Judicial Circuit, Seat 3

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

- (a) Gaffney Municipal Judge, appointed (July, 1999-May 2010)
- (b) Family Court Judge, Seventh Judicial Circuit, Seat 3 elected (July 2010 until present)

Judge Bridges reported no other employment while serving as a judge.

Judge Bridges further reported the following regarding unsuccessful candidacies:

I ran an unsuccessful bid for the Cherokee County School Board in 1994 or 1995. I filed a report with the State Ethics Commission.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications reported Judge Bridges 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 did not have related comments.

Judge Bridges is married to Allie Bridges Jr. She has five children.

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

- (a) Commission on the Profession appointed October 6, 2011
- (b) County Court Security Committee appointed March 28, 2012
- (c) Family Court Docketing Committee appoint May, 2013
- (d) Summary Court Judges Pilot Mentoring Program appointed March 31, 2014
- (e) Family Court Advisory Committee appointed October 6, 2014
- (f) Commission on Continuing Legal Education and Specialization reappointed May 25, 2021 for term which expires July 1, 2024
- (g) South Carolina Bar

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

- (11) Commission Members' Comments:
The Commission commented that Judge Bridges has set a great example of hard work and integrity. They noted her outstanding reputation among both court personnel and the legal community.
- (12) Conclusion:
The Commission found Judge Bridges qualified, and nominated her for re-election to Family Court, Seventh Judicial Circuit, Seat 3.

**The Honorable Mindy W. Zimmerman
Family Court, Eighth Judicial Circuit, Seat 2**

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Zimmerman was born in 1980. She is 41 years old and a resident of Newberry, South Carolina. Judge Zimmerman

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provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2006.

(2) Ethical Fitness:

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

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

Judge Zimmerman 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 Zimmerman 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 Zimmerman to be intelligent and knowledgeable.

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

- (a) Hooking Fees: An Analysis of the Rules for Winning or Defending Against Attorney Fee Awards in Family Court. This was a one hour course recorded and offered online by the SC Bar
Taught May 15, 2015

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- (b) Family Court Case Law Update at the 2016 SC Solicitor's Association Annual Conference. This was a one hour lecture.
- (c) Family Court: Temporary Hearings
This was a one hour course on preparing for and arguing at temporary hearings taught in person and sponsored by the Newberry County Bar.
June 7, 2017
- (d) Preparing for Court: Attorney Fees
This was a similar course to Hooking Fees that was previously done for the SC Bar, but with updated case law and material. It was taught in person and sponsored by the Newberry County Bar. It was a one hour course.
July 14, 2017
- (e) Preparing for Court: Using the GAL
This was a one hour course on how to communicate with the Guardian ad Litem and help use their investigation to best benefit your client. It was sponsored by the Newberry County Bar.
August 11, 2017
- (f) Preparing for Court: Equitable Apportionment
This was a one hour course outlining the elements for equitable apportionment and how to best present your clients desired division of the marital estate. It was sponsored by the Newberry County Bar.
September 29, 2017
- (g) Discovery in Family Court
This was a one hour course on use of the rules regarding discovery in Family Court, with a primary focus on cases involving South Carolina Department of Social Services.
September 29, 2017
- (h) Preparing for Court: Support
This was a one hour course, sponsored by the Newberry County Bar, which gave advice on handling cases involving child support and spousal support.
October 6, 2017
- (i) Eighth Circuit Tips from the Bench; What your Judges Want You to Know
This was a full day sponsored by the South Carolina Bar that involved various judges from different courts within

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our Judicial Circuit. I spoke for one hour about judicial pet peeves in Family Court.

November 3, 2017

- (j) Preparing for Court: Odd Issues in Family Court
This was a one hour course sponsored by the Newberry County Bar that talked about various unusual issues that come before the Family Court, such as minor abortions.
December 18, 2017
- (k) As Judges See It: Top Mistakes Attorneys Make in Family Court
This was a panel discussion. It was a full day (six hours) with numerous Family Court Judges answering questions for a moderator.
December 19, 2017
- (l) Lessons From the Bench
This was full day conference involving multiple judges from different courts in our Judicial Circuit. It was sponsored by the Newberry County Bar. I was the moderator of the course and I taught one hour on ethics.
July 3, 2018
- (m) Family Court Judges Conference
At the annual conference for the Family Court Judges, I was part of a panel of three judges that spoke on a new pilot program to assist juveniles who are involved with both the juvenile system and the abuse/neglect system simultaneously.
September 15, 2020
- (n) I am currently scheduled to speak at the SC Bar's Hot Tips From the Coolest Domestic Law Practitioners Course offered September 24, 2021. My topic is Amaze Your Audience: Tips to Help you Advocate, Awe the Bench and Avoid Annoying Judicial Pet Peeves.

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

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

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

The Commission also noted that Judge Zimmerman 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 Zimmerman reported that her last available rating by the legal rating organization Martindale-Hubbell was Distinguished, and her last available rating by the legal rating organization Avvo was 8.1.

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

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

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

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

- (8) Experience:
Judge Zimmerman was admitted to the South Carolina Bar in 2006.

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

- (a) November, 2006 to February, 2009: Assistant Solicitor with the Eighth Judicial Circuit Solicitor's office prosecuting criminal cases in Laurens and Newberry Counties. For two years, I handled primarily narcotics offenses in both Laurens and Newberry. During my last

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year with the Solicitor's Office, I handled general crimes, magistrate court appeals, and docket management for Newberry County.

- (b) February, 2009 through the fall of 2016: In February of 2009, along with my law partner, Benjamin L. Shealy, I formed Zimmerman and Shealy, LLC. We handled real estate transactions, mortgage closings, magistrate's trial work, criminal trial defense, civil trial work, domestic relations trial work, and estate and probate matters. In addition to maintaining my case load, I also supervised several associates and managed our firm's financial records.
- (c) For the first year in private practice, I worked as a special prosecutor for the Eighth Judicial Circuit for the terms of General Sessions Court held in Newberry County. I also handled prosecution in juvenile cases in Newberry County during that time. After the end of this contract, I built a successful criminal defense practice.
- (d) Our firm also represented the Department of Social Services on a contract basis off and on, and I have been involved in numerous cases of abuse and neglect of both children and vulnerable adults.
- (e) In the fall of 2016, my law partner relocated out of state due to his wife work as a Lutheran Minister, resulting in need to dissolve our law firm. At the time, I was campaigning for my current judicial seat, thus an associate with our firm, W. Coleman Lawrimore, took over management of the firm. I continued the same case load in the same location, under the Lawrimore Law Firm. I worked in that capacity until I took this seat in March of 2017.
- (f) March, 2017 to Present: Family Court, Eighth Judicial Circuit, Seat 2

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

March, 2017 to Present: Family Court, Eighth Judicial Circuit, Seat 2. This is the same seat for which I now seek reelection.

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In that capacity, I have had jurisdiction over matters involving domestic or family relationships. This includes cases concerning marriage, divorce, legal separation, custody, visitation rights, termination of parental rights, adoption, support, alimony, division of marital property, and change of name. In addition, I have jurisdiction to hearing juvenile delinquency matters.

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

- (a) Writing Sample 1 is the final order I drafted in the matter of Robert Jimenez v. Laurie Jimenez, Fourteenth Judicial Circuit, Beaufort County, Case Number 2018-DR-07-647.
- (b) Writing Sample 2 is the final order I drafted in the matter of Hollyanne Elizabeth Aleo f/k/a Hollyanne E. Aniba v. Justin Aniba, Eighth Judicial Circuit, Greenwood County, Case Number 2017-DR-24-709.

Judge Zimmerman reported no other employment while serving as a judge.

Judge Zimmerman further reported the following regarding unsuccessful candidacies:

I was previously a candidate for At-Large Circuit Court Seat Number 9, during the Fall, 2014 Screening Process. I was determined to be Qualified, but not Nominated.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualification found Judge Zimmerman to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee stated in its summary statement: "Judge Zimmerman's boundless energy and enthusiasm for her work

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as a Family Court Judge was striking to the Committee. She has accepted and excelled at wide range of professional and community engagements while a Family Court Judge - all of which reflect an inexhaustible work ethic and a commitment to excellence. The Committee believes that Judge Zimmerman is an outstanding Family Court Judge.”

Judge Zimmerman is married to Donald Franklin Zimmerman. She does not have any children.

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

- (a) South Carolina Bar
- (b) Newberry County Bar

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

Prior to taking the bench, I was more involved in civic organizations, including the Newberry Business Alliance (Board Member from 2014-2017), Newberry Chamber of Commerce, South Carolina Jaycees. Since being elected, I have stepped back from this involvement in an effort to avoid potential conflicts. Newberry is a small town, and active involvement with these organizations puts me in contact with a great number of people who are likely to come to my courtroom.

Despite backing up from involvement, my husband and I both contribute to Mobile Meals, Goodwill, the Newberry County Animal Shelter, and various other charitable organizations.

Judge Zimmerman further reported:

My parents divorced when I was young, so I understand the prospective of the children who are impacted by my decisions. I understand how easy it is for the child to get lost in litigation. By this, I mean that parents can so easily get distracted by their own emotional needs and financial struggles. This can sometime keep them from seeing the impact that the litigation has upon their children. As a Family Court Judge, I am charged

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with protecting the best interest of the children involved in the litigation. Of course, each family's story is different, but I believe my personal experience gives me a unique understanding of why the Court must always keep a watchful eye towards the best interest of the child, even when others in the Courtroom lose that focus.

Both of my parents had only a high school education, and they worked entry level positions in manufacturing industries when I was a child. As I have grown, I have observed the impact of manual labor upon their minds and bodies. Throughout the years, my parents encouraged me to push myself and never shy away from opportunity. As a result, I worked multiple jobs and studied hard to achieve my educational goals. I obtained my bachelor's degree from Wofford in only three years. I completed the courses necessary for my master degree and law degree at two different universities, which were approximately three and half hours' drive apart, almost simultaneously. I face every day now, on the bench, with that same drive that pushed me throughout my education. I work hard, and I never shy away from a challenging case or an opportunity to improve the profession.

I watched my parents work hard every day, which taught me the value of earning what you have. I believe that my background helps me relate to the litigants before me, since many of them come from the same working-class environment. I understand the struggles that come with that. I remember watching my parents make hard decisions with money, and I know that courts must always maintain reasonable expectations. My roots will always keep me grounded.

I am driven, dedicated, and determined, because in my life, anything less is simply unacceptable. I face every element of my life with self-motivation; however, I have never been afraid to watch and learn from those around me. This has served me well since taking this position. We have some tremendously talented people on the Family Court Bench, and each brings a diverse perspective. I love the fellowship shared amongst my brothers and sisters on the bench. More than anything, I love to learn from them. I am excited to see the creative ways that they tackle unique problems. I enjoy the open exchange of ideas that we have. I feel my mind expand. I am a much better person for the last few years of sharing with them, and I know that

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another term will only help me grow in so many positive ways. I believe that my continued experience and evolution not only benefits me, but it also helps me better serve my community.

- (11) Commission Members' Comments:
The Commission praised Judge Zimmerman for her positive BallotBox comments and expressed their admiration for her quick acclimation to the bench. They thanked her for her balanced approach to running a courtroom and asked that she continue to serve the judiciary of South Carolina with the same enthusiasm.
- (12) Conclusion:
The Commission found Judge Zimmerman qualified, and nominated her for election to Family Court, Eighth Judicial Circuit, Seat 2.

**The Honorable Daniel E. Martin Jr.
Family Court, Ninth Judicial Circuit, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Martin meets the qualifications prescribed by law for judicial service as a Family Court judge.
- Judge Martin was born in 1963. He is 58 years old and a resident of Charleston, South Carolina. Judge Martin 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 Martin.
- Judge Martin 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 Martin reported that he has not made any campaign expenditures.

Judge Martin 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 Martin 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 Martin to be intelligent and knowledgeable.

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

I have been a presenter at the Orientation School for New Family Court Judges for the last three (3) years. In 2018 and 2019 my presentation covered court rules. In 2020, my presentation covered court hearings.

I have spoken at CLE presentations and also at the South Carolina Judicial Conference.

At the 2020 annual Judicial Conference in Columbia, I spoke on the subject of Court security.

On January 20, 2020, I served on a CLE panel entitled "What Works." The subject I covered was "best practices" for attorneys coming before the family court.

I have spoken numerous times at the Charleston School of Law at the invitation of the Black Law Student Association and several of the professors. The discussions mostly centered on family law and the procedure for seeking judicial office.

On April 28, 2020, I hosted a webinar with the Charleston County bar to discuss new court procedures during the COVID-

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19 pandemic. More than 100 lawyers tuned in for the event. These are some of the most recent activities in which I lectured or spoke before members of the bar and judiciary.

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

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

The Commission's investigation of Judge Martin did not indicate any evidence of disqualifying financial issues.

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

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

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

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

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

- (8) Experience:
Judge Martin was admitted to the South Carolina Bar in 1989.

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

1989 – 2011	Private Practice Law
1989 – 1993 (Charleston County)	Part-time Magistrate
2011 – present (Charleston County)	Family Court Judge

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

From 1989 – 1993, I served as a Magistrate (part-time) for the County of Charleston. I was appointed to this position by the Governor after being recommended by my local state Senator and approved by the local delegation. This was a Court of limited jurisdiction that handled small claims, landlord tenant disputes, claim and deliveries and bond court. The jurisdiction of the Court was peninsula Charleston.

Since 2011, I have served as a judge of the Family Court in the Ninth Judicial Circuit. I am a resident judge in Charleston County and occupy seat no. 1. I was elected by the South Carolina General Assembly in February, 2011. The jurisdiction of the Family Court is established by state statute.

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

- (a) Adoptive Couple vs. Baby Girl, Birth Fathers and the Cherokee Indian Nation,
Case No. 2009-DR-10-3803
S.C. Appellate Case No.: 2011-205166

This action involved custody of a minor child of Cherokee Indian decent. The mother, a white female, and father, a native of the Cherokee tribe, had a child out-of-wedlock. (The child has since come to be widely known as Baby Veronica) The child was placed for adoption without the knowledge of the father. Unbeknownst to the biological father, the adoptive parent obtained physical custody shortly after the child's birth. After later becoming aware of the pending adoption action, the biological father and the Cherokee Indian Nation objected to the adoption. At the adoption hearing, the trial judge granted the biological

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father's counter petition for adoption. The child was placed with the father and both left South Carolina and moved to Oklahoma.

The adoptive parents appealed the case. A media storm brewed in South Carolina and Oklahoma. The South Carolina Supreme Court ultimately reversed the lower Court decision and remanded the case to Charleston County. I was assigned the case. At the first hearing, the Court approved the petition for adoption filed by the adoptive parents and issued a Decree of Adoption. The Court ruled that the child was to be returned to South Carolina immediately. Because the father failed to comply with my ruling, it was also necessary to issue orders to enforce the ruling. The unfolding situation drew national attention with governors of both South Carolina and Oklahoma getting involved. The father, after exhausting efforts in the Oklahoma state court system, the Indian tribal court system and the federal court system, ultimately allowed the child to be returned with her legal parents to South Carolina.

(b) Keith Alan May vs. Denise Marie May

Case No. 2015-DR-10-3222

S.C. Appellate Case No.: 2017-000030

The order issued by me in this matter involved a motion to relieve a party from an order which approved the parties' agreement. The agreement contained inconsistent language which impacted whether one party would be obligated to pay the other \$60,000 as their share in the marital home. I decided that the parties' agreement should be reformed and made the necessary adjustment to the agreement and final order. The former wife appealed the decision. The decision was affirmed.

(c) Harrison Shelby Nelson vs. Melissa Starr Nelson,

Case No. 2015-DR-10-1870

S.C. Appellate Case No.: 2017-000291

In this divorce case, the parties had resolved the child custody, visitation and support issues. The unresolved issues involved equitable distribution of significant marital assets and liabilities. After hearing all the testimony, the Court reached certain findings that the husband did not agree with. In his appeal, he challenged the Court's

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determination of his interest in property valued at more than a million dollars. He also asserted that my valuation of the marital home was incorrect. The wife also appealed my decision to grant a Rule 60(b) motion after the trial. The appellate court made a de novo review of the trial and all the evidence presented.

In the court decision, it agreed with my decision to grant the Rule 60(b) motion. In doing so, it directly quoted language that I put in my final order. The Court also agreed that my valuation of the husband's investment property and that the Court's valuation of marital home was within the range of the evidence presented at the final hearing. The final order was affirmed.

- (d) SCDSS vs. Nina Ward and Benjamin R. Clayton, Sr.
Case No. 2016-DR-10-2327
S.C. Appellate Case No. 2016-002327

This case involved the termination of the parental rights of Nina Ward and Benjamin Clayton to their minor children. Actions involving the termination of parental rights are some of the hardest for family court judges to make. In most cases, the parents truly love their children. However, their love is sometimes not enough to keep the families together. The judge is always governed by the best interest of the children. In this matter, the parents failed to complete their drug treatment and other provisions required in their treatment plan. I determined that the best interest of the children demanded that the Defendant's parental rights be terminated. The parents appealed the case but the South Carolina Court of Appeals confirmed my decision.

- (e) SCDSS vs. Teoshi Etoya Manigault White and Jawaan Frederick
Case No. 2018-DR-10-1582
S.C. Appellate Case No.: 2018-000888

In this case, the Father, Jawaan F. White, appealed my final order terminating his parental rights to his minor daughter. Again, determinations in such cases are always difficult. Based upon the evidence, I determined that the Father had failed to make any material contribution toward the support of his child and that it would be in the child's best interest that his parental rights to her be terminated.

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The father appealed. The appellate court affirmed my decision.

Judge Martin reported no other employment while serving as a judge.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications found Judge Martin "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 noted: "Judge Martin is leading the charge in keeping Family Court moving forward during COVID and has developed some innovative methods for efficiencies in his dockets."

Judge Martin is married to Reba Z. Hough-Martin. He has two children.

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

- (a) South Carolina Bar Association
- (b) Charleston County Bar Association – former executive committee member
- (c) SC Black Lawyers Association – former treasurer

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

- (a) Alpha Phi Alpha Fraternity, Inc., - life member
- (b) Sigma Pi Phi Fraternity – current Sire Archon Elect
- (c) Prince Hall Mason – Nehemiah Lodge No. 51
- (d) George Washington Consistory No. 162 (33rd degree Masons)
- (e) Arabian Temple No. 139 (Shriners)
- (f) South Carolina Aquarium – current Board member

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- (g) Coastal Carolina Boy Scouts – current Board member
- (h) Avery Institute – current Board member
- (i) James L. Petigru Inns of Court – current member

Judge Martin further reported:

Over the years, I've been an active participant in the Judicial Observation and Experience (JOE) program. Each summer, this program allows a number of law students to sit in our courtrooms and observe what actually takes place. I'm often surprised by the many questions asked by the students after each hearing. They always keep me on my toes. I've also presided over high school mock trial competitions here in the low country. While some young students appear before the Court facing miscellaneous criminal offenses, there are others pursuing their dreams of one day becoming a lawyer or a judge. The impact that a judge can have in both situations is not lost to me. I appreciate the honor of continuing to serve the people of South Carolina each day.

- (11) Commission Members' Comments:
The Commission commended Judge Martin for his excellent BallotBox survey results and judicial temperament, and appreciates his outstanding service as a Family Court judge.
- (12) Conclusion:
The Commission found Judge Martin qualified and nominated him for re-election to Family Court, Ninth Judicial Circuit, Seat 1.

**The Honorable Michèle Patrão Forsythe
Family Court, Ninth Judicial Circuit, Seat 3**

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Forsythe was born in 1973. She is 48 years old and a resident of Charleston, South Carolina. Judge Forsythe

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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 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) August 14, 2015. Alternative Dispute Resolution Issues in Family Court at the Charleston County Bar Association Family Law Seminar.
- (b) October 16, 2016. Access to Justice Summit presentation on language access challenges in the legal system.

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- (c) November 12, 2016. Charleston School of Law Color of Justice Seminar on Judges and Diversity in South Carolina.
- (d) January 21, 2017. South Carolina Bar “Hollywood Squares” Family Court Presentation during the South Carolina Bar Convention.
- (e) February 13, 2017. Horry County Family Court CLE, Perspectives from the Bench.
- (f) May 5, 2017. American Bar Association Family Law Spring Seminar. Assisted Reproductive Technology in the South.
- (g) March 2, 2018. South Carolina Human Trafficking Task Force. Perspectives on Trafficking from a Family Court Judge.
- (h) April 24, 2018. Horry County. Stay or Go. Human Trafficking Exercise with lawyers, law enforcement.
- (i) May 2, 2018. South Carolina Department of Social Services. Discussion on Human Trafficking and Child Abuse and Neglect.
- (j) July 20, 2018. South Carolina Department of Juvenile Justice. Discussion on Human Trafficking and Juvenile Justice.
- (k) August 17, 2018. Family Law Essentials. Contempt Hearings and Advice from the Bench.
- (l) September 19, 2018. Constitution Day. Septima Clark Academy. Speaker at the high school on the importance of the Constitution.
- (m) October 23, 2018. Speaker at the Tri County Human Trafficking Task Force.
- (n) October 25, 2018. Speaker at the Hilton Head Island Bar Association on Human Trafficking in South Carolina.
- (o) December 11, 2018. Tri County Task Force Survivors Lunch. Introduction to Human Trafficking.
- (p) February 2, 2019. Charleston County Bar Association. Judges Panel on What Works for Me.
- (q) February 5, 2019. Horry County Family Bar Association. Language Differences and Cultural Differences. Working within the Hispanic Community in Family Law.
- (r) April 10, 2019. South Carolina Family Court Judges Conference. An Introduction to Human Trafficking.

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- (s) April 13, 2019. The Links Charleston. Speaker on a panel regarding the perils of Human Trafficking.
- (t) April 18, 2019. Charleston School of Law Latino Bar Association. Perspectives from a Hispanic Judge.
- (u) May 31, 2019. Charleston School of Law. Human Trafficking GAL Project.
- (v) June 25, 2019. Charleston School of Law Summer Honors Series. Perspectives from a Family Court Judge.
- (w) August 6, 2019. Isle of Palms Methodist Church. Human Trafficking in South Carolina.
- (x) December 6, 2019. Advanced Family Law Seminar South Carolina Bar. Speaker--“Show me the Money!” – Above–Guideline Child Support (and The Three Pony Rule).
- (y) January 24, 2020. South Carolina Bar Convention. South Carolina and Human Trafficking—A Guardian ad Litem for Trafficked Youth in Family Court.
- (z) January 31, 2020. Charleston County Guardian ad Litem Meeting. Perspectives from the Family Court Bench.
- (aa) February 18, 2020. University of South Carolina School of Law. Gender and Violence Seminar.
- (bb) February 21, 2020. University of South Carolina School of Law, South Carolina Law Review Symposium. Panel Discussion on Human Trafficking in South Carolina.
- (cc) April 4, 2020. Charleston School of Law Professionalism Series.
- (dd) June 6, 2020. Charleston School of Law Summer Honors Program. Human Trafficking in South Carolina.
- (ee) September 15, 2020. South Carolina Family Court Judges Conference. Juveniles in South Carolina as Dually Involved Youth.
- (ff) October 2, 2020. South Carolina Victim Advocates Training. Order of Protection—What You Need to Know.
- (gg) November 13, 2020. Charleston Pro Bono Legal Services CLE. Human Trafficking.
- (hh) February 05, 2021. Charleston County Bar Association. What Works for Me-From the Judge’s Perspective.
- (ii) February 5, 2021. Charleston School of Law, Law Review Symposium. Sexual Abuse and Sex Trafficking.
- (jj) April 30, 2021. Charleston Air Force Base JAG Meeting. South Carolina Family Law—What a JAG Lawyer Needs to Know About South Carolina.

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- (kk) June 8, 2021. Charleston School of Law Professionalism Series. On Human Trafficking—What a Family Court Judges Knows.
- (ll) June 18, 2021. South Carolina Victim Advocates. Orders of Protection—A Refresher.
- (mm) June 28, 2021. Charleston School of Law Honors Program. Community Service as a Lawyer.
- (nn) August 20, 2021. South Carolina Bar Family Law Essentials. Motions to Compel—What You Need to Know.
- (oo) October 4, 2021. South Carolina State Court Judges Conference. What You Need to Know About Electronic Discovery.

Judge Forsythe reported that she has published the following:

- (a) Michèle Patrão Forsythe, Lady Luck Smiles on Environmentalists in Mississippi, 9 S.C. Env't'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:

Judge Forsythe reported that her last available rating by a legal rating organization was:

- (a) Super Lawyers 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.

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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 family law and business litigation matters.
- (c) From 2004 to 2005, I practiced as an associate attorney with Hulseley 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, including the Federal District Court in Puerto Rico.
- (d) In 2005, I practiced as a contract attorney with Grimball & Cabaniss, LLC. I handled all DSS appointments for DSS abuse and neglect cases for the law firm's office in Kingstree, South Carolina. I also handled minor settlement hearings in probate and circuit court, and worked on personal injury defense matters.
- (e) From 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, P.A., I worked on personal injury cases, securities litigation, and criminal

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defense in both state and federal court. My responsibilities included legal research and writing, as well as court appearances.

- (f) In 2006, I became an associate attorney with the law firm of Query Sautter Gliserman & Price, LLC. My practice was extremely diverse. I represented clients in Family Court regarding child custody, divorce, equitable distribution, abuse and neglect defense. I also represented clients in criminal defense matters in Summary Courts, Magistrate Courts, General Sessions, and the United States Federal District Court. I also represented clients in business litigation disputes, serving as chief counsel in trial of those cases. I represented clients in personal injury and wrongful death cases, serving as first or second chair during several trials. I wrote and co-wrote several appellate briefs for the South Carolina Court of Appeals and the South Carolina Supreme Court. I appeared before the United States Court of Appeal for the Fourth Circuit, on brief and oral argument.
- (g) In 2008, I was certified as a Family Court Mediator and began mediating cases regarding child 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 cases.
- (h) In 2011, I became a partner in the practice which became known as Query Sautter Price & Forsythe, LLC, and ultimately became known as Query Sautter Forsythe, LLC. As my practice continued to evolve, I became involved in more appellate matters and represented clients in more complex litigation. I also had responsibility for management of the law firm, including employees, accounts payable and receivable, technology, and negotiating contracts with vendors.
- (i) In 2014, I became the lead attorney for the Southern State Police Benevolent Association in the Charleston area. I routinely represented law enforcement officers in all matters associated with possible police misconduct, as was frequently tasked with responding to scenes with officer involved shootings.

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- (j) In February 2016, I was elected to the Family Court of South Carolina. For over five years, I have handled a variety of matters in the Family Court. I have also remained active in extra judicial work. I have worked on programs regarding language access in South Carolina, juvenile alternatives to incarceration and violence disruption, and domestic child sex trafficking and labor trafficking in South Carolina. I am also a member of the Family Court Bench Bar.

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

I presently serve on the South Carolina Family Court. I was elected on February 2, 2016 and commenced my term on July 1, 2016. The jurisdiction of the Family Court is determined by statute. There are no jurisdictional limits. The Family Court is tasked by statute to handle matters including, but not limited to marriage, divorce, children, child abuse and neglect, juvenile delinquency, child emancipation, child support, child custody, child visitation, child adoption, adult adoption, vulnerable adult abuse and neglect, domestic abuse orders of protection, alimony or separate support and maintenance, equitable apportionment, name changes, corrections of birth certificates.

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

- (a) South Carolina Department of Social Services v. William David Cubbage, et al., 2019-UP-134 (S.C. Court of Appeals filed April 8, 2019).
- (b) South Carolina Department of Social Services v. Ashley Joyner & Joshua Coker, 2018-DR-10-3134 (Order on Termination of Parental Rights and Permanency Planning Hearing Trial on January 28, 2019 to January 30, 2019)
- (c) Kathryn C. Dennis v. Thomas J. Ravenel, Thomas J. Ravenel v. Haymaker Media, Incorporated, et al., 2018-DR-10-3671 (Order Vacating Order to Seal Record, June 7, 2019)
- (d) Bostick v Bostick, 2017-DR-07-188 (Final Order and Decree of Divorce on a Trial on the Merits)

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- (e) South Carolina Department of Social Services v. Passio,
2016-DR-27-200 (Order on Permanency Planning Hearing
Trial April 20, 2017)

Judge Forsythe reported no other employment while serving as a judge:

Judge Forsythe further reported the following regarding unsuccessful candidacies:

November 2018; did not screen out for Circuit Court, Ninth Judicial Circuit, Seat 2

(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 "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience and judicial temperament. The Committee noted: "Judge Forsythe has been instrumental in holding virtual Family Court hearings and trials. She has also sought the input of the attorneys who practice law before her to keep Family Court running smoothly."

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 South Carolina Family Law American Inn of Court Charter Member 2021
- (b) The James L. Petigru American Inn of Court 2009 to present
- (c) The James L. Petigru American Inn of Court Executive Committee 2009-2015
- (d) The James L. Petigru American Inn of Court Secretary 2009-2015

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- (e) Berkeley County Bar Association 2010-2013
- (f) Charleston County Bar Association 2004 to present
- (g) Charleston County Bar Association Executive Committee 2013-2016
- (h) Charleston County Bar Association CLE Co-Chair 2013-2014
- (i) Charleston County Bar Association CLE Chair 2014-2016
- (j) Charleston County Bar Wellness Committee 2019 to present
- (k) Charleston School of Law Moot Court Volunteer 2009, 2010, 2019, 2020
- (l) Lawyer's Committee on Children's Rights 2010-2016
- (m) South Carolina Association for Justice, Member 2003-2016
- (n) South Carolina Bar, Member 2003 to present
- (o) South Carolina Bar Resolution of Fee Disputes Board Ninth Circuit 2012-2016
- (p) South Carolina Bar House of Delegates 2010-2014, 2015-2016
- (q) South Carolina Bar Practice and Procedure Committee 2014-2018
- (r) South Carolina Bar Lawyer Wellness Committee 2014-2018
- (s) South Carolina Bar Lawyers Helping Lawyers Committee 2015
- (t) South Carolina Bar Future of the Profession Committee 2015
- (u) South Carolina Bar Ask-A-Lawyer Volunteer 2013-2014
- (v) South Carolina Bar Mock Trial Judge 2014-2021
- (w) South Carolina Bar Women's Lawyer Association 2020 to present
- (x) South Carolina Supreme Court Lawyer Mentoring Program 2014 to present
- (y) South Carolina Language Access Task Force, Chair 2016-2017
- (z) National Council of Juvenile and Family Court Judges 2016-2019
- (aa) South Carolina Family Court Bench Bar Committee 2018 to present

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- (bb) South Carolina Family Court Bench Bar Committee
Dually Involved Youth Working Group 2019-2020
- (cc) South Carolina Family Court Bench Bar Committee
DSS Working Group 2018-2020
- (dd) Tri-County Human Trafficking Task Force 2018 to
present
- (ee) South Carolina Law Enforcement Officers Human
Trafficking Work Group 2019-2020
- (ff) Supporting Opportunities for Survivors Working Group
2020 to present

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

- (a) James Louis Petigru Inn of Court 2009 to present
- (b) James Louis Petigru Inn of Court, Inn Secretary, 2009 to
2015
- (c) James Louis Petigru Inn of Court, Outstanding Service
Award, 2015
- (d) The Benevolent Protective Order of Elks, 2014 to present
- (e) Liberty Fellowship, 2019 to present
- (f) YWCA Award Winner of Professional Services Award,
2019
- (g) Boy Scouts of America Coastal Carolina Council, Board
Member, 2019 to present
- (h) The Formation Project, Board Member, 2020 to present

Judge Forsythe further reported:

I continue to be grateful for the opportunity to serve as a South Carolina Family Court Judge. It has been an opportunity not just to serve, but to also learn. I have seen the joys and sorrows of people in our community. I continue to dedicate my time and efforts not just to my work on the bench, but also to my work on anti-human trafficking efforts and juvenile justice. My time on the Family Court has been one of the most rewarding experiences of my life, and continues to be an honor for which I am ever thankful.

- (11) Commission Members' Comments:
The Commission was impressed with the comments from the members of the Bar about Judge Forsythe's work ethic,

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especially during the pandemic, as well as her obvious compassion and dedication to the children who are involved in domestic or juvenile matters before her.

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

**The Honorable Karen F. Ballenger
Family Court, Tenth Judicial Circuit, Seat 2**

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Ballenger was born in 1957. She is 64 years old and a resident of Seneca, South Carolina. She 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 1987.

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

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

Judge Ballenger 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 Ballenger 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 Ballenger to be intelligent and knowledgeable.

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

- (a) I was an instructor in domestic law at Columbia Junior College in the paralegal program in the summer of 1988.
- (b) I was a presenter at a conference held at the Sheraton in Columbia, South Carolina. The subject matter of the conference was legal issues relating to child abuse and neglect. The audience was lay guardians, Department of Social Service workers, and attorneys. To the best of my knowledge, the seminar was sponsored by the South Carolina Children's Law Center. I have not been able to locate any information as to the date of the course.
- (c) Since becoming a judge, I speak on family court issues at the annual Oconee County Bar meeting every year.

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

(4) Character:

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

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

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

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

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

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

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

- (8) Experience:
Judge Ballenger was admitted to the South Carolina Bar in 1987.

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

- (a) Kennedy, Price & Dial, Columbia, South Carolina, Associate, 1987 until June, 1988. My duties included research and drafting of pleadings and other legal documents; assisting in trial preparation, maintaining client contact; and a limited amount of real estate work. As an associate, I was not involved with administrative and financial management of the firm.
- (b) Judicial Law Clerk, June 1988 to January 1990
The Honorable Carol Connor, Resident Circuit Judge for the Fifth Judicial Circuit. Judge Connor had recently been elected as circuit court judge, and she needed a law clerk of the summer. As Judge Connor's law clerk, my duties

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included overseeing the docket, performing legal research, reviewing orders, and order preparation.

The Honorable Marion H. Kinon. After clerking for Judge Connor, Judge Marion Kinon asked me to serve as his law clerk for approximately 6 weeks while his law clerk was in training with the South Carolina National Guard.

The Honorable William Howard Ballenger. In October of 1988, the Honorable William Howard Ballenger, Resident Circuit Court Judge for the Tenth Judicial Circuit, offered me a position as his law clerk. During my time as Judge Ballenger's law clerk, he presiding over two death penalty cases. I was employed as Judge Ballenger's law clerk until January 1990.

- (c) Ross, Stoudemire & Awde, P.A., Seneca, South Carolina, Associate, 1990. In July of 1992, I became a named partner in the firm – Ross, Stoudemire, Ballenger & Sprouse, P.A. I was with this firm until December 31, 1994. During this time, I had a general practice which included domestic; civil litigation; criminal (very limited); workers compensation and social security. I would estimate that approximately 60% of my practice during this time was domestic. I had very limited involvement with the administrative management of the firm. I had no involvement with the financial management of the firm.
- (d) After leaving the above firm, I began a solo practice in Walhalla, South Carolina. Very shortly thereafter, I became a principal/partner in the firm of Ballenger, Fedder, Cain & Norton, L.L.P. I was with this firm until June of 1998. My practice during this time included domestic; personal injury; workers' compensation; probate; social security; civil and a very limited amount of real estate. I handled all of the administrative and financial responsibilities for my portion of the practice.
- (e) From June of 1998 to 2001 (to the best of my recollection), I had an office in Walhalla, South Carolina. During this time, I had a general practice. However, the main focus of my practice was family court matters. As a solo practitioner, I had to handle all of the financial responsibilities of my practice.
- (f) In 2001, I began practicing with the firm of Fedder, Norton, Ballenger and Enderlin, P.A. The area of my practice did not change. The majority of my practice was appearing in family court and handling domestic issues. Subsequently, Derek

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Enderlin left the firm and accepted a job with the Public Defender's office, and Julie Mahon became a member of the firm. The firm's name changed to Norton, Ballenger and Mahon, P.A. on April 23, 2004 based on the records of the Secretary of State. Subsequently, Julie Mahon married and moved from Oconee County, South Carolina. Bradley Norton and I continued to practice in Walhalla, South Carolina. Then on or about July 11, 2011, Keith Denny became a named partner in the firm. The name of the firm was changed to Norton, Ballenger and Denny, P.A. During all of this time, the attorneys kept our finances separate (other than the joint financial responsibilities). Therefore, I was responsible for all of the financial responsibilities of my practice.

- (g) On May 23, 2012, I had the honor of being elected as Family Court Judge for the Tenth Judicial Circuit. I have served in this position since that date.

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

Family Court, Tenth Judicial Circuit, Seat 2

Date of Election: May 23, 2012

Dates of Service: July 16, 2012 to the present

Jurisdiction: Family Court

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

- (a) South Carolina vs. Michelle G and Robert Dale L, Anderson County. Issues: Termination of Parental Rights. This case is significant for me because it was the first case that I heard that was decided on appeal, and I was affirmed. South Carolina Department of Social Service v. Michelle G and Robert L, 407 S.C. 499, 757 S.E.2d 388 (2014).
- (b) Melissa Caldwell Cromer vs. Aubrey Gene Cromer, Brian Cromer and Kevin Cromer, Anderson case, Issues: Divorce, Alimony, Equitable Division of Property and Attorney Fees. It was a seven day trial. The Wife appealed my decision. Based on the Remittitur dated July 31, 2019, the appeal was dismissed (Appellate Case No. 2019-000899).

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- (c) South Carolina Department of Social Services vs. Rosalinda Obregon-Mejia and Miguel Diaz-Duran vs. Dulce Navarrete and Jane Doe and John Doe, Anderson, Issues: Termination of Parental Right. It was a five day hearing. This case was heard in the summer of 2017 before the use of WebEx and remote technology. The Defendants were incarcerated in a federal detention facility (in two different facilities in two different states). The Court had appointed the Defendant parents attorneys and Guardians. The parents could not speak the English language. The Defendant parents participated and attended the hearing telephonically with the assistance of the interpreter. There were two parties who intervened. There were eight attorneys involved in the case. The logistics of having a hearing with two non-English parties participating telephonically was very challenging. Defendant Rosalinda Obregon-Mejia appealed my decision. I was affirmed in an unpublished opinion. South Carolina Department of Social Services vs. Rosalinda Obregon-Mejia, Miguel Diza-Duran, et.al., Opinion No. 2018-UP-460 (S.C. Ct. App. Filed December 6, 2018). Defendant Miguel Diaz Duran also appealed my decision. I was affirmed in an unpublished opinion – South Carolina Department of Social Services vs. Rosalinda Obregon-Mejia, Miguel Diza-Duran, et.al., Opinion No. 2018-UP-459 (S.C. Ct. App. Filed December 6, 2018).
- (d) South Carolina Department of Social Services vs. Rebecca Johnson, Dustin Trotter, Billy Miller and Joshua Jackson; South Carolina Department of Social Services vs. Dustin Trotter and Rebecca Johnson; Sharmon Rivera vs. SCDSS, Dustin Trotter, Rebecca Johnson and Billy Miller; and Benjamin Philip Hardy and Lauren Alice Hardy vs. Rebecca Johnson, Dustin Trotter and SCDSS, Oconee County, Issues: Termination of Parental Rights and Adoption. Four cases were consolidated for the sole purpose of trial. Nine attorneys were involved. It was a six day trial.

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- (e) Gregory Scott Merritt vs. Melissa Pearce Merritt,
Anderson County, Issues: Custody and child related
issues, Nine day trial.

Judge Ballenger reported no other employment while serving
as a judge:

Judge Ballenger further reported the following regarding
unsuccessful candidacies:

In 1999, I submitted an application for the Judge of the Family
Court for the Tenth Judicial Circuit, Seat 2. I was found to be
qualified for the position. I withdrew my application by letter
dated January 21, 2001. The Honorable Timothy M. Cain was
elected to the judicial office where he served admirably until
he was elected to the federal bench.

- (9) Judicial Temperament:

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

- (10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualification
found Judge Ballenger "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 did not include related or summary comments.

Judge Ballenger is not married. She has one child.

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

- (a) South Carolina Bar Association
- (b) Oconee County Bar Association, President in 1996
- (c) South Carolina Conference of Family Court Judges

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

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- (a) Paul Hayne Circle (literary club). I am no longer a member.
- (b) The Oconee County Assembly

Judge Ballenger further reported:

I was fortunate to grow up in an environment in which I learned important values by following the examples set by my parents. These values have served me well as a family court judge.

Becoming a family court judge has allowed me to continue to grow and serve my community in a field about which I am very passionate. Prior to my election as a judge, I had over 20 years of experience in family court issues. In looking back at my legal career, I firmly believe that there have been many opportunities and experiences that have unknowingly brought me to where I am today.

The past nine years of my life have without a doubt been the most rewarding years of my life. As a family court judge, I firmly believe that we are the face of the judiciary. Most citizens at one point in their life find themselves in front of a family court judge. For the litigants in my courtroom, it is probably one of the most painful and scary times of their lives. I constantly remind myself of that fact, and I always try to take that into consideration when I am on the bench.

A successful family court judge that can best serve their community is one who is passionate for family law; understands the intricacies of domestic law and can handle the unique challenges that exist in family court. These are the goals that I set for myself every day since having the honor of serving my state as a family court judge.

- (11) Commission Members' Comments:
The Commission commented Judge Ballenger has endeared herself to the attorneys that appear before her while not being afraid to make the right ruling and the tough decisions.
- (12) Conclusion:

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The Commission found Judge Ballenger qualified and nominated her for re-election to Family Court, Tenth Judicial Circuit, Seat 2.

**The Honorable William Gregory Seigler
Family Court, Eleventh Judicial Circuit, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Seigler was born in 1974. He is 47 years old and a resident of McCormick, South Carolina. Judge Seigler provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2000.

(2) Ethical Fitness:

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

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

Judge Seigler 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 Seigler 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 Seigler to be intelligent and knowledgeable.

Judge Seigler reported that he has taught the following law-related courses:
Public Defender's Conference 2015

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

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

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

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

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

Judge Seigler reported that he has held the following public office:

- (a) Tri-County Public Defender (Edgefield, McCormick, Saluda), 2007-2008-position designated as part time. I represented any and all indigent defendants.

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(b) Tri-County Public Defender (Edgefield, McCormick, Saluda), 2008-2014-full time under the Circuit Public Defender. I represented any and all indigent defendants.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Seigler was admitted to the South Carolina Bar in 2000.

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

- (a) Law Offices of W. Greg Seigler, Inc., 2000-2010. Solo Practitioner with a general practice that focused on family law, but included criminal, probate, civil, and real estate. I was town attorney for several municipalities during this time. I was solely involved with the management of this entity.
- (b) Chief Municipal Judge –Calhoun Falls (Abbeville County), 2005-2007;
- (c) Tri-County Public Defender (Edgefield, McCormick, Saluda), 2007-2008-position designated as part time. I represented any and all indigent defendants.
- (d) Tri-County Public Defender (Edgefield, McCormick, Saluda), 2008-2014-full time under the Circuit Public Defender. I represented any and all indigent defendants.
- (e) Family Court Judge, Eleventh Circuit, Seat 1, May 28, 2014-current.

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

- (a) Family Court Judge, Eleventh Circuit, Seat 1, May 28, 2014-current, elected by the SC General Assembly. The Family Court has exclusive jurisdiction over all matters involving domestic or family relationships, including all cases involving marriage, divorce, legal separation, custody, visitation, termination of parental rights, adoption, support, alimony, division of marital

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property, name change, and minors under 17 charged with crimes.

- (b) Chief Municipal Court Judge—Calhoun Falls (Abbeville County) 2005-2007, appointed by the mayor and town council. Municipal Courts have jurisdiction over cases arising under ordinances of the town, and to all offenses subject to fines less than \$500 or 30 days. The powers are identical to magistrates, except they have no civil jurisdiction.

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

- (a) Bradacs v SCDHEC-SCDHEC refused to issue an amended birth certificate
- (b) Ball v Ball-separate support and maintenance trial involving conservatorship
- (c) SCDSS v John and Jane Doe-termination of parental rights trial
- (d) Barnes v Williams-parent vs grandparent custody trial
- (e) In the Interest of Christopher H.-Appellate case number 2018-001257

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

Law Offices of W. Greg Seigler, Inc. 2005-2007. I was the sole practitioner and I was responsible for any and all operations of the entire firm.

Judge Seigler further reported the following regarding unsuccessful candidacies:

In 2012, I was a judicial candidate for Family Court At-Large Seat 2. I was found qualified and nominated but withdrew my candidacy prior to the election.

- (9) Judicial Temperament:
The Commission believes that Judge Seigler’s temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualification found Judge Seigler to be “Qualified” in the evaluative criteria

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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, “Well Qualified.” Additionally, the report included a related comment as follows: “A veteran Judge w/ good temperament and experience.”

Judge Seigler is married to Jennifer Price Seigler. He has three children.

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

- (a) SC Bar
- (b) SC Family Court Judges Association

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

- (a) The Citadel Alumni Association-Life Member
- (b) Mason/Mine Lodge 117
- (c) National Wild Turkey Federation
- (d) SC Wildlife Endowment

Judge Seigler further reported:

As I indicated in my sworn statement to the Commission, I have served as a municipal court judge, practiced privately in many areas to include extensive domestic relations, as Public Defender I represented indigent clients charged with offenses in all courts including family court, and I have now served eight years as a family court judge. I graduated law school twenty-two years ago last month and during those two plus decades I have been in family court in some capacity, my wife and I are in the process of raising our three sons ages 14, 13, and 11 who are becoming fine young men, and I am proud and humbled every day to serve this great state as a family court judge. I believe my experience both professionally and privately gives me the appropriate tools, temperament, and demeanor to continue to be a good judge. I strive to be fair and treat all persons who appear before me with patience, respect and fairness, and I hope I can continue to do so as a family court judge.

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- (11) Commission Members' Comments:
The Commission commented that Judge Seigler has an outstanding reputation in the S.C. Bar and noted the positive comments from the BallotBox surveys regarding Judge Seigler's treatment of parties that appear before him.
- (12) Conclusion:
The Commission found Judge Seigler qualified, and nominated him for re-election to Family Court, Eleventh Judicial Circuit, Seat 1.

**The Honorable Holly Huggins Wall
Family Court, Twelfth 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, Twelfth Judicial Circuit, 3 candidates applied for this vacancy, and 1 candidates withdrew before the Commission voted. Accordingly, the names and qualifications of 2 candidates are hereby submitted in this report.

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Wall meets the qualifications prescribed by law for judicial service as a Family Court judge.
- Judge Wall was born in 1973. She is 48 years old and a resident of Johnsonville, South Carolina. Judge Wall provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2000.
- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Wall.

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Judge Wall 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 Wall reported that she has made the following campaign expenditures:

- (a) Stamps: \$39.60
- (b) Stationery: \$272.85
- (c) Office supplies: \$93.00

Judge Wall 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 Wall 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 Wall to be intelligent and knowledgeable.

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

- (a) I coached Mock Trial at Johnsonville Middle School and Johnsonville High School for 10 years.
- (b) I taught two evenings at Law School for Non-Lawyers at the Southeastern Institute of Manufacturing and Technology in Florence, SC.
- (c) I filled in last minute for an attorney at a Bridge the Gap seminar on equitable distribution.

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

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(4) Character:

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

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

The Commission also noted that Judge Wall 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 Wall reported that she does not have any legal ratings by any organizations.

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

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

- (a) I was elected to the Florence County School District Five Board of Trustees in 2005 and continued to serve until I was appointed as Magistrate in 2019.
- (b) I filed my report with the State Ethics Commission each year, but I believe I was late on two occasions and had to pay a \$100.00 penalty on one occasion.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Wall was admitted to the South Carolina Bar in 2000.

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

- (a) May 2000 – November 2000: Rubillo Law Firm, part-time associate, primarily Family Court.
- (b) November 2000 – May 2018: Law Office of Wall, LLC. I was a sole practitioner focusing primarily on Family Court. I handled all aspects of the administrative and financial management of my office, including trust accounts.
- (c) May 2018 – April 2019: Folkens Law Firm, P.A. I was hired as an associate to Karl Folkens to practice Family Court and conduct Family Court mediations. I had no administrative or financial management duties at Folkens Law Firm.
- (d) April 2019 to present: I was appointed as a part-time Magistrate for Florence County, holding Court in Florence and Johnsonville Magistrates' Offices. I am responsible for running the Johnsonville Magistrate's Office, to include managing the civil and criminal accounts.
- (e) August 2019 to present: PeeDeeMediation, LLC. I am a certified Family Court mediator, conducting Family Court mediations in Florence, Horry, Georgetown, Richland, Lexington, Marion and Williamsburg Counties. I am responsible for all aspects of running this business. I have no trust account.

Judge Wall further reported regarding her experience with the Family Court practice area:

- (a) Divorce and equitable division of property: I have handled hundreds of divorce and equitable distribution cases. Since 2000, I have handled cases involving divorce on grounds of one-year's separation, adultery, habitual intoxication, and physical abuse. I have handled equitable distribution cases of over a million dollars in the marital estate as well as complex cases where marital and non-marital assets were in dispute.
- (b) Child custody: Since 2000, I have handled dozens to hundreds of contested complex child custody cases involving abuse, parental alienation, incorrigible children, grandparent custody, psychological parent custody and visitation, and other contexts of child custody cases.

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- (c) Adoption: Since 2000, I have handled dozens of adoptions, through DSS and through private actions. I have handled relative adoptions as well as nonrelative adoptions.
- (d) Abuse and neglect: Since 2000, I have handled many abuse and neglect cases involving DSS. I have been appointed as guardian ad litem for the children in these cases as well as representing parents who have had their children removed from the home by DSS.
- (e) Juvenile justice: Since 2000, I have represented five juveniles in DJJ cases.
- (f) Before becoming a part-time Magistrate in April of 2019, I appeared several times per week in front of a Family Court Judge in Florence, Williamsburg, Horry, and Georgetown counties. Since April of 2019, I have been mediating contested Family Court cases one to two times per week in Florence, Williamsburg, Horry, Georgetown and other counties, both by judicial appointment and by selection of the attorneys.

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

- (a) federal: none
- (b) state: several times weekly

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

- (a) civil: 10%
- (b) criminal: 5%
- (c) domestic: 85%
- (d) other: I have been conducting Magistrate Court trials as Magistrate since April of 2019.

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

- (a) jury: 0%
- (b) non-jury: 100%, including sitting as a Magistrate for Magistrate Court bench trials.

Judge Wall provided that during the past five years prior to her service on the bench she most often served as sole counsel.

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

- (a) Whelan v. Whelan, Horry County Family Court; This was a custody matter where both parties alleged the other had a severe mental illness that would impact their ability to parent. This was significant case in that the opposing party had significantly more financial resources and I had to fight for primary custody of an infant and my client had very little money for psychological experts. In March of 2019, the opposing party filed five motions seeking a change in primary custody, overbroad discovery rulings, and a motion to compel. I won all five motions and protected my client from abusive and overbroad electronic discovery, maintained primary custody, and defended my client from thousands of dollars in fees. This is also significant because the law is still catching up with technology and there was very little precedent as to how the judge would handle opposing counsel's discovery requests involving my client's cell phone and social media.
- (b) Chavez v. Chavez, Florence County Family Court; This was a divorce, equitable distribution and custody matter. My client was a medical doctor with significant marital assets. His wife had always been a stay-at-home mom to their two little boys. While preserving my client's assets was important to my client, his major concern was having joint custody of his children. This was a difficult request as he was a doctor who worked long hours and she stayed at home. The generally accepted thinking is that she would have custody and he would have every other weekend for visitation. With the help of a private investigator, I was able to demonstrate that she allowed a babysitter to keep the children a large portion of the time that the children were with her and further demonstrate that my client actually spent more time with the children during his allotted periods of physical custody. We ended up settling the case in mediation and the wife was required to get a job that lowered my client's alimony award and my client got 50%-50% custody of his two boys on a week-to-week basis.

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- (c) Darcangelo v. Darcangelo a/k/a McCall, Georgetown County Family Court; This was a custody modification case. My client had been awarded custody of the minor child in a previous case. Very soon after she remarried, her new husband died tragically and she had a rough year and made some really bad choices. Her ex-husband filed for a change of custody. This is a significant case because I had to rehabilitate her, stave off her ex-husband's motions for temporary change of custody, and convince the judge that while a substantial change in circumstances had occurred that might normally warrant a change in custody, she had remedies all of those issues before trial and therefore there was no longer a substantial change to warrant a custody modification. The judge agreed with me after a three-day trial and my client retained custody.
- (d) Smith v. Smith, Horry County Family Court; This was a custody modification action. In their divorce case, these parties agreed for the wife to have custody of the three children. After several years had passed, the husband filed to modify custody based on six faults and character flaws he alleged the wife recently displayed and that these faults and flaws warranted a change in custody. He could prove each allegation. This case is significant because I had to go through the previous divorce case's depositions, orders, and discovery to demonstrate that while these traits and actions were indeed bad, they all existed at the time he agreed for my client to have custody in the first action. After a three-day trial, I was able to prove each and every allegation existed in the previous action where the husband agreed to give my client custody and therefore there was no substantial change of circumstances to warrant a custody transfer. The judge ruled in my favor and my client retained custody of her three children.
- (e) Porter v. Porter, Williamsburg and Florence County Family Court; This was an action where I had to defend my client against allegations of molesting his two daughters. There are several reasons why she did this, none of which was because he was ever inappropriate with his children. I was involved in this case for four years and defended my client many times in court against DSS and his ex-wife. After four years, countless hearings, and a

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two-day trial my client's visitation was restored, the DSS case against him was unfounded and I defeated DSS's attempt to have him registered on the DSS registry for abuse and neglect

Judge Wall reported that she handled the following civil appeals:

- (a) Doe v. Roe, 379 S.C. 291, 665 S.E.2d 182 (Ct. App. 2008).
- (b) Doe v. Roe, Opinion No. 26779 (S.C. 3/1/2010) (S.C. 2010).

Judge Wall reported that she has not personally handled any criminal appeals.

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

I was appointed by Senator Leatherman as a part-time Florence County Magistrate in April of 2019. My main office is in Johnsonville, SC and I hold court in Johnsonville on Mondays, Wednesdays and Fridays. I travel to the Florence office to hold court each Tuesday and Thursday morning. I have jurisdiction in Florence County to sign arrest and search warrants. The Magistrate's Court has jurisdiction over crimes classified as misdemeanors, civil disputes up to \$7,500.00 and all landlord-tenant disputes.

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

- (a) As Magistrate, I have presided over many evictions during the past two years.
Evictions became very complicated during the Covid pandemic and some restrictions are still in place at this moment. While some believe there has been a moratorium on all evictions during the pandemic, that is not the case. There have been many eviction petitions and hearings for causes other than nonpayment of rent which is still permissible under the state, federal and CDC mandates.
- (b) As Magistrate, I have presided over many restraining order petitions which are similar to Orders of Protection that fall within the Family Court's jurisdiction.

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- (c) As Magistrate, I have presided over civil contract disputes.
- (d) As Magistrate, I have presided over many criminal bench trials.
- (e) As Magistrate, I have presided over restraining order petitions and complaints between family members which are very similar to what appears before a Family Court Judge.

Judge Wall reported the following regarding her employment while serving as a judge:

As I am a part-time Magistrate, I also own PeeDeeMediation, LLC. I began this company during the summer of 2019 and I continue working for this business until the present. When contacted by the Court, attorneys, or parties, I schedule the mediations, send out the pre-mediation paperwork, conduct mediations, and draft the memorandum of agreement, consent order, or Final Agreement.

- (9) Judicial Temperament:
The Commission believes that Judge Wall's temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualification found Judge Wall to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience and judicial temperament. The Committee had no related or summary comments.

Judge Wall is married to Derrick Allan Wall. She has two children.

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

- (a) South Carolina Bar Association
- (b) Association of Trial Lawyers of America
- (c) South Carolina Association of Justice
- (d) South Carolina Women Lawyers Association

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

Judge Wall further reported:

- (a) I was named the 2008 LRE Lawyer of the Year.
- (b) I have been preparing for this Family Court Judicial Seat for my entire adult life. My twenty-one years practicing Family law has given me the knowledge and experience to be a Family Court Judge. My thirteen years as a Family Court mediator has enabled me to work with and learn from Family Court practitioners from all over our state. I have spent thirteen years teaching, guiding, and demonstrating why it is better to resolve your case in mediation than resort to a contested Family Court trial. I have spent the last two years as a Magistrate training to be a judge for the occasions when a trial is necessary. I have practiced mainly in a small town named Johnsonville, SC. While some may see this as a negative, I do not regret one second of my practice. Johnsonville is nine miles from five different counties. I was never relegated to one county for my practice. I routinely practiced in Florence, Williamsburg, Horry, Georgetown and Marion counties. My practice also took me to Charleston, Columbia, Lexington, York and Bamberg. I gained incredible insight and knowledge while traveling the state practicing Family law. I have represented people, real people. I have represented doctors with millions of dollars in assets and I have represented people with nothing but a child who meant everything to them. Every person that appears in Family Court is there for their most important reason. Family Court is not a corporate issue between two giants of industries. Family Court is everyday people fighting for their children, their marriage, their reputation, their retirement, and their life savings. Family Court matters. And I am ready.

- (11) Commission Members' Comments:
The Commission commented that Judge Wall displayed great enthusiasm and temperament in her public hearing. The Commission also noted her vast experience in family court matters.

- (12) Conclusion:
The Commission found Judge Wall qualified and nominated her for election to Family Court, Twelfth Judicial Circuit, Seat 3.

**The Honorable Elizabeth Biggerstaff York
Family Court, Twelfth 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, Twelfth Judicial Circuit, Seat 3, 3 candidates applied for this vacancy and 1 candidate withdrew before the Commission voted. Accordingly, the names and qualifications of 2 candidates are hereby submitted in this report.

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Judge York meets the qualifications prescribed by law for judicial service as a Family Court judge.
- Judge York was born in 1969. She is 52 years old and a resident of Florence, South Carolina. Judge York provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1994.
- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge York.

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

Judge York 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 York 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 York to be intelligent and knowledgeable.

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

- (a) I created a PowerPoint and lectured for the SC Bar video CLE "Yikes, I've Gotten a DSS Appointment."
- (b) I have served on panel discussions for DSS in-house CLE programs.
- (c) I created a PowerPoint and have given presentations to law enforcement on Title 63 of the SC Code.
- (d) I created a PowerPoint and have given a presentation to new DSS caseworkers on Title 63 of the SC Code.
- (e) Adjunct Professor, Business Law, Coker College.

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

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

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

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

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

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

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

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

- (8) Experience:
Judge York was admitted to the South Carolina Bar in 1994.

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

- (a) From 1994 until 1995, I was a law clerk to the Honorable Don S. Rushing, a Circuit Court Judge. During six months of the year term, he was Chief Judge for Administrative Purposes (Criminal) Charleston County.
- (b) From 1995 until 1996, I was Assistant Solicitor for the Fourth Judicial Circuit, prosecuting cases in the General Sessions Court of Chesterfield, Darlington, Dillon and Marlboro Counties.

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- (c) From 1996 until 2004, I worked at the Law Firm of Jennings and Harris, located in Bennettsville, South Carolina. I began as an associate and became a partner around 2001. The firm had a general trial practice. My personal practice included a focus on the Family Court, although I practiced in all trial courts. I was also a contract attorney for the South Carolina Department of Social Services, handling abuse and neglect cases for Chesterfield County beginning in 1996. On or about 1998, I was also an adjunct professor with Coker College, where I taught Business Law through their adult program. Additionally, I became a certified mediator for the Family Court in 2002. I assisted with supervising personnel and utilized the trust account.
- (d) From 2004 until 2006, I worked at the Law Office of Nancy Bailey, located in Florence, South Carolina. This practice focused almost exclusively on Family Court matters. As Florence was an initial mandatory-mediation county, I conducted mediations, including pro bono mediations for the Family Court during this time. I also continued to work as a contract attorney for the South Carolina Department of Social Services handling abuse and neglect cases for Chesterfield County. I assisted in supervising personnel and utilized the trust account.
- (e) From 2006 until 2016, I worked for the South Carolina Department of Social Services on a full-time basis, handling abuse and neglect cases for Darlington and Chesterfield Counties, and assisting in other counties. I was the supervising attorney for the Fourth Judicial Circuit which consists of Darlington, Chesterfield, Dillon, and Marlboro counties.
- (f) In July of 2016, I opened the Law Office of Elizabeth York with a focus on Family Court matters and continue this practice at present. Also in July of 2016, I became a part-time Municipal Judge for the City of Hartsville which I also continue at present. I had a statewide contract with the South Carolina Department of Social Services for abuse and neglect cases from July 2016 until July 2019. In July of 2019, I entered into a contract with the South Carolina Commission on Indigent Defense to handle defense of abuse and neglect cases in Florence and Dillon counties. I

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supervise personnel and have access to all accounts for the Law Office of Elizabeth B. York.

Judge York further reporter her experience with the Family Court practice area:

My professional experience has included a focus in the Family Court since 1996, and I have experience in each of the above-mentioned areas. I represented the South Carolina Department of Social Services in abuse and neglect cases from 1996 until 2019. From 1996 until 2006, I had a contract with the South Carolina Department of Social Services to handle abuse and neglect cases in Chesterfield County with assistance in other counties. In 2006, I became a full-time attorney for the South Carolina Department of Social Services as a managing attorney for the Fourth Judicial Circuit and continued in this position until July of 2016. In July of 2016, I began a statewide contract for the South Carolina Department of Social Services, often traveling to handle complex matters on their behalf. I continued with this contract until July of 2019. In July of 2019, I signed a contract with South Carolina Commission on Indigent Defense to defend abuse and neglect cases in Florence and Dillon counties and this contract continues at this time. Abuse and neglect cases often overlap with matters with the South Carolina Department Juvenile Justice and adoption custody issues.

In 2016, I again entered private practice and continue to handle all types of Family Court matters in each of these categories and mediate these issues when appointed by the Court. At a minimum, I have appeared in the Family Court once per week in the past five years.

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

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

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

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- (a) Civil: 0%;
- (b) Criminal: 0%;
- (c) Domestic: 75%;
- (d) Other: abuse and neglect in the Family Court 25%.

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

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

Judge York provided that during the past five years prior to her service on the bench she most often served as sole counsel.

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

- (a) SCDSS v. J.E., Case Number 96-DR-13-778

This was an abuse and neglect case in which the defendant was a foster mother who severely beat a foster child in her care, killing the child. The defendant mother had other foster children and an adopted child in her care. The deceased child was one of ten siblings in foster care. I not only handled the Family Court abuse and neglect side of the case, I also actively participated in the criminal trial of Ms. E. (97-GS-13-77, 98-GS-13-10) and a civil trial against SCDSS and a school principal (97-CP-13-145, 98-CP-13-03). This case occurred as the child abuse code was changing nationwide. It involved the new code as well as the issues of severe abuse, mandatory reporting of abuse and neglect, and foster care licensing.

- (b) SCDSS, In the Interests of Baby Doe, Case Numbers 14-DR-13-645 and 15-DR-13-0628

Chesterfield County was thrust into the national news when a newborn was abandoned at the Health Department. The child was determined to be approximately three days old at the time she was left in a restroom at the health department. SCDSS had to obtain a birth certificate for the child whose parents were never located. Additionally, I had to weigh the interests of the privacy of the infant as DSS received nationwide requests to adopt the child. This balancing required considering the rights of the unknown parents, while

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expediting permanency for the child, who has since been adopted.

- (c) Richard S. Bird, Plaintiff, vs. Rebecca Moningka Bird, Defendant, vs. Richard S. Bird, Sr. and Martha Bird, Third-Party Defendants. Case Number 19-DR-21-0959.
This case was pled for divorce, custody, equitable distribution, alimony, and attorney's fees and costs. I was appointed by the Court to serve as the guardian ad litem for the two minor children of the parties. With regards to the custody issues, this case involved international kidnapping, parental alienation, and a recent diagnosis of a chronic illness of one of the children. Numerous experts were involved in this matter. Several petitions for contempt were also filed and heard. This matter reached a final resolution on the children's issues with an Order filed June 16, 2021 and an Order is pending with regards to the other issues from a hearing held June 15, 2021 through June 18, 2021.
- (d) State v. Grandison, Case Number 01-GS-241.242
A week-long armed robbery trial. My client was convicted of armed robbery. The jury determined that my client was the driver of the get-away-car. This case involved video surveillance and its admission, which was fairly new at the time, as well as the cases involving the "hand of one is the hand of all." Mr. Grandison was a college student who grew up in Delaware and was attending college in Virginia. He was in South Carolina with "friends" from college, one who was from this State. The first two friends apprehended gave statements and the admissibility of those statements and weight given was an issue. Additionally, I filed several Motions to try to have the State try my client separately from the gunman.
- (e) SCDSS, In the Interest of J.C., Case Number 09-DR-13-378
This case involved severe abuse and neglect of three siblings. This abuse included locking the children out of the family home during the day in severe heat. One sibling was placed into a dark storage building for days with no electricity or water and forced to wear a shock collar. A sibling of this child was asked to shock the other child and to empty the bucket that the child used as a restroom. All siblings had to empty the bucket that the children used as a restroom while working in the yard. The case involved media attention, a

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corollary criminal case, and it required expediting the case to assist these children. Personally, I will never forget preparing these children for trial. The perpetrators no longer have parental rights to the children. Two of the siblings were adopted. The sibling who was asked to perform the shocking of the other siblings was opposed to adoption and requested to remain in a placement in an area where he had been placed initially.

The following is Judge York's account of five civil appeals she has personally handled:

- (a) SCDSS, Respondent, v. F.V., J.V. and T.D., of whom F.V. and J.V. are Appellants. In the Interest of three minors, Case Number 2011-UP-47

This appeal from the Family Court of Darlington County involved Appellants F.V. and J.V.'s challenging the Court's finding of abuse and/or neglect, the Treatment Plan ordered, and the placement of their name onto the Central Registry of Child Abuse and Neglect. The Court of Appeals upheld the findings of abuse and/or neglect, found the issue presented on the Treatment Plan was moot, and reversed placement of the names of F.V. and J.V. onto the Central Registry of Abuse and Neglect.

- (b) SCDSS, Respondent, v. G.M.P., A.K.A. Z.P., M.P. and John Doe, In the Interest of a minor child under eighteen years, Case Number 2012-UP-470

M.P. appealed the termination of his parental rights. The Court of Appeals reviewed his case pursuant to Ex Parte Cauthen, 291 S.C. 465, 354 S.E. 3d 381 (1987), and upheld the termination of his parental rights.

- (c) SCDSS, Respondent, v. Z.P., M.P., of whom E.P. is the Appellant, In the Interests of one minor child under the age of eighteen, Case Number 2010-UP-240

Z.P. appealed the Family Court's Order from a Permanency Planning hearing alleging that the evidence did not support the finding that reunification was no longer a viable plan for the child contending that the child's guardian ad litem did not perform her duties as mandated. The Court of Appeals upheld the decision of the Family Court.

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- (d) SCDSS, Respondent, v. S.G. L.G. G.B. and John Doe, of whom S.G. is the Appellant, In the Interest of five children under the age of eighteen, Case Number 2009-UP-164
S.G. appealed the termination of his parental rights. The Court of Appeals reviewed this case pursuant to Ex Parte Cauthen, 291 S.C. 465, 354 S.E. 2d 381 (1987), and upheld the termination of his parental rights.
- (e) SCDSS v. T.I., M.R., D.O., and B.M., Case Number 2021-000653
This is a pending appeal pursuant to Ex Parte Cauthen, 291 S.C. 465, 354 S.E. 2d 381 (1987), of an Order from a judicial review hearing in the Family Court.

Judge York reported that she has not personally handled any criminal appeals.

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

I was appointed as a Municipal Judge for the City of Hartsville on July 1, 2016, and I presently serve in that capacity on a part-time basis. The Municipal Court has jurisdiction over criminal offenses and city ordinances where the punishment does not exceed thirty days.

Judge York provided the following, regarding her most significant orders or opinions:

The cases over which I preside in the Municipal Court do not involve or require written orders.

Judge York reported the following regarding her employment while serving as a judge:

I have been in private practice in the Law Office of Elizabeth York which focuses on family law while serving as a part-time municipal judge since 2016. In July of 2016, I began a statewide contract to handle abuse and neglect cases for the South Carolina Department of Social Services, often traveling to handle complex matters on their behalf. I continued with this contract until July of 2019. In July of 2019, I signed a contract with South Carolina Commission on Indigent Defense to defend abuse and neglect cases in Florence and Dillon counties and this contract continues at this time.

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Judge York further reported the following regarding unsuccessful candidacies:

Unsuccessful candidacy for Family Court, At-Large Seat 8, in 2016.

I was found qualified but was not one of the three candidates who was nominated.

Unsuccessful candidacy for Family Court, Twelfth Judicial Circuit, Seat 2, in 2017. I was found qualified, and one of the three candidates nominated.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualification found Judge York to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee did not include summary or related comments.

Judge York is not married. She has two children.

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

- (a) Darlington County Bar Association
Former President, 2016
- (b) Florence County Bar Association
- (c) South Carolina Bar Association
Nominating Committee, multiple terms
Board of Governors, 2010-2013
House of Delegates, multiple terms
Young Lawyers Division of the South Carolina Bar
Circuit Representative, multiple terms
Co-Chair, Community Law Week
Law Related Education, South Carolina Bar
Middle School Mock Trial Coach
Middle School Mock Trial Judge

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(d) South Carolina Women Lawyers Association

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

- (a) Central United Methodist Church, Florence, South Carolina
 - Finance Committee Member
 - Education and Spiritual Growth Team Member
 - Greeter, The Well
 - Endowment Fund Committee Member
- (b) United States Tennis Association
 - Team Captain, Pee Dee Region
- (c) Florence Tennis Association
- (d) All Saints' Episcopal Day School
 - Parent Guild
- (e) West Florence Athletic Booster Club
 - Member
- (f) West Florence Association of Parents, Teachers and Students
 - Member
- (g) Darlington Downtown Revitalization Association, Board Member

Judge York further reported:

Having been involved in Family Court as an attorney and as a litigant gives me a fair perspective into the difficulties and stress of the Family Court.

- (11) Commission Members' Comments:
The Commission commented that parties seek out Judge York as a mediator and commended her on her exceptional treatment of litigants and attorneys.
- (12) Conclusion:
The Commission found Judge York qualified and nominated her for election to Family Court, Twelfth Judicial Circuit, Seat 3.

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**The Honorable Katherine Hall Tiffany
Family Court, Thirteenth Judicial Circuit, Seat 3**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Tiffany was born in 1970. She is 51 years old and a resident of Taylors, South Carolina. Judge Tiffany 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 Tiffany.

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

Judge Tiffany 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 Tiffany testified that she 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 Tiffany to be intelligent and knowledgeable.

Judge Tiffany reported that she has taught the following law-related courses/lectures:

- (a) I prepared written materials and served as a speaker at the 2005 SC Bar Family Court Bench/Bar Seminar on the topic “War of Fathers: Biological v. Legal.”
- (b) I prepared written materials and served as a speaker at the 2006 SC Bar Family Court Bench/Bar Seminar on the topic “Psychological, Ad Hoc, Joint etc Custody Update.”
- (c) I served as a speaker at the 2010 National Business Institute Advanced Family Law Seminar on the topic “Getting the Child Heard.”
- (d) I prepared written materials and served as a speaker at the 2010 SC Bar Hot Tips from the Coolest Domestic Law Practitioners Seminar on the topic “Child Support that is Off the Charts.”
- (e) I served as Co- Course Planner for 2011 SC Bar Family Law Intensive Seminar Workshop “Dollars and Sense in Family Court” held over three days in October of 2011. I selected the topics, arranged for speakers and presenters, reviewed written materials and attended/moderated the seminar.
- (f) I prepared written course materials and served as the moderator for the 2012 National Business Institute Seminar “What Family Court Judges Want You to Know.”
- (g) I prepared written materials and served as a speaker at the 2012 SC Bar Seminar “Presenting the Family Court Case” on the topic “Preparing the Final Order.”
- (h) I served as a panel member during 2012 SC Bar Family Court Bench Bar Seminar on the topic “Tell Me What I Want to Hear: Giving the Judge the Right Information at a Temporary Hearing.”
- (i) I prepared written materials and served as a speaker at the 2013 SC Bar Hot Tips for the Coolest Domestic Law Practitioners Seminar on the topic “Calculating Child Support for the Haves and the Have Nots.”
- (j) I served as a speaker at the 2013 Upstate Paralegal Association Seminar “Putting Your Best Case Forward in Family Court.”

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- (k) I served as Co-Course Planner for the 2013 SC Bar Family Law Intensive Workshop “Twists and Turns of Child Custody in the Modern Age” held over four days in October of 2013. I selected the topics, arranged for speakers and presenters, reviewed written materials and attended/moderated the seminar.
- (l) I prepared written materials and served as a speaker at the seminar “In the Best Interest of the Child: 2014 Guardian Ad Litem Training and Update” on the topic “Update on Parental Alienation.”
- (m) I prepared written materials and served as a speaker at the 2014 Greenville County Bar Year End CLE on the topic “Guardians Ad Litem: How Lawyers Help and Hurt Their Cases.”
- (n) I prepared written materials and served as a speaker at the 2014 SC Bar Family Law Essentials Seminar on the topic “Drafting Orders.”
- (o) I prepared written materials and served as a speaker at the 2014 Hot Tips from the Coolest Domestic Law Practitioners Seminar on the topic “Restraining Orders and the Right to Bear Arms.”
- (p) I served as a Speaker at the Upstate Mediation Center Lunch & Learn Seminar on the topic “Using the Child Support Calculator” in December 2014
- (q) I prepared written materials and served as a speaker at the 2015 SC Bar Convention on the topic “What Domestic Attorneys Wish Probate Attorneys Knew.”
- (r) I prepared written materials and served as a speaker at the 2015 Greenville County Bar Year End CLE on the topic “Anticipating Death in Divorce.”
- (s) I prepared written materials and served as a speaker at the 2015 SC Bar Family Law Essentials Seminar on the topic “Drafting Orders.”
- (t) I prepared written materials and served as a speaker at the 2015 Hot Tips from the Coolest Domestic Law Practitioners Seminar on the topic “Anticipating Death in Divorce.”
- (u) I served as a moderator at the 2016 SC Bar Convention for a panel for “Hollywood Squares: The (Family Court) Rules Edition.”

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- (v) I served a panel member at the 2017 SC Bar Convention on a panel of family court judges for “Hollywood Squares (The “Serenity Now! Edition).”
- (w) I served as a panel member at the 2017 Annual Guardian Ad Litem Training & Update CLE on the topic “What Family Court Judges Want You to Know.”
- (x) I served as a panel member at the 2017 Greenville County Bar Year End CLE on the topic “Nuts and Bolts of Family Court Practice from the Old and the Young.”
- (y) I served as a speaker at the 2017 Women of the Greenville County Bar Association CLE Luncheon on the topic “Motions, Moms & Mayhem- Real Talk on Navigating the Practice of Law at All Stages of Motherhood.”
- (z) I served as a co-presenter at the 2017 SC Women Lawyers Association Conference on the topic “Slippers, Breath Mints and Quarters: How to Pursue and Survive a Judicial Campaign.”
- (aa) I served as a panel member at the 2018 Greenville County Bar Year End CLE on the topic “Tips from the Bench.”
- (bb) I served on a panel of family court judges at the 2019 Upstate Mediation Center Lunch and Learn CLE
- (cc) I prepared written materials and served as a Co-Presented at the 2019 Hot Tips from the Coolest Domestic Law Practitioners on the topic “Joint Custody.”
- (dd) I served as a panel member at the 2019 SC Bar Advanced Family Law Topics for the Bench and Bar on the topic “Maybe Love Shouldn’t Be Such Hard Work- Parents Behaving Badly: Addressing Gatekeeping and Alienating Behavior.”

Judge Tiffany reported that she has published the following: “Business Goodwill in South Carolina,” SC Lawyer Magazine (May 2011), Co-author.

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

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

The Commission also noted that Judge Tiffany 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 Tiffany reported that her last available rating by a legal rating organization, Martindale-Hubbell, was Martindale Hubbell Peer Review Rating: AV preeminent.

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

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

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

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

- (8) Experience:
Judge Tiffany was admitted to the South Carolina Bar in 1995.

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

- (a) August 1995 to August 1996, Law Clerk to the Honorable Henry F. Floyd, Circuit Court Judge for South Carolina
- (b) August 1996 to January 2006, Associate Attorney, Carter, Smith, Merriam, Rogers & Traxler, P.A. Primarily handled family court cases, occasional work in circuit court and probate court.
- (c) January 2006 through June 2016, Partner/Shareholder, Carter, Smith, Merriam, Rogers & Traxler P.A. Practiced

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exclusively in family court. Oversaw reconciling and balancing of firm operating and escrow bank accounts.

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

Judge of the Family Court, Thirteenth Judicial Circuit, Seat 3
July 2016 to present

Elected by South Carolina General Assembly in May 2016

Current term July 1, 2016 to June 30, 2022

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

- (a) Galen E. Burdeshaw v. Jennifer Marie Burdeshaw, 2012-DR-23-1217, Order on Plaintiff's Complaint for Contempt, and Plaintiff's Motion to Reconsider and/or Alter Custody and Custody Related Issues, Attorneys Fees and Order on Defendant's Motion to Reconsider Filed May 23, 2016 and Attorneys Fees, dated March 20, 2018.

I was appointed as (second) successor judge to preside in hearing on a Motion to Reconsider a Final Decree of Divorce (issued by my predecessor, Harry L. Phillips) along with a Contempt action which had been assigned to Judge Phillips, but Judge Phillips was unable to complete before his death in 2015. I was also assigned to hear Plaintiff's Motion to Reconsider a Partial Order issued by the initial successor judge in May of 2016, before that judge recused herself from the matter. In addition to conducting a full day hearing of testimony and evidence, I reviewed all interim Orders, the Final Decree of Divorce issued by Judge Phillips, the testimony transcript and all exhibits from the five day Final Hearing before Judge Phillips; all post trial motions of the parties and orders of the initial successor judge; and the testimony transcripts from the hearings before the initial successor judge. I issued the above order on March 20, 2018. This Order was affirmed in part and reversed in part by the South Carolina Court of Appeals in Unpublished Opinion No. 2020-UP-105 on April 8, 2020.

- (b) Timothy Paul Kearns v. Falon Elise Odom, 2010-DR-23-5884 & 2015-DR-23-1845, Contempt Order dated May 9, 2018.

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I presided in a two day hearing on a Contempt action filed by Plaintiff (Father) against Defendant (Mother), alleging that Mother had committed numerous violations of prior orders of the Family Court. I issued a Contempt Order on May 9, 2018. The Order was affirmed by the South Carolina Court of Appeals in Unpublished Opinion No. 2021-UP-122 on April 21, 2021.

- (c) *Meredyth Eslick v. Martin Eslick*, 2016-DR-23-4787, Final Decree of Divorce dated May 31, 2018.

I presided in a two day Final Hearing for divorce and contested issues of equitable division and attorneys fees. The marital estate included residential and commercial real estate, retirement accounts, personal property and a limited liability company operated by the parties. The parties disputed the values of real estate and personal property; however the primary issue in dispute was the value of the company and the overall division of the marital estate. I issued a Final Decree of Divorce on May 31, 2018. Defendant Martin Eslick filed a Notice of Appeal on July 2, 2018. The parties reached an agreement, and the appeal was dismissed by Order of the South Carolina Court of Appeals on January 4, 2021. The parties' agreement was adopted by a Consent Amended Final Decree of Divorce entered February 12, 2021

- (d) *South Carolina Department of Social Services v. Pamela Kimmons, Robert Beach, Jerry Kimmons and John Doe*, 2018-DR-23-3879, Order for Termination of Parental Rights and Permanency Planning Hearing dated May 28, 2019.

I presided in a two day hearing on a petition seeking termination of the defendants' parental rights, alleging that defendants had severely abused and neglected their minor child, and due to the severity of abuse or neglect, it was not reasonably likely that the defendants' home(s) could be made safe within twelve months. Numerous witnesses (including three medical experts) testified about the horrific injuries suffered by the infant child, as well as her poor prognosis, limited life expectancy, and the extensive care she required. I issued an Order granting termination of parental rights on May 28, 2019. Defendant Robert Beach filed a Notice of Appeal on June 20, 2019. The appeal was dismissed by

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South Carolina Court of Appeals by Order dated March 6, 2020.

- (e) State of South Carolina In Re: Timothy Earl Brown, Juvenile. Waiver of Jurisdiction Order, 2017-JU-23-0028,0029,0030,0209,0210,0211,0212,0213, dated February 28, 2019.

I presided in a hearing on the State's Motion to transfer jurisdiction to the Court of General Sessions, to determine whether the juvenile charged with Murder, Armed Robbery and Carjacking should be tried on the charges in Family Court (and if found guilty, face incarceration in a juvenile facility up to his 22nd birth day) or be tried in General Sessions (and if found guilty, face lifetime incarceration with the Department of Corrections). The hearing involved testimony by law enforcement witness; expert witnesses for the state and the defense, including a psychologist, a neuropsychologist, and a forensic psychologist, as well as numerous exhibits which were entered into evidence.

Judge Tiffany reported no other employment while serving as a judge.

Judge Tiffany further reported the following regarding unsuccessful candidacies:

- (a) I applied for Family Court, At Large Seat 4 in August of 2012. I was found qualified and nominated for the position by the Judicial Merit Selection Commission. The Honorable Monet Pincus was elected to the position in January of 2013.
- (b) I applied for Family Court, Thirteenth Circuit, Seat 5 in August of 2013. I was found qualified and nominated by the Judicial Merit Selection Commission. The Honorable Tarita Dunbar was elected to the position in February of 2014.

(9) Judicial Temperament:

The Commission believes that Judge Tiffany's temperament had been, and will continue to be, excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualification found Judge Tiffany to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental

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stability; and “Well-Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience and judicial temperament. The Committee did not have related or summary comments.

Judge Tiffany is married to Peter Clifford Tiffany. She has two children.

Judge Tiffany reported that she was a member of the following Bar and professional association:

- (a) Greenville County Bar Association
- (b) South Carolina Bar Association
 - Family Law Council, Member 2009-2016
 - Family Law Council, Secretary 2013-2014
 - Family Law Council Vice Chair 2014-2015
 - Family Law Council Chair Elect 2015-2016

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

- (c) St. James Episcopal Church
 - Member 2000 to present
 - Episcopal Youth Community Adult Volunteer, 2015 to 2019
- (d) Greenville Zoo Foundation Board of Directors
 - 2018 to 2020

Judge Tiffany further reported:

I practiced as a Family Court lawyer for 20 years, setting high standards and endeavoring to reach those standards. I am thankful for the opportunity I received from the General Assembly in 2016 in electing me to my first term as a Family Court Judge; and after five years. I have the same eagerness to learn and drive to improve that I had on the day I took my oath in July of 2016. Every day I am conscious of the promises I made in my oath; every day I strive to keep those promises. If I have the honor of continuing to serve as a Family Court Judge, I will devote whatever, time, energy and effort is required of me to not only to “do my best” but also to “do better” in fulfilling the professional, ethical and personal obligations required of me.

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- (11) Commission Members' Comments:
The Commission members noted that Judge Tiffany's BallotBox comments and reference letters establish that she has an outstanding reputation as a jurist.
- (12) Conclusion:
The Commission found Judge Tiffany qualified, and nominated her for re-election to Family Court, Thirteenth Judicial Circuit, Seat 3.

**The Honorable Karen Sanchez Roper
Family Court, Thirteenth Judicial Circuit, Seat 4**

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Roper was born in 1969. She is 52 years old and a resident of Sunset, South Carolina. Judge Roper provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1994.

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

Judge Roper 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 Roper reported that she has made \$14.85 in campaign expenditures for a personalized ID name badge.

Judge Roper 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 Roper 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 Roper to be intelligent and knowledgeable.

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

- (a) Family Court Judges Panel Discussion, Greenville County Bar Year End CLE, 2021
- (b) Virtual Fireside Chat Re: Women's History Month, SC Bar Diversity Committee, 2021
- (c) Overview of Child Abuse & Neglect, Pickens United, 2019
- (d) Tips from the Bench, Greenville County Bar Year End CLE, 2018
- (e) Cass Elias McCarter Guardian ad Litem Program Training, Pickens County, 2018
- (f) Multiple lectures on family law and our legal system at various level public schools in Pickens County, 2016 – 2021
- (g) Prior to being elected to the bench, I gave presentations on Identifying Representation Issues, Representing Defendant Parents in DSS Abuse and Neglect Actions, and Strategizing Solutions, at CLEs sponsored by the Children's Law Center
- (h) Prior to being elected to the bench, Trial of a Divorce Case, Divorce Litigation from Start to Finish, National Business Institute
- (i) Prior to being elected to the bench, Debt Collections Law, National Business Institute
- (j) Prior to being elected to the bench, I taught a six-week legal education course for students enrolled in a paralegal studies program in the 1990s, but I do not recall the name of the sponsoring entity.

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

(4) Character:

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

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

The Commission also noted that Judge Roper 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 Roper reported that she was not rated by a legal rating organization.

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Roper was admitted to the South Carolina Bar in 1982.

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

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- (a) Associate, Laddaga, Crout & Drachman, P.A., Charleston, South Carolina, 1994-1997. Handled general civil litigation, primarily focused on debt collection and domestic litigation.
- (b) Owner/Partner, Roper Law Firm, LLC, 1997-2016. Handled primarily domestic litigation, probate matters, and local government representation. I shared administrative and financial management responsibilities, including management of trust accounts, with my law partner.

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

Family Court, Thirteenth Judicial Circuit, Seat 4, elected by South Carolina General Assembly May 2016 for the term July 1, 2016 – June 30, 2022.

Judge Karen Sanchez Roper provided the following list of her most significant orders or opinions:

- (a) Jane and John Doe v. Nikki Gardner, Jeremy Gardner, and SCDSS, Order Terminating Parental Rights, 2018-DR-39-1151, 2018-DR-39-971; Appellate Case No. 2020-00168 and 2020-000254, Unpublished Opinion No. 2021-UP-192 & -193, Filed June 2, 2021. This action for termination of parental rights was filed by the foster parents of one minor child. This child was the fifth child exposed to drugs by biological parents, each instance necessitating a DSS action that resulted in either loss of permanent custody or termination of parental rights and adoption. Foster parents previously adopted two of biological parents' other children. Although biological parents had a decade-long history of severe drug addiction and child abuse, DSS opposed termination and advocated that parents be awarded custody due to their completion of the DSS treatment plan. Biological parents began unsupervised visits with the child, but shortly thereafter, the child tested positive for methamphetamines. Biological parents denied any drug abuse and subsequently produced negative drug tests. After hearing a multi-day trial, I terminated parental rights, finding that these parents' long history of abuse and neglect and their long history of severe drug addiction, coupled with the child's recent positive drug test, made

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them highly unlikely to provide a safe home for the child. The Court of Appeals reversed my decision, finding that because parents completed treatment services, the child's positive drug test did not constitute clear and convincing evidence to support termination of parental rights. The Court of Appeals remanded the case for another permanency planning hearing, scheduled later this month, to consider additional evidence that has occurred since trial. In the intervening time since trial, DSS changed its position and filed a new action for termination of parental rights based upon allegations that the biological parents have resumed drug use.

- (b) Kaitlin Whitesell v. Jeremy Whitesell, Final Order, 2016-DR-46-746, Appellate Case No. 2017-002601, Opinion No. 5771, Filed August 26, 2020; 431 S.C. 575, 848 S.E.2d 588 (Ct. App. 2020). This was an action for modification of custody and child support, which was vigorously contested in a multi-day trial. Father appealed my decision, and the Court of Appeals affirmed my decision in a published opinion.
- (c) SCDSS v. Carla Bennefield, Joe McWhite, Sr., and Jamie Crider, Order Terminating Parental Rights, 2016-DR-23-3328, Appellate Case No. 2017-000289, Unpublished Opinion No. 2017-UP-431, Filed November 9, 2017. This was an order terminating parental rights to a minor child, which mother appealed. The Court of Appeals affirmed my decision in an unpublished opinion.
- (d) Shaundra B. Daily v. Julian D. Daily, Final Order, 2015-DR-39-184; Appellate Case No. 2017-00119, Opinion No. 5801, Filed February 10, 2021; 432 S.C. 608, 854 S.E.2d 856 (Ct. App. 2021). This was an action for modification of custody and visitation action based upon mother's relocation, and including several actions for contempt and attorney's fees. The Court of Appeals affirmed my decision as modified to provide more specific visitation terms and increasing my award of attorney's fees to mother.
- (e) In the Interest of Dylan L.M., a Juvenile Under the Age of Seventeen, Appellate Case No. 2019-000619, Unpublished Opinion No. 2021-UP-052, Filed February 24, 2021. This was my first instance of presiding over a contested trial in

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a juvenile matter, where the juvenile was accused of criminal sexual conduct with a minor, involving the testimony of a minor child, expert witness testimony, and a Jackson v. Denno hearing. The appeal was dismissed.

Judge Roper reported no other employment while serving as a judge:

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualification found Judge Roper "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience and judicial temperament. The Committee had no related or summary comments.

Judge Roper is married to Kenneth Scott Roper. She has two children.

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

- (a) SC Bar
- (b) Pickens County Bar
- (c) Greenville County Bar
- (d) Family Law Section
- (e) SC Women Lawyers

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

- (a) Pickens Presbyterian Church, member 2002-present
 - Trustee, 2016-2019
 - Elder, 2006-present
 - Clerk of Session, 2007-2009
 - Session, 2006-2009
 - Youth Leader, 2010-2015
 - Co-chair, Christian Outreach Committee, 2007-2009

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- Co-chair, Christian Education Committee, 2006-2007
- Foothills Presbytery Disaster Assistance Team, 2005
- Habitat for Humanity Team, 2005
- CROP Hunger Walk coordinator, 2008
- Sunday school teacher
- (b) The Reserve at Lake Keowee, social club membership, 2020-present
- (c) Women United, Pickens County United Way, 2019-present
- (d) Pickens Women's Association, 2002-2019
 - President, 2011-2012; 2005-2006
 - Vice-President, 2010-2011; 2004-2005
 - Treasurer, 2008-2010
 - Chair, Scholarship and Benevolence Committee, 2014-2017
 - Co-chair, Azalea Festival Race Committee, 2013
- (e) Cannon Memorial Hospital Foundation Board, 2011-2016
 - Investments Committee, 2013-2015
- (f) Anderson-Oconee-Pickens Mental Health Center Board, appointed by Governor Haley, 2014-2016
 - Programs Committee, 2014-2016
- (g) Pickens Chamber of Commerce, 2015-2016

Judge Roper further reported:

It has been a tremendous honor and privilege to serve this State as a Family Court judge. When I sought this position almost six years ago, I expressed my belief that a Family Court judge plays a significant role in helping families achieve long term peace despite going through the painful process of a divorce, DSS intervention, or custody litigation. Since that time, my experience on the bench has only strengthened my conviction. My judicial experience over the past five years has enriched my knowledge and understanding of the challenges faced by our citizens, many of which were exacerbated by the COVID-19 pandemic. Each day in court I see families struggling with divorce, abuse, addiction, mental health, or unemployment.

My legal and volunteer experiences inform many of my judicial decisions. I previously served on boards for Prevent Child Abuse Pickens County and Pickens County First Steps, which opened my eyes to the needs of children in my county.

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Pickens Presbyterian Church has provided me wonderful opportunities to interact with children as Sunday school teacher, Vacation Bible School leader, and Youth Group leader. Through my representation of the School District of Pickens County for 10 years, I handled student expulsion hearings and became familiar with the challenges facing our teenage youth. Representing DSS and indigent parents through the SC Commission of Indigent Defense raised my awareness about the dire circumstances of many parents who find themselves involved with child protective services. My service on the boards of Anderson-Oconee-Pickens Mental Health Center and Cannon Memorial Hospital Foundation helped me understand that access to vital health services are necessary for so many of our families to raise healthy, well-adjusted children.

For most people, Family Court is also their first introduction to our judicial system. Most of our citizens will have only limited experience with the courts of General Session or Common Pleas; but even if an individual has not personally gone through a divorce, most likely each of us has a parent, child, or sibling involved in a Family Court case at some point in their lives. As such, we deal with extremely personal issues and the emotions in the courtroom can run very high. I have witnessed attorneys, and occasionally judges, fall into the trap of reflecting these emotions and unintentionally intensifying the anger and resentment that sometimes accompanies the dissolution of a marriage or the custodial arrangements for a child. I have seen litigants leave the courtroom feeling their position was ignored or disrespected. When litigants leave our courtrooms feeling overlooked or dissatisfied with the process, we lose an opportunity for the court's ruling to bring long term peace and resolution for that family.

In this highly charged atmosphere of Family Court, I believe it is vitally important to provide clear rules, clear boundaries, and clear expectations. Adherence to the Rules of Evidence and the statutes set by the General Assembly can eliminate much of the "unknown" for parties entering the courtroom. Uniformly enforcing these rules and requiring persons to conduct themselves with decorum helps establish clear boundaries for

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all parties. I attempt to set clear expectations for each hearing by assuring litigants that each will have the opportunity to be heard, that all parties and witnesses will be treated with dignity and respect, and that all parties will have equal access to their rights and rules under our court system. I firmly believe that abiding by clear rules, boundaries, and expectations results in better outcomes for our litigants, higher job satisfaction among lawyers and courthouse staff, and most importantly, better public perception of our judicial system as a whole.

Despite the many challenges faced by our communities, I firmly believe that stability can be preserved and children can be protected when families in our court system are heard, are treated fairly, and decisions are thoughtfully rendered. I would like to continue using my position as judge to have a positive impact on the lives of children and families, and hopefully be part of the solution to these problems.

(11) Commission Members' Comments:

The Commission commended Judge Roper for the implementation of consistent child-support enforcement policies and commented that they greatly appreciated her desire to continue serving as a Family Court judge.

(12) Conclusion:

The Commission found Judge Roper qualified, and nominated her for re-election to Family Court, Thirteenth Judicial Circuit, Seat 4.

**The Honorable Jessica Ann Salvini
Family Court, Thirteenth Judicial Circuit, Seat 6**

Commission's Findings: QUALIFIED AND NOMINATED

(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 46 years old and a resident of Greenville, South Carolina. Judge Salvini provided

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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. Judge Salvini was 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 not made any campaign expenditures.

Judge Salvini 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 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:

To the best of my recollection, the following is a description of the continuing legal education programs that I have had the honor of participating in as a speaker.

- (a) On October 29, 2009, I was a speaker on a panel at the Federal Criminal Practice Seminar for the Criminal Justice

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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.
- (f) On October 4, 2019, I was a speaker at a SCUPA Seminar for paralegals. The topics included real world practice in Family Court for paralegals.
- (g) On January 31, 2020, I was a speaker at the Guardian ad litem Seminar. I participated as a speaker on a panel, with the topics being questions from Guardian ad litem for Family Court Judges.
- (h) On or about February 7, 2020, I was a speaker on a panel at the Greenville County Bar's "Year-End CLE" for the Family Law Section. The panel, which consisted of Family Court Judges, were given hypotheticals to consider and discuss related to Family Court matters.
- (i) On February 21, 2020, I was a speaker on a panel for "UMC's Family Court Judges Q&A CLE." The topics were questions from family court practitioners for Family Court Judges.
- (j) On June 12, 2020, I was a speaker at the New Family Court Judge's Orientation. The topic pertained to providing guidance to new Family Court Judges from my

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perspective and experience as a newly elected Family Court Judge.

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:

As regards a rating or membership status by any legal rating organization, Judge Salvini reported:

To my knowledge, I do not have a rating as a Family Court Judge.

Prior to being elected to serve as a full-time Family Court Judge, the following was my last rating(s) to the best of my knowledge:

- (a) Greenville Business Magazine Legal Elite in Family Law in 2012 and 2017;
- (b) National Academy of Criminal Defense Attorneys top 10 Criminal Attorneys 40 and under in 2014 and 2015;
- (c) South Carolina Rising Star in the practice of Criminal Law in 2014 and 2015;
- (d) Martindale-Hubbell – 5.0/5.0;
- (e) Lawyerratingz.com – 3.6/5.0;
- (f) Lawyers.com – 5.0/5.0.

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

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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:

- (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-March 2019: 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 seventeen years, I acted as the senior partner in our firm, which had a general practice handling a wide variety of legal issues for individuals and businesses. While in private practice, I represented individuals and businesses in civil, criminal and family law matters. My practice areas included: 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; all

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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 served as one of Greenville County Probate Court's Commitment Proceedings Attorneys. I also served 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 also assisted our Criminal Justice Act Panel Representative in the Upstate. My law firm consisted of myself, my law partner and an associate attorney. My law partner and I managed the law firm, including the law firm's trust account.

- (c) August 2007 to March 2019: 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 Mauldin, South Carolina. In 2009, I sought and was appointed to serve as the Chief Trial Judge for the City of Mauldin. As both an Associate Municipal Court Judge and the Chief Municipal Court Trial Judge, I 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 held 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 involved motion hearings, guilty pleas and bench trials. Once a month I also presided over preliminary hearings for felony matters arising out of the City of Mauldin. During my tenure as the Chief Trial Judge for the City of Mauldin, I also presided over Domestic Violence Court for the City of Mauldin, which occurred once a month. Also, approximately once a quarter, I presided over jury trials for misdemeanor criminal law matters and city ordinance violations occurring in the City of Mauldin.
- (d) March 2019 to Present date: Family Court Judge, Thirteenth Judicial Circuit, Seat 6. I was elected to serve as a full-time Family Court Judge for the Thirteenth Judicial Circuit, Seat

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6, in February 2019. I closed my law firm and began serving in this capacity at the end of March 2019 and I continue to serve as a Family Court Judge to date. As a Family Court Judge, I preside over cases in the following matters: those within the provisions of the Uniform Interstate Family Support Act; actions for divorce, separate support and maintenance, legal separation, any and all marital litigation between parties; actions related to the termination of parental rights and adoptions of both children and adults; annulments of marriages; the changing of names of adults and children; actions to correct birth certificates; actions to enable minors to engage in military service; actions related to the support of spouses and or children and or to enforce the same; actions to enforce support or compel support to be paid for spouses and or children; actions related to the protection, guardianship and disposition of neglected children; actions related to custody determinations; actions brought by the South Carolina Department of Social Services related to abused and or neglected children and or infirmed/vulnerable adults; and actions related to juveniles charged with various crimes. I preside over these proceedings on a full-time basis and have done so since taking the bench in this capacity.

Judge Salvini reported that she has held the following judicial offices

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.

The Mauldin Municipal Court adjudicates criminal, traffic and city ordinance violations that occur within the city limits of Mauldin, South Carolina. 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

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fine and sentence do not exceed \$5,500.00 or one-year imprisonment.

On February 6, 2019, I was elected to serve as a full-time Family Court Judge for the Thirteenth Judicial Circuit, Seat 6, and I currently hold this position and serve in this capacity. My term will expire June 30, 2022. The Family Court, in general, has jurisdiction to hear the following cases: those within the provisions of the Uniform Interstate Family Support Act; actions for divorce, separate support and maintenance, legal separation, any and all marital litigation between parties; actions related to the termination of parental rights and adoptions of both children and adults; annulments of marriages; the changing of names of adults and children; actions to correct birth certificates; actions to enable minors to engage in military service; actions related to the support of spouses and or children and or to enforce the same; actions to enforce support or compel support to be paid for spouses and or children; actions related to the protection, guardianship and disposition of neglected children; actions related to custody determinations; actions brought by the South Carolina Department of Social Services related to abused and or neglected children and or infirmed/vulnerable adults; and actions related to juveniles charged with various crimes.

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

- (a) State vs. Minors Under the Age of 18. Not reported. No appellate review. This matter involved the State prosecuting several juveniles for allegedly committing the crimes of Murder, Armed Robbery and Conspiracy to Commit Armed Robbery. The State filed a motion seeking to transfer jurisdiction of the juvenile cases to General Sessions, thereby resulting in the juveniles being tried as adults as opposed to minors. I was the judge assigned to hear the State's motion(s), requiring contested evidentiary hearings for each juvenile charged. The juveniles ranged in age from fourteen (14) years old to sixteen (16) years old at the time the offenses were allegedly committed.
- (b) SCDSS vs. Sweatt. Not Reported. Appellate review: S.C. Dep't of Soc. Servs. v. Sweatt, No. 2020-000908, 2021 WL 2104867 (S.C. Ct. App. May 24, 2021). This matter

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involved the termination of parents' rights to their minor child. The foster parents for the minor child were permitted to intervene in the action. A contested trial was held which resulted in the parents' rights being terminated. The order I issued terminating the parents' rights was affirmed on appeal.

- (c) SCDSS vs. Mestler. Not reported. No Appellate review: This matter also involved the termination of parents' rights to their minor child. A contested trial was held, which resulted in the parents' rights being terminated. To my knowledge the parents did not appeal.
- (d) SCDSS vs. Reed. Not reported. No Appellate review. This matter also involved the termination of parents' rights to their minor child. The foster parents for the minor child were permitted to intervene in the action. A contested trial was held, and I declined to terminate the parents' rights. To my knowledge no parties appealed my decision.
- (e) SCDSS vs. Rogers. Not Reported. Appellate review: S.C. Dep't of Soc. Servs. v. Rogers, No. 2019-001487, 2021 WL 832040 (S.C. Ct. App. March 3, 2021). This matter also involved the termination of parents' rights to their minor child. The foster parents for the minor child were permitted to intervene in the action. A contested trial was held which resulted in the parents' rights being terminated. The order I issued terminating the parents' rights was affirmed on appeal.

Judge Salvini reported the following regarding her employment while serving as a judge:

2007-March 2019. Self-employed as the Senior Partner at Salvini & Bennett, Attorneys at Law, LLC. I, along with my former law partner, owned and managed the aforementioned law firm. During that time, I served as a part-time judge for the City of Mauldin as stated herein above. As the senior partner at Salvini & Bennett, Attorneys at Law, LLC, I handled a wide variety of legal issues for individuals and businesses. I represented individuals and businesses in civil, criminal and family law matters at all stages of the litigation process. My practice areas included: all pretrial and trial matters for contract and real property disputes, all pre-trial and trial matters in domestic law cases; all pre-

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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, handled the administrative duties associated with operating a law firm, to include the management of our law firm's trust account.

When I was elected to serve as a Family Court Judge for the Thirteenth Judicial Circuit, Seat 6, in February 2019, I closed my law firm in March of 2019. Since that time, I have not had any other employment other than elected judicial office.

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, the U.S. District Court Judges decide who will fill the vacancy.
- (b) In 2017, I applied for the Circuit Court Bench, 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 on Judicial Qualification found Judge Salvini to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience and judicial temperament. The Committee had no related or summary comments.

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Judge Salvini is not married. She has no 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) United Housing Connections, Vice Chairperson, 2017-2018, Board Chair 2019-Present Date.

Judge Salvini provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations: United Housing Connections, Vice Chairperson 2017-2018, Board Chair Person 2019-Present

Judge Salvini further reported:

As I stated when I initially sought election to the Family Court Bench, 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 served me well in the practice of law, as a Municipal Court Judge, and now as a Family Court Judge. Since becoming a Family Court Judge, I have strived to be a 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. I hope to continue to do so by being re-elected to the position that I currently hold.

(11) Commission Members' Comments:

The Commission continues to be impressed by Judge Salvini's positive energy and enthusiasm.

(12) Conclusion:

The Commission found Judge Salvini qualified, and nominated her for re-election to Family Court, Thirteenth Judicial Circuit, Seat 6.

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**The Honorable Douglas L. Novak
Family Court, Fourteenth Judicial Circuit, Seat 2**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Novak was born in 1968. He is 54 years old and a resident of Bluffton, South Carolina. Judge Novak provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1993.

(2) Ethical Fitness:

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

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

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

Judge Novak testified he has not:

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

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

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(3) Professional and Academic Ability:

The Commission found Judge Novak to be intelligent and knowledgeable.

Judge Novak reported that he has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

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

(4) Character:

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

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

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

(5) Reputation:

Judge Novak reported that his last available rating by a legal rating organization, Martindale-Hubbell, was AV Preeminent.

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

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

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

- (a) Aiken County Public Defender, 12/15/93 - 1/15/95
Special Grant Attorney
Assigned to the representation of juveniles in Family Court adjudications.
- (b) Solicitor's Office, Second Judicial Circuit, 1/15/95 - 1/5/97
Assistant Solicitor
Assigned to full caseload throughout Aiken, Bamber and Barnwell Counties, in addition to prosecution of juvenile delinquency adjunctions in the Family Court.
- (c) Office of the Governor, 1/6/97 - 1/5/99
Legal Counsel to the Governor
Served as executive counsel to the Governor including staffing proposed legislation, extraditions, capital case reviews, liaison work with the South Carolina Congressional Delegation and federal agencies associated with the Savannah River Site complex, in addition to representing the Governor on a number of environmental boards and commissions.
 - Low-Level Nuclear Waste Forum
 - Hazardous Waste Management Select Oversight Committee
 - South Carolina Natural Resource Trustee
 - South Carolina Aquatic Plant Management Council
 - South Carolina Geological Mapping Advisory Committee
 - South Carolina Procurement Review Panel
- (d) Montgomery, Patterson, Potts & Willard, LLP, 1/15/99 - 1/15/01
Partner
General practice law firm with a primary focus on domestic relations, personal injury and corporate litigation.
- (e) Solicitor's Office, Ninth Judicial Circuit, 1/15/01 - 8/15/04
Assistant Managing Solicitor
Assigned to administration of Charleston and Berkeley County offices, including personnel, budget, grant development and oversight, and department liaison work.

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Also assigned a caseload for prosecution through trial, diversion and negotiated pleas.

- (f) Novak and Novak, LLC, 8/15/04 - 9/1/05
Associate
General practice law firm with a primary focus on municipal representation, real estate, domestic relations and civil litigation.
- (g) Vaux & Marscher, P.A., 9/1/05 - 6/15/09
Senior Litigator
General practice law firm with a primary focus on criminal defense, civil litigation and domestic relations. In addition, assigned management of firm litigation team and support staff.
- (h) The Novak Law Group, LLC, 7/15/09 - 4/20/20
Attorney
General practice law firm with a primary focus on domestic relations, guardian ad litem work, and extensive practice as a Certified Family Court Mediator. Practice included the management and oversight of general operating and client trust accounts.
- (i) Magistrate Court, Beaufort County, 7/2/12 - 4/14/20
Magistrate
Associate Chief Magistrate, 6/25/18 - 4/14/20
Part-time Magistrate handling civil and criminal matters (jury and non-jury matters), evictions, restraining orders and bond hearings. In addition, staffed with management of judicial clerks, case/hearing scheduling, roster meetings, processing continuance requests and orders of protection, scheduling trials, and civil/criminal docket management.
- (j) Family Court, Fourteenth Judicial Circuit, 4/20/20 - Present
Judge, Seat 2
Resident Family Court Judge for Beaufort County presiding over the scheduled Court dockets for Beaufort, Jasper, Hampton, Allendale and Colleton Counties. Docket work includes case motions, status conferences, adoptions, Emergency Orders of Protection from Domestic Abuse, Temporary Hearings, Juvenile Adjudications, South Carolina Department of Social Services actions (abuse and neglect), divorce, custody, visitation, support and general litigation.

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

- (a) Beaufort County Magistrate, 7/2/12 - 4/14/20.
Appointed by the Governor / Advice and consent of the South Carolina Senate.
Criminal jurisdiction: Up to \$500.00, and/or up to thirty (30) days in jail. Civil jurisdiction: Up to \$7,500.00 in controversy.
- (b) Beaufort County Associate Chief Magistrate, 6/25/18 - 4/14/20.
Appointed by Chief Justice Donald W. Beatty, South Carolina Supreme Court
- (c) Family Court Judge, Fourteenth Judicial Circuit, 4/20/20 - Present.
Elected by the South Carolina General Assembly.
Jurisdiction: Domestic matters as outlined in South Carolina Code §63-3-530.

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

- (a) In the Interest of XB, 2019-JU-07-0317, Waiver Hearing/Order for juvenile to the South Carolina Court of General Sessions
- (b) South Carolina Department of Social Services v. Smith, et al., 2020-DR-07-0392, Abuse/Neglect case with one minor child placed in foster care, investigation of one out of state placement, and one minor child being placed out of the country
- (c) South Carolina Department of Social Services v. Marquez, 2021-DR-07-0097, Action seeking the entry of a parent onto the Central Registry of Abuse and Neglect
- (d) Shaw, et al. v. Conde, et al., 2017-DR-15-0552, Adoption action between maternal and paternal grandparents
- (e) Salgado v. Maldonado, 2020-DR-07-0904, Custody/Visitation action seeking Court determination of an unfit deceased parent for use in a Special Juvenile Immigrant Status action

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Judge Novak reported the following regarding his employment while serving as a judge:
Private practice of law while serving as a part-time Magistrate.

Judge Novak further reported the following regarding unsuccessful candidacies:
Yes, offered candidacy for Family Court, Fourteenth Circuit, Seat 2 in 2018, withdrew.

- (9) Judicial Temperament:
The Commission believes that Judge Novak’s temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualification found Judge Novak “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 noted: “Judge Novak has really embraced Family Court since his election into the bench and has a very good handle on its importance within the community.”

Judge Novak is married to Erin Kathleen Novak. He has one child.

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

- (a) South Carolina Bar Association
- (b) Beaufort County Bar Association
- (c) Hilton Head Island Bar Association

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

- (a) Judicial Observation and Experience (JOE) Program
- (b) Southern Beaufort County Corridor Beautification Committee, Chairman
- (c) Port Royal Historic Review Commission
- (d) St. Gregory the Great Pastoral Council

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- (e) St. Vincent's Academy Grounds Beautification Commission
- (f) The Gamecock Club
- (g) RBC Heritage Golf Tournament, Practice Area Marshall, Co-Chairman
- (h) South Carolina Bar, Fourteenth Circuit, Pro-Bono Board
- (i) South Carolina Bar, Mock Trial Competition, Judge
- (j) South Carolina Bar, Beaufort County, Fee Arbitration Board
- (k) Lowcountry Legal Volunteers, Estate Planning Workshop for First Responders
- (l) Hopeful Horizons, LLC, Deferred Action for Childhood Arrivals (DACA) Workshop

Judge Novak further reported:

I am a firm believer that every individual is a creature of his or her own experiences. In that respect, I think both the breadth and depth of my personal and professional experience have provided me with the necessary tools to effectively serve our state on the Family Court Bench. My career has included a great deal of direct experience in the Family Courts of this state from the defense and prosecution of juvenile adjudications, to the more traditional representation of adult clients in divorce, division of property and custody actions. In addition, I have also had the opportunity to serve as a guardian ad litem for many years, and to mediate hundreds of cases within the Family Court system. I have certainly depended on these experiences and believe they have provided an excellent foundation for the rigors and technical experience I have found is required of a Family Court Judge.

At the same time, I have had the opportunity to serve at the highest levels of state government, practiced law in both the firm and solo settings, and presided over criminal and civil cases in the Beaufort County Magistrate Court for nearly eight (8) years. On the personal side, I have been married for twenty-five (25) years and have a twenty-three (23) year old daughter who has earned an undergraduate and Master's Degree, and is now starting her own professional career in Washington, DC. I believe all of this 'experience', both professional and personal, ground me as a person, guide me as an Attorney, and will continue to inspire me as a Judge.

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Commencing my service on the Family Court bench, albeit in the midst of the pandemic, has been both educational and challenging; there have been good days, bad days and very disappointing and sad days. All tallied, and without a doubt; the opportunity to serve in this capacity has been the honor of a lifetime.

- (11) Commission Members' Comments:
The Commission commented that members did not have questions for Judge Novak because he was recently screened in 2019. The Commission noted Judge Novak has quickly adapted to the bench and is doing a great job.
- (12) Conclusion:
The Commission found Judge Novak qualified and nominated him for re-election to Family Court, Fourteenth Judicial Circuit, Seat 2.

**The Honorable Melissa J. Buckhannon
Family Court, Fifteenth Judicial Circuit, Seat 2**

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Buckhannon meets the qualifications prescribed by law for judicial service as a Family Court judge.
- Judge Buckhannon was born in 1969. She is 52 years old and a resident of Myrtle Beach, South Carolina. Judge Buckhannon provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1994.
- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Buckhannon.
- Judge Buckhannon demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte

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communications, acceptance of gifts and ordinary hospitality, and recusal.

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

Judge Buckhannon 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 Buckhannon 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 Buckhannon to be intelligent and knowledgeable.

Judge Buckhannon reported that she has taught the following law-related courses/lectures:

- (a) I have coordinated and participated as a presenter for the annual Horry County Family Court Procedural & Substantive Law Seminar from 2000 to 2013. I have continued to contribute the seminar as a part of the organizational committee and presenter from 2015 until present. This is an annual seminar that is conducted each year by the Horry County Family Court Bar. In working closely with our resident judges, the committee presents a practical nuts & bolts type seminar which aids the Family Court practitioner with substantive and procedural issues dealt with in Family Court.
- (b) I was part of the presentation faculty for the seminar Presenting the Family Law Case: The Basic Essentials on April 27, 2012. This is a seminar presented by the Family Law Council of the SC Bar on a bi-annual basis to teach attorneys who are new to Family Court the basic procedures for practicing in Family Court.

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- (c) I was part of the presentation faculty for the seminar Steering Your Way Through Family Court on May 21, 2010. This is the first seminar presented by the Family Law Council of the SC Bar, now done on a bi-annual basis to teach attorneys who are new to Family Court the basic procedures for practicing in Family Court.
- (d) I was part of the presentation faculty for the seminar Children's Issues in Family Court on March 17, 2006, and March 28, 2008. This seminar dealt directly with the issues of children in Family Court. It also served as training for Guardians ad Litem in Family Court.
- (e) I was part of the presentation faculty for the seminar Hot Tips from the Coolest Domestic Law Practitioners on September 23, 2005, September 26, 2014, September 2018, and September 2020. This is a seminar conducted by the Family Law Council each year to educate new and experienced attorneys alike in Family court.
- (f) I was part of the presentation faculty for the seminar guardian ad litem Training on March 5, 2004. This seminar dealt directly with the issues of children in Family Court and served as training for guardians ad litem in Family Court.
- (g) I as part of the presentation faculty for the SC Bar Convention Family Court Seminar in January 2019.

Judge Buckhannon reported that she has published the following:

South Carolina Family Lawyer's Toolkit, Second Edition
Published by the South Carolina Bar in 2010

(4) Character:

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

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

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

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

- (5) Reputation:
Judge Buckhannon reported that her last available rating was: BV.

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

Judge Buckhannon reported that she has held the following public office:
Francis Marion University Board of Trustees – May 1998 to June 2013. Elected by the SC General Assembly. All reports were timely filed.

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

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

- (8) Experience:
Judge Buckhannon was admitted to the South Carolina Bar in 1994.

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

- (a) Law Clerk to the Honorable James E. Lockemy, Circuit Judge of the Fourth Judicial Circuit – August 1994 to August 1995.
- (b) Law Offices of John R. Clarke, North Myrtle Beach, South Carolina, Associate, Civil and Domestic Litigation, August 1995 to November 1996
- (c) Jeffcoat Pike & Nappier, LLC, Myrtle Beach, South Carolina, Associate, Domestic Litigation to include GAL work and mediation, November 1996 to August 2000

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- (d) Monckton Law Firm, Myrtle Beach, South Carolina, Associate, Domestic Litigation to include GAL work and mediation, August 2000 to March 2001
- (e) Jeffcoat Pike & Nappier, LLC, Myrtle Beach, South Carolina, Partner, Domestic Litigation to include GAL work and mediation, March 2001 to October 2007. I was not a managing partner; therefore, my involvement with administrative and financial management was to review proposals of the managing partners as a partner. I had signatory authority on the trust accounts but did not perform any accounting or balancing of these accounts as that was done by the firm bookkeeper.
- (f) McLain & Lee, LLC, Conway, South Carolina, Partner, Domestic Litigation to include GAL work and mediation, October 2007 to December 2010. I was the partner in charge of the Conway office, and I made the day-to-day decisions for that office. Any major decisions impacting the firm was made by the managing partner. I had signatory authority on the trust accounts but did not perform any accounting or balancing of these accounts as that was done by the firm bookkeeper.
- (g) Melissa Johnson Emery, LLC, Conway, South Carolina, Owner, Domestic Litigation to include GAL work and mediation, January 2011 to February 2014. As a sole practitioner, I made all managerial decisions for the office. I also oversaw all bank accounts, including the trust account.
- (h) Family Court Judge of the Fifteenth Judicial Circuit, Seat #2, February 2014 to present.

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

Family Court Judge, Fifteenth Judicial Circuit, Seat 2 – Elected by the General Assembly in February 2014. I have served as a Family Court judge from February 2014 until present.

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

- (a) Mark S. Jakubowski v. Pamela Jakubowski (2018-DR-26-1160)

This case dealt with the issue of modification of custody, wherein the parents had joint custody of the minor children

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pursuant to a settlement agreement that was approved and made part of the Final Order in their divorce case, with Plaintiff Father having primary status and Defendant Mother having secondary status. Plaintiff was seeking to modify custody and visitation based upon his desire to move from the area with the minor children. His reason for moving was two-fold. First, he had married, and his new wife lived in another state, and she earned a significantly higher income than he did and would not give up her job to move to SC. Second, he alleged his job situation had changed in SC causing him to make less money, and he believed he could make more money if he moved to the area in which his new wife lived. Father further testified that if he could not take the children with him, he would not move and allow Mother to have primary custody. Mother objected to the modification because she would lose the significant amount of time she spent with her children. Mother exercised her shared time with the children each week and often got more time than ordered. She was active in their schools, social and extracurricular activities. In fact, after the Final Order was entered, the Father moved to another area of the county, she moved as well to be close to the children even though it put her further away from her job.

Father failed to show a material and substantial change of circumstances *in the best interest of the children* to warrant a modification to allow him to take the children with him if he moved. At the time he entered into the agreement with Mother, he was already dating the woman and he knew she lived in another state, and they had already discussed marriage. Therefore, the fact of his marrying a woman who lived in another state should have been taken into consideration when entering into the agreement. Father also failed to present any evidence that his job status had changed through no fault of his own. In fact, he took so much time off to travel to see his wife, his boss reduced his hours which affected his income. Father also failed to show that he could have a better job in the other state because he had not yet applied for any jobs. Mother showed that she had a close relationship with the children, and that relationship would be hugely impacted if the children were moved to another state.

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She did not have the financial resources to travel to see the children or be involved in their activities on a regular basis.

I ruled that while the Court could not prevent Father from relocating, he could not relocate the children. If he chose to remain in South Carolina the Final Order would not be modified and would remain in place. However, if he chose to relocate, Mother would then have primary custody of the children, and Father would have a standard visitation schedule for out of state parents.

The Final Order was not appealed.

- (b) Craig Doehner and Sharon Doehner v. Eric J. Perry (2019-DR-22-0316)
Ex Parte Linda Charles (Unpublished Opinion No. 2021-UP-004)

This case was a TPR/Adoption case wherein the maternal grandparents sought to terminate the parental rights of the Defendant Father and adopt his two minor children. Defendant Father is incarcerated for killing the mother of the children, and the Plaintiffs received an order of custody of the two children after the death of their daughter. The Defendant's mother, Linda Charles filed a Motion to Intervene into the action. Ms. Charles had filed an action against Craig and Sharon Doehner seeking visitation rights to the minor children prior to the filing of the TPR/Adoption action. However, after the TPR/Adoption action was filed, the visitation case between the grandparents went to trial. Ms. Carter was awarded visitation with the minor children. She filed her Motion to Intervene stating concern that the TPR/Adoption action, if granted, would stop her visitation with the minor children.

I denied her Motion to Intervene and found that she did not have standing to intervene into the TPR/Adoption action as her consent and relinquishment to the TPR and adoption was not required. I found that she had a separate order of visitation with the minor children in which the Doehners were bound, and they would have to modify that order if they wished to take away her rights to see the children. Ms. Charles appealed the Order regarding the Motion to Intervene, and the Order was affirmed.

- (c) In the Interest of James Conway – A juvenile (2017-JU- 26-148; 2018-JU-26-425, 426, 457, 458, 482, 483)

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This case dealt with a juvenile who was charged with four counts of Pointing and Presenting a Firearm and four counts of Assault & Battery 2nd degree. A truancy contempt charge was Nolle Prosequi by the State.

The juvenile, along with two friends, went to the pool area of an apartment complex that primarily houses students from Coastal Carolina University. They did not live in the complex and were not there visiting anyone in the complex. While there, they encountered four young adult men in the pool area. Pursuant to the testimony of all witnesses, one of these men and a friend of the Defendant exchanged words, but it did not become heated. They were all exiting the pool area at around the same time. When the Defendant got into his car, he was upset that one of the men had said something to his friend. He retrieved a gun from the console of the vehicle and pointing it at the four young men while yelling threats and obscenities. He then sped off in his vehicle while continuing to point the gun. Shots were not fired.

The juvenile was adjudicated delinquent and prior to sentencing was sent to the Reception and Evaluation center for a complete and thorough evaluation not to exceed forty-five days prior to disposition. Often sending a child to R&E makes a huge difference in their lives because they get a glimpse of what life behind the fence at DJJ can be like. Those forty-five days can serve as a turning point in their lives, and that is exactly what happened with this juvenile. When he came back after evaluation, he was a different person. He took responsibility for his actions and had remorse, which he had not shown during his testimony at trial. The report of his behavior from the R&E center was positive as he had no behavioral problems and did all that was asked of him. Based upon his evaluation and good behavior, I sentenced him to DJJ suspended to probation, with an opportunity to stay home unless his good behavior did not last. In that event he could be placed automatically in alternative placement. I have heard of no further misconduct by this juvenile.

The Order was not appealed.

- (d) Michelle Kosier v. Carroll Curtis Coats, Jr. (2018-DR-22-0376)

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This case dealt with the issue of transmutation of non-marital assets during the marriage. These parties were both in their fifties when they married after a short courtship. Both owned assets prior to the marriage. Husband owned real estate in a trust with his family and Wife had substantial investment accounts and owned a home. Both parties took steps within the first couple of years of marriage to add the other's name in some way to their non-marital property. Wife liquidated most of her investment accounts which was used as down payments to a home and business in Pawley's Island. Those properties were deeded in both names. Husband added the Wife's name to his family trust which held three homes in West Virginia, making her an equal beneficiary to the trust as him. During the marriage, both parties assured the other of being willing to walk away from the other's property if the marriage did not last; however, after the end of the short-term marriage, both parties claimed an equal interest in the other's property.

The tough issues of the case were the contribution levels of the parties to the marital property and the losses that were received because of forced sales of properties when the marriage collapse so soon after property was purchased. While it was clear Wife's non-marital funds were used to purchase the Pawley's Island properties, Husband did contribute some from his income to his income but not very much. When this property was sold, the parties took a huge loss and did not recover the amount of the down payments on the properties. Wife wanted the entire proceeds from the sale of the properties and wanted additional funds from Husband to make her "whole" considering what she had liquidated and used in non-marital funds. While Husband did add Wife's name to his non-marital property, they both testified that she had contributed nothing financially to this property. She had never even seen this property. However, she demanded to be awarded half of the property, and Husband wanted her to receive nothing. This case was a classic example of "What's mine is mine and what's yours is mine!" There were other assets that had been acquired during the marriage that was clearly marital, but not a substantial amount.

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I found that both parties had transmuted the non-marital property into marital property. However, I took into consideration the contribution levels of the parties to the marital property and divided the property so that they had an even division of assets. In my ruling I focused heavily on being responsible for one's own actions.

The Final Order was not appealed.

- (e) South Carolina Department of Social Services v. Victoria Lynn Rose and Medardo Cortes Carbajal (2017-DR 26-1144)

This was a termination of parental rights action brought by SCDSS. The Defendants are the biological parents of four children. Mother is a US citizen and Father is from Mexico and was a legal resident. The two youngest children are twins and upon their birth, they along with Mother tested positive for drugs. At that time SCDSS opened an abuse and neglect case against Mother. They placed all four children, which included the infants, a four-year-old and six-year-old, with Father as an in-home protector. Mother was given a treatment plan, but she consistently failed to actively participate in the treatment plan.

Father was stopped one day during a routine traffic stop and was found to have an outstanding warrant for CDV that Mother had taken out a few years earlier. The warrant had never been served upon him. Father was deported and went home to Tijuana, Mexico. The children were removed from the home and placed in separate foster care homes. Father attempted to maintain a relationship with the children through DSS, but his efforts were ignored. Even though he provided an address to SCDSS he received nothing. He pressured Mother to maintain her visitation with the children as he was able to FaceTime with them during her visits. After many months, Mother failed to successfully complete her treatment plan and the abuse and neglect case was closed. Because Father had never been served or given any possibility of participation in the case, all action taken in the underlying case was without prejudice to him.

SCDSS then filed the TPR case against both parents seeking to terminate their parental rights to the minor children. The alleged grounds against Father were failure to

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visit for over six months, failure to pay support for over six months, and children had been in foster care for 15 of the last 22 months. Father was served with the Summons and Complaint and an attorney was appointed for him. Father objected to having his parental rights terminated. While SCDSS did not like the fact Father lived in Mexico, upon a home study being done on Father's home in Tijuana, it was found that he was gainfully employed, had a home that could accommodate the children and had family support. All references spoke highly of Father and his work ethic. SCDSS rejected the first home study as "unsatisfactory" even though the agency who did the study found his home to be "satisfactory". However, once Father became aware of the problem, he obtained new housing and made every effort to address any issues that SCDSS may have had. Once again, they found the home study "unsatisfactory" after the agency doing the study found his home "satisfactory". SCDSS continued with the TPR action against Father and Mother.

I found that SCDSS failed to meet their burden in proving their grounds for TPR against Father. The statute requires proof that a parent who fails to visit has not been prevented from doing so. By his deportation and SCDSS's refusal to arrange any contact between him and the children, he was prevented from having any meaningful contact with his children. Regarding the allegations of failure to support, SCDSS would provide no information of where support could be sent. Once he was provided the information, he began sending support each month. Regarding the time the children spent in foster care, the case worker acknowledged that Father had been suitable when in the US, but she never considered placing the children with him in his home in Mexico, and she made the decision to put them in foster care and leave them there. Basically, SCDSS made the decision they were not going to go through any steps to reunite the children with Father because of the fact he lived in Mexico.

I granted the TPR as to Mother, as she had done absolutely nothing to get her children back, including not showing up for the trial. However, I denied it as to Father and required SCDSS to reunite him with the children. This case was a learning experience as the children had to have passports issued, and the Mexican consulate became

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involved as a resource. However, the children were reunited with their Father.

The Final Order was not appealed.

Judge Buckhannon reported no other employment while serving as a judge.

Judge Buckhannon further reported the following regarding unsuccessful candidacies:

- (a) I ran for Horry County Family Court Seat 3 in 2008. I withdrew from the race in January 2008.
- (b) I ran for Family Court At-Large Seat 5 in 2013. I lost the race by vote of the General Assembly.

(9) Judicial Temperament:

Judge Buckhannon's BallotBox survey results contained several comments about her judicial temperament. Members of the Commission expressed concerns and addressed these concerns with Judge Buckhannon at the public hearing. The Commission believes Judge Buckhannon needs to make a genuine effort to improve her temperament before the next screening, and Judge Buckhannon expressed her willingness to work on these issues. She assured the Commission that she takes her job very seriously and will make the necessary changes.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualification found Judge Buckhannon 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 did not have related or summary comments.

Judge Buckhannon is married to Thomas Eli Buckhannon. She has two children.

Judge Buckhannon reported that she was a member of the following Bar and professional association:

- (a) South Carolina Bar Association

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- (b) Horry County Bar Association
- (c) Coastal Women's Law Society, 2000 – present; President 2000 – 2003
- (d) Chief Justice's Commission on the Profession
- (e) SC Human Trafficking Taskforce for the Coastal Region - Mentor

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

- (a) Coastal Inn of Court – 2014 – Present
- (b) Your Sister's Closet charitable organization – 2015 – present; Vice President
- (c) South Carolina Family Court Inn of Court – June 2021 – I am a charter member and we
- (d) have just received our formal charter from the Inn of Court organization. It is in the
- (e) formation stages; however, as the charter has been approved, I am including it in my
- (f) information.
- (g) Silver Fox Landing, HOA Board or Directors – November 2018 – present; President of
- (h) the BOD May 2019 - present

Judge Buckhannon further reported:

Except for my first year in practice, I have dedicated my entire professional life to practicing in Family Court and have practiced in no other area. I am passionate about this area of the law. We deal with people's children, livelihood, and assets during the most difficult time of their lives. Having gone through the process of a divorce myself, I have been on the "litigant" side of Family Court as well. Therefore, I am well acquainted with the fact that someone going into the Family Court arena must put their trust in the system and the fact that the judge presiding over the matter has the requisite knowledge of law and concern for the litigants.

Since becoming a Family Court judge, I have come to realize what importance the position brings with it. I believe we not only have a duty to serve in the courtroom, but we have a duty

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to help educate where we can to make the Family Court system work better and benefit the people we serve. While judges are important to the justice system, we are just one cog in a big wheel, and I feel an obligation to make sure the entire wheel is working.

As a judge, I have endeavored to do as much as I possibly can to educate attorneys who practice in Family Law. However, recently my endeavors to educate has extended to newly elected Family Court judges as well. As one of the two Family Court judges who serve on the Chief Justice's Commission on the Profession, I took on the task of addressing the issue of training for newly elected Family Court judges. To accomplish this, I created and chair a Training Committee that developed a new training plan for Family Court judges. This plan includes a training team of judges who are committed to providing extensive training on the bench and in chambers. The plan also includes expanded training time and exposure to different circuits around the state. It is our goal to make sure each judge who presides in Family Court has the training to make the decisions that we are called upon to make.

As part of my desire to see better prepared people in Family Court, I have helped train lay guardians ad litem who represent children in abuse and neglect cases in Horry County. Every child in cases such as these must have an advocate who is trained in the role, they must play in the court process. Therefore, I participate in the training of these guardian ad litem, and I also participate in their required continuing education courses. It is my goal that each child has representation as prepared and capable as any other participant in a DSS case.

I have also partnered with the Horry County School District to combat the problem of truancy. It is an established fact that truancy is a bigger indicator of future delinquent behavior than any other indicator including race, gender, or social economic status. Horry County is one of the few counties that aggressively deals with truancy, which has a correlating effect upon lessening the amount of violent and more serious crimes in juvenile court. Therefore, I participate in the programs the

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district holds with parents and students to educate them about the importance of school attendance. It is my goal for every child to get an education so that they can have every chance available to them to succeed.

I have participated with the South Carolina Human Trafficking Task Force for the Coastal Region to educate members of the community regarding the indicators and dangers of sex trafficking that impacts our children and young adults. I have participated in seminars held in schools, churches, civic organizations, etc. to help stop this tremendous problem that has so many victims. I have traveled to Charleston, Columbia, Anderson, and other places around the state to take part in the vital effort to educate parents, children, and community leaders about how victimization happens and how it can be avoided. I believe that education is key.

(11) Commission Members' Comments:

The Commission commended Judge Buckhannon for her service to the family court and her community, but expressed concerns regarding her judicial temperament.

(12) Conclusion:

The Commission found Judge Buckhannon qualified, and nominated her for re-election to Family Court, Fifteenth Judicial Circuit, Seat 2.

**Melissa M. Frazier
Family Court, Fifteenth 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, Fifteenth Judicial Circuit, Seat 3, 2 candidates applied for this vacancy, and 1 candidate withdrew before

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the Commission voted. Accordingly, the name and qualification of 1 candidate is hereby submitted in this report.

(1) Constitutional Qualifications:

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

Ms. Frazier was born in 1969. She is 52 years old and a resident of Little River, South Carolina. Ms. Frazier 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. She was also admitted to the North Carolina Bar in 1998.

(2) Ethical Fitness:

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

Ms. Frazier 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. Frazier reported that she has made \$212.30 in campaign expenditures for rack cards, thank you cards, paper, postage, and a name tag.

Ms. Frazier 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. Frazier testified that she 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 Ms. Frazier to be intelligent and knowledgeable.

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

- (a) I lectured on the topic of Name Changes at the December 2002, Horry County Bar Procedure and Substantive Family Law Seminar;
- (b) I lectured on the topic of Contested Termination of Parental Rights at the December 2005, Horry County Bar Procedure and Substantive Family Law Seminar – spoke on the topic of Contested Termination of Parental Rights;
- (c) I lectured on the topic of Adult Name Changes at the December 2006, Horry County Bar Procedural and Substantive Law Seminar;
- (d) I spoke on the topic of Mediation at the October 2007, Horry County Bar Procedural and Substantive Law Seminar;
- (e) I lectured on the topic of Visitation Schedules at the December 2008, Horry County Bar Procedural and Substantive Law Seminar;
- (f) I lectured on the topic of Visitation at the December 2009, South Carolina Bar, Family Law Seminar;
- (g) I presented on the topic of Introduction of Exhibits at the December 2009, Horry County Bar Procedural and Substantive Law Seminar;
- (h) I spoke on the topic of Interviewing a Parent at the October 29, 2010, Horry County Bar Guardian ad Litem Training Seminar;
- (i) I presented on the topic of Preparation for Mediation on Children’s Issues December 2010, Horry County Bar Procedural and Substantive Law Seminar;
- (j) I lectured on Mediation Etiquette at the December 2011, Horry County Bar Procedural and Substantive Law Seminar;
- (k) I presented on the topic of Family Court Rule 14 at the December 2012, Horry County Bar Procedural and Substantive Law Seminar;
- (l) I coordinated and moderated at the December 2013, Horry County Bar Procedural and Substantive Law Seminar;

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- (m) I spoke on the issue of Guardian ad Litem at the May 2015, Family Law Intensive Class sponsored by the Horry County Bar;
- (n) I served as coordinator and moderator at the February 2015, February 2016, February 2017, Horry County Bar Procedural and Substantive Law Seminar;
- (o) Retired Judge Lisa A. Kinon and I spoke together on the topic of mediation at the November 17, 2017, South Carolina Bar, Effective Mediation Practice for Advocates and Mediators;
- (p) I served as the course planner and moderator at the January 19, 2018, Family Law Section seminar of the S.C. Bar Convention;
- (q) I served as coordinator, moderator and panel member at the February 2018, Horry County Bar Procedural and Substantive Law Seminar;
- (r) I lectured on the topic of Child Support and Alimony at the September 20, 2019, South Carolina Bar, Hot Tips From the Coolest Domestic Law Practitioners;
- (s) I served as coordinator, moderator, and spoke on the issue of Guardians ad Litem February 7, 2020, Horry County Bar Procedural and Substantive Law Seminar;
- (t) I spoke on the topic of Client Credibility September 2020, South Carolina Bar, Hot Tips From the Coolest Domestic Law Practitioners;
- (u) I served as course planner and moderator at the S.C. Bar Hot Tips from the Coolest Domestic Law Practitioners held on September 24, 2021;
- (v) I served as course planner and moderator at the S.C. Bar Family Law Intensive CLE held on October 22 - 24, 2021.

Ms. Frazier reported that she has published the following:
South Carolina Family Lawyer's Toolkit, 3rd Edition, South Carolina Bar 2017, co-editor and contributor.

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

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

The Commission also noted that Ms. Frazier 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. Frazier reported that her rating by a legal rating organization, Martindale-Hubbell, is Distinguished.

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Ms. Frazier was admitted to the South Carolina Bar in 1996.

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

- (a) Law Office of Walter J. Wylie, September 1996 –1999.
Worked as an associate in the primary area of family law.
- (b) Wylie & Frazier, P.C., 1999 - March 2010. Became a junior partner, practicing in the area of family law. I would review the financial accounts, including trust accounts on a regular basis.
- (c) Frazier Law Firm, P.C., March 2010 – Present. Opened my own law firm where I continue my family law practice. I oversee the administration and financial management of this practice, including all bank accounts and trust accounts.

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

Divorce and Equitable Division: Throughout my legal career, I have represented both husbands and wives in fault based and no-fault divorces. Typically, there are issues regarding the equitable division of marital property. I have negotiated settlements in these cases, as well as litigated those that could not be settled. I have represented litigants with complex financial circumstances, where significant assets are at stake and forensic accountants and other experts were necessary. I have also represented litigants with very limited resources, with significant debt, where parties were faced with foreclosure and bankruptcy. Some of these cases involve the issue of whether non-marital property has been transmuted into marital property.

Child Custody and Adoption: I have also represented mothers, fathers, grandparents, great-grandparents, relatives and third parties in custody cases, termination of parental rights and adoptions. The custody cases are sometimes the most difficult and heart wrenching. Some parties lose sight of what is best for the children and become focused on winning or losing. It is my obligation to keep my clients aware of this pitfall, while still advocating for their position. On the other hand, uncontested adoptions are the most rewarding part of my practice. I have had the pleasure of representing one couple in the adoption and/or domestication of foreign adoptions of multiple children from various countries.

I have served as a court appointed guardian ad litem in hundreds of contested custody, visitation, and adoption cases throughout my career. This role allows me to focus on the children and less on the litigants. This experience will serve me well in a judicial capacity as the Family Court's role is to determine what is in the best interest of the child while applying the law.

Abuse/Neglect and Juvenile Cases: I have also been involved in numerous abuse and neglect cases. I have represented

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defendants or relatives in these cases, I have served as a guardian ad litem and I also act as a mediator in these matters. In these cases, the Family Court must protect the children, while being mindful that most of these parties suffer from very limited finances. I represented juveniles in Family Court earlier in my career. This representation was sometime quite difficult, as I saw my role as two-fold. I had to balance the advocacy for my client, while encouraging them to avoid a future in the juvenile justice and criminal system.

I have also served as a certified family court mediator in hundreds of cases involving the above-referenced issues. Mediation has become a very successful alternative to litigation and allows the parties to play a role in reaching a resolution. I believe this experience will also serve me well as a Family Court judge. It requires you to analyze and approach the cases from a different perspective.

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

- (a) Federal: 0
- (b) State: average one to two times per week

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

- (a) Civil: 0%;
- (b) Criminal: 0%;
- (c) Domestic: 99%;
- (d) Other: 1% probate/wills

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

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

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

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

- (a) Suzanne Gooch Castles vs. Robert Lee Castles, 2009-DR-26-3111. I represented the wife in a hotly contested case involving a common law marriage claim and equitable division of marital assets. The parties worked together in building an engineering firm and there was significant evidence substantiating the wife's common law marriage claim. We originally settled the matter in mediation, agreeing that a common law marriage existed and including continued employment for the wife for a period of years. However, prior to the approval of the agreement, the opposing party claimed that the wife repudiated the agreement and sought to set the agreement aside. Additionally, there was an issue of interpretation of some of the terms. We litigated these issues before the Family Court and I prevailed on enforcing the mediation agreement. Additionally, the Court addressed the interpretation of the language used in the agreement. This case was significant to me as the establishment of common law marriage can be very difficult to sustain and I was able to enforce the mediated agreement.
- (b) Patricia A. Hocker vs. Michael B. Hocker, 2003-DR-26-2504. This case involved the issue of alimony and attorney's fees. The husband had an affair with a woman who babysat for their minor children. Husband admitted to the affair, but claimed that his wife had condoned his misconduct when they attempted reconciliation. This was a long term marriage, with a large disparity in income. My client had been a stay at home mother throughout most of the marriage and she had not had the opportunity to pursue a career of her own. This case was significant to me as I was successful in proving that there was no condonation of the adultery and my client received a favorable award of alimony and attorney's fees. The amount of alimony and attorney's fees were appealed by husband and the decision was upheld.
- (c) Stephanie Allyson Militano-Catanzaro vs. Leonard Vincent Catanzaro, 2009-DR-26-1158. In this case, I represented the husband and successfully defended an alimony award. The parties had been married fifteen years and had three

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children together. After factoring in child support, the Family Court found that the wife's disposable income was greater than husband's disposable income. If alimony had been awarded, it would only serve to increase this disparity and would have caused significant financial distress for my client.

- (d) Kenneth and Sara Gore vs. Lysie DePoalo, 2013-DR-26-2954. This was a contested termination of parental rights and step-parent adoption. The mother and father had previously settled their custody/visitation case after extensive negotiation. After the Final Order was entered, mother moved to the west coast to pursue a bartending career. She made no effort to visit with her child nor did she maintain significant contact with the child for approximately one year. I filed an action to terminate her parental rights and requested a step-parent adoption. After hearing testimony and input from the guardian ad litem, the Court granted both the termination of parental rights and the step-parent adoption. This case was significant as it was a close fact situation and clearly rested on the credibility of the parties and witnesses. The guardian ad litem and the minor child's wishes were also crucial in this case.
- (e) Linda J. Hardwick and William T. Hardwick vs. Mike Hardwick and Tonya Marie Hardwick, 2019-DR-26-1827. This was a grandparent custody case in which the parents had issues with drugs. It was a common case that had originated as a Department of Social Services action and moved into the private realm. Unfortunately, this case came up for trial during COVID-19 and the courts were not having in-person hearings. However, this matter needed to be resolved for the child's sake. Therefore, this matter was heard via Web-Ex. This case was significant as it was very challenging to try this case in this manner and required flexibility and patience to litigate this matter properly in order to provide some finality to this family.

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

Patricia A. Hocker vs. Michael B. Hocker, Unpublished
Opinion No. 2006-UP-136,

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March 9, 2006, Court of Appeals of South Carolina.

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

Ms. Frazier further reported the following regarding unsuccessful candidacies:

I previously ran for Judge of the Family Court, At-Large, Seat 7 in 2016.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualification found Ms. Frazier "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 noted: "The Committee is aware of and is concerned about the civility of the race for this particular seat. This candidate has strong supporters and detractors, as does her opponent. While there is a definite divide regarding the candidate's personalities there appears to be an overall agreement that both candidates are qualified for the position.

Ms. Frazier is not married. She has two children.

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

- (a) SC Bar Association, 1996 – present;
- (b) SC Bar, Family Law Section Council from 2014- present. Served as Secretary, Chair-Elect, Chair and Past Chair from 2015- 2019;
- (c) Horry County Bar Association, 1996- present. Served as Secretary, Treasurer, Vice President and President from 2005- 2008;
- (d) Horry County Bar Association, Family Court Executive Advisory Committee, 2007?- present;

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- (e) Coastal Inn of Court Pupilage and Mentoring Organization, Master 2014 - present.
Served as Secretary, 2019 -2020 and currently serving as Treasurer, 2020- present;
- (f) South Carolina Bar Association Fee Dispute Board, August 2018 – present.

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

- (a) Coastal Inn of Court Pupilage and Mentoring Organization, Master 2014 - present.
Served as Secretary, 2019 -2020 and currently serving as Treasurer, 2020- present.
- (b) Coastal Women’s Law Society/Coastal Women’s Lawyer Association.

Ms. Frazier further reported:

I was married for over twenty years and have two children, who will both be attending college this fall. I have been impacted by divorce myself, as well as through members of my family over the years. These experiences have provided me with a unique perspective and I have gained a great deal of empathy for litigants going through the process of divorce. I have great respect for the position I am seeking and I will carefully weigh all evidence that would come before me and treat litigants with the respect they deserve. I will strive to do what is best for minor children at all times. I can bring the knowledge, experience, common sense, and compassion to this position and I am excited about the prospect of serving in this capacity.

(11) Commission Members’ Comments:

The Commission commented that Ms. Frazier is a well-rounded family law attorney and would make an excellent addition to the Family Court bench.

(12) Conclusion:

The Commission found Ms. Frazier qualified, and nominated her for election to Family Court, Fifteenth Judicial Circuit, Seat 3.

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**The Honorable Thomas H. White IV
Family Court, Sixteenth Judicial Circuit, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge White was born in 1957. He is 64 years old and a resident of Union, South Carolina. Judge White 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 White.

Judge White 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 White reported that he has made campaign expenditures in the amounts of:

\$150 to his Administrative Assistant for assistance in typing and transmitting application materials; and \$9.90 for postage for the mailing of application materials.

Judge White 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 White 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 White to be intelligent and knowledgeable.

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

- (a) I have served as a presenter on two separate occasions at continuing legal education seminars sponsored by the SC Association of Criminal Defense Lawyers. My presentations covered the general topic of case investigation and preparation for rural lawyers in economically-challenged locations.
- (b) I have been a frequent guest speaker in public school classrooms in Union County, SC over the years on law-related topics and on law-related careers. In particular, I have participated as a regular presenter in the Opportunity Fair program at the middle school and high school levels in Union County, SC public schools. These presentations have been particularly focused on educating students regarding our legal system, the advantages of a legal education, and employment opportunities in the legal field. I have also made classroom presentations regarding the U.S. Constitution and the S.C. Constitution as part of the Judges in the Schools program instituted by Chief Justice Beatty. I also made an international zoom presentation on adoption to a first grade class in Linz, Austria being taught by my youngest daughter!

Judge White reported on his publications:

I have not published any books or scholarly articles; however, as president of the South Carolina Association of Criminal Defense Lawyers in 2002, I did author three President's Columns in "The Advocate", the original newsletter for the organization.

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

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

- (5) Reputation:
Judge White reported that his last rating by a legal rating organization might have been more than 30 years ago but to his recollection it was, Martindale-Hubbell: BV-Distinguished.

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

Judge White reported that he has not held public office other than judicial office:

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

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

- (8) Experience:
Judge White was admitted to the South Carolina Bar in 1983.

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

I was in the private practice of law in Union, SC from the time of my admission to the South Carolina Bar in 1983 until February 24, 2014 when I began my duties as a Family Court Judge. Initially, I was hired in 1983 as an associate with the law office of William E. Whitney, Jr. I was an associate with this office from 1983 to 1985. In 1985, I became a partner and the firm name was changed to Whitney & White. This association remained intact from 1985 through 1988. In January, 1989, Pete G. Diamaduros

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joined the firm and the firm name was changed to Whitney, White & Diamaduros. This partnership remained intact from 1989 through August, 1992. In August, 1992, Sammy G. Diamaduros joined the firm and the firm name was changed to Whitney, White, Diamaduros & Diamaduros. In May 2000, Pete G. Diamaduros, Sammy Diamaduros and I established the firm of White, Diamaduros & Diamaduros. This partnership remained intact from May 2000 until February 21, 2014. Throughout my legal career, I maintained a general practice. My areas of practice have included domestic litigation, criminal defense, civil trial law, real estate transactions, and a modicum of trust and estates. I assumed primary administrative and financial management of Whitney & White in 1985 and remained primary until the formation of White, Diamaduros & Diamaduros in 2000. Pete G. Diamaduros was the managing partner of that firm, but he and I consulted with each other on administrative and financial matters on a regular basis until I took the bench in February, 2014.

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

I have served as Family Court Judge of the Sixteenth Judicial Circuit, Seat 1, continuously since February 24, 2014.

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

- (a) *Hein v. Bernson*, 2017-DR-46-01001 (Relocation case) No appeal
- (b) *Chappell v. Kay*, 2018-DR-46-00197 (Adoption case) No appeal
- (c) *Wright v. Wright*, 2014-DR-46-02810 (Contempt action) Affirmed in Unpublished Opinion No. 2019-UP-328
- (d) *Aikey v. Dehart*, 2013-DR-46-02292 (TPR by grandparents) Affirmed in Unpublished Opinion No. 2015-UP-570
- (e) *Fernanders v. Johnson*, 2008-DR-11-00703 and JR#56788 (Complex child support/social security, reconciliation case) No appeal

Judge White reported no other employment while serving as a judge.

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Judge White further reported the following regarding unsuccessful candidacies:

I was a candidate for Sixteenth Circuit Family Court Judge, Seat 1, in the fall of 1999. I was qualified and nominated, but voluntarily withdrew prior to the election.

9) Judicial Temperament:

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

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualifications reported that Judge White was "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee noted: "Judge White's confidence, compassion, and common sense reflect the depth and range of his experience as a practicing lawyer before he became a Family Court Judge. Deeply involved in his community, Judge White's enthusiasm for his work demonstrates his substantial commitment to public service. He brings a wealth of knowledge and skill to the bench that are a credit to the Sixteenth Circuit and the State of South Carolina."

Judge White is married to Ann Brueckner White. He has two children.

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

- (a) S.C. Bar Association
- (b) S.C. Conference of Family Court Judges

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

- (a) Member, former Elder and Deacon, First Presbyterian Church, PC(USA), Union, SC
- (b) Trustee, Providence Presbytery, PC(USA)

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Judge White further reported:

I confess that I am not perfect; however, I am diligent in my pursuit to perform my judicial duties in a fair, just, impartial, compassionate and respectful manner.

My beloved parents taught me to live my life on the foundational principle that all human beings are created equal and are entitled to be treated with fairness, dignity, courtesy and respect. I have lived my life by that foundational principle. My life circumstances have put me in positions where I have had opportunities to relate with people ranging from high social standing and significant wealth to folks from third world countries who would be considered by many to live in circumstances that placed them as the “lowest of the low”. I have mined value from all of these experiences and relationships, and that value has served me well as I strive to be, and continue to be, a fair, just and equitable jurist.

- (11) Commission Member’ Comments:
The Commission commented that Judge White has displayed a pattern of excellence. They also added that while on the bench, he has upheld the integrity of the judiciary.
- (12) Conclusion:
The Commission found Judge White qualified, and nominated him for re-election to Family Court, Sixteenth Judicial Circuit, Seat 1.

**ADMINISTRATIVE LAW COURT
QUALIFIED AND NOMINATED**

**The Honorable Milton G. Kimpson
Administrative Law Court, Seat 2**

Commission’s Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:

[HJ]

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Based on the Commission's investigation, Judge Kimpson meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Judge Kimpson was born in 1961. He is 61 years old and a resident of Columbia, SC, South Carolina. Judge Kimpson 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 Kimpson.

Judge Kimpson 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 Kimpson reported that he has made \$112.05 in campaign expenditures for postage and copies of application.

Judge Kimpson 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 Kimpson 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 Kimpson to be intelligent and knowledgeable.

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

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- (a) Presentation on Travelscape v. SC Department of Revenue, 391 S.C. 89, 705 S.E.2d 28 (2011) to Multi-State Tax Commission Litigation Committee Meeting in Nashville, TN, March 8, 2012
- (b) Presenter at SCAGO CLE: Department of Revenue Practice, June 17, 2011
- (c) State Tax Case Law Update, Columbia Tax Study Group, October 16, 2012
- (d) SCDOR Case Law presentation at CPA Summit and Annual Meeting, November 1, 2012
- (e) SCDOR Case Law Update at State and Local Tax Seminar, March 21, 2013
- (f) Presentation on SCDOR Data Breach at Cyber Security Seminar hosted by state of Wisconsin, Milwaukee, WI, October 14, 2013
- (g) SCDOR Case Law Update presentation to SC Bar Tax Section during SC Bar Convention, Jan. 24, 2015
- (h) SCDOR Case Law Update presentation to Columbia Tax Study Group, February 14, 2015
- (i) Presentation on DHEC Certificate of Need Program and SCDOR Regulatory Practice at SC Black Lawyers Retreat, September 17, 2015.
- (j) Panelist, “Good Decisions for Your Legal Education and Career”, USC School of Law, November 16, 2017
- (k) Panelist, “Appearing at the ALC – Do’s and Don’ts”, SCAARLA CLE, February 21, 2020
- (l) Panelist, Young Lawyers Division Mentoring Lunch on Administrative Law, January 21, 2020

Judge Kimpson reported that he has published the following: South Carolina Practice Manual – Criminal Law, Volume Three (SC Bar CLE 2003), Contributing Author, Chapter on Military Law.

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

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

The Commission also noted that Judge Kimpson 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 Kimpson reported that his last available rating by a legal rating organization, Martindale Hubbell, was Distinguished, 4.4 out of 5.

Judge Kimpson reported the following military service:

I served on active duty in the United States Army as an officer in the Judge Advocate General's Corps (JAGC) from January 1987 through December 1991 and continued in the US Army Reserves from 1992-1995. My highest rank was Captain and I received an Honorable Discharge. I have no current duty status in the military.

Judge Kimpson reported that he has held the following public office:

Prior to election to the Administrative Law Court (ALC), from July 2010- June 2017, I served as a Deputy Director and General Counsel for Litigation at the SC Department of Revenue. In this position, I was required to file annual reports with the State Ethics Commission. I have always filed timely reports when required, including now during my service at the ALC.

(6) Physical Health:

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

(7) Mental Stability:

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

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- (8) Experience:
Judge Kimpson was admitted to the South Carolina Bar in 1986.

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

- (a) SC Department of Health and Environmental Control, law clerk position and brief stint as staff attorney practicing administrative law until entry into US Army; August 1986-December 1986. No management responsibilities.
- (b) JAGC, Ft. Sill, Oklahoma, Legal Assistance Officer: general civil practice, assisting military members, families and retirees with wills, powers of attorney and family law; March 1987 – June 1988; Trial Counsel (military prosecutor) prosecuting soldiers for crimes under the Uniform Code of Military Justice; July 1988-March 1990. No management responsibilities.
- (c) JAGC, Ft. Jackson, SC ; Chief, Legal Assistance Officer – general civil practice, assisting military members, families and retirees; Military Magistrate (whether to impose pretrial confinement for military personnel accused of crimes); March 1990-December 1991; administrative management (personnel) responsibilities.
- (d) Johnson, Toal & Battiste, P.A., Jan 1992-Dec, 1993; General Practice, including civil litigation, real estate, family law, personal injury. No management responsibilities.
- (e) Glenn Walters, P.A. Jan., 1994-March 1994. Temporary position at general practice firm practicing family law and personal injury. No management responsibilities.
- (f) Gerald & Kimpson, L.L.P.; March 1994-December 1998; Partner in General Practice, including civil litigation, family law, personal injury and real estate. Shared administrative and financial management responsibilities, to include management of real estate trust account (IOLTA).
- (g) Milton G. Kimpson, P.A., Jan. 1999-Dec. 2002. Solo practitioner in General Practice, including civil litigation, family law, personal injury and real estate. Performed administrative and financial management responsibilities,

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to include management of trust accounts - general and IOLTA real estate account.

- (h) South Carolina Department of Revenue; Jan. 2003-2010; state tax and regulatory litigation before the SC Administrative Law Court, state circuit and federal district courts. In 2006, became Managing Attorney of Honors Litigation Program with administrative management responsibilities. No financial management responsibilities.
- (i) South Carolina Department of Revenue; July 2010- June 2017. General Counsel for Litigation handling state tax case before the ALC, state and federal courts. Performed administrative responsibilities and limited financial (budget) responsibilities for section.
- (j) SC Administrative Law Court; July 2017 to present; serve as Administrative Law Judge deciding cases – de novo trials and appeals – arising out of state agency decisions under the Administrative Procedures Act. No administrative/financial responsibilities.

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

SC Administrative Law Court, Seat #2 – July 3, 2017 to present. Elected by SC General Assembly. The Administrative Law Court is an agency and court of record created by the General Assembly, SC Code Ann. 1-23-500, with jurisdiction limited by statute, SC Code Ann. 1-23-600, to certain “contested cases...involving the departments of the executive branch of government...” and other matters, to include appeals from decisions in contested cases heard at the agency level.

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

- (a) Begum v. Florence Co. Assessor, 18-ALJ-17-0198-CC ; 2019 WL 5208156 (SC Admin Law Ct.); appeal pending at SC Court of Appeals.
- (b) Mulvihill, et al., v.,, SCDHEC, Charleston Mooring, 18-ALJ-07-0127-CC; 2020 WL 2096567 (S.C. Admin Law Ct.)
- (c) Harbor Island Oceanfront Property Owners Group v. SCDHEC, et al, 18-ALJ-07-0166 (Order Granting Motion to Lift Stay)

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- (d) Medial University Hospital Authority v. SCDHEC, et al., 18-ALJ-17-0172-CC; 2019 WL 183991 (S.C. Admin Law Ct.)
- (e) Nichols v. Horry County Assessor, 17-ALJ-17-0248-CC; 2017 WL 6018122 (S.C. Admin Law Ct.)

Judge Kimpson reported no other employment while serving as a judge.

- (9) Judicial Temperament:
The Commission believes that Judge Kimpson’s temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualification found Judge Kimpson “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 noted: “Well qualified in all respects w/ great reputation”; and “Well qualified.”

Judge Kimpson is married to Audra Sabb Kimpson. He has two children.

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

- (a) S.C. Bar Association
- (b) S.C. Black Lawyers Association
- (c) South Carolina Administrative and Regulatory Law Association, Bd of Directors, 2012 to Present
- (d) Military and Veterans Law Section of South Carolina Bar Association

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

- (a) Eau Claire Development Corporation, Secretary,

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- (b) Greater Columbia Community Relations Council, Chairman, June 2016-June 2017; continue to serve on Board of Directors
- (c) Citizens Center for Public Life, Board of Directors
- (d) Omicron Phi Chapter, Omega Psi Phi Fraternity, Inc., Parliamentarian
- (e) Cooperative Ministries, Board of Directors
- (f) Promise Foundation, Treasurer, Nov. 2010 to present
- (g) Alpha Iota, Sigma Pi Phi Fraternity, Secretary, November 2010 to present
- (h) DOR Communicators (Toastmasters), Secretary, June 2010-June 2017.
- (i) Saint John Baptist Church, Board of Deacons, May 2002 to present.
- (j) Wofford College Black Alumni Association, Secretary, present
- (k) Omega Men of Columbia, SC, Inc., Secretary, present
- (l) Israel Brooks Foundation, Board of Directors

Judge Kimpson further reported:

My service at the Administrative Law Court has been among the highlights of my legal career. As a judge, I have tried to emulate the good characteristics of the many excellent judges before whom I appeared while practicing law. I strive to be prepared, knowledgeable about the law and most importantly, fair and objective in all cases. It is vitally important to be attentive, respectful and courteous to the litigants. I always appreciated those judges who actively listened to the evidence and evaluated my legal arguments. Whether as a trial judge or when acting in an appellant capacity, I do my best to fairly evaluate the evidence and to fully address the legal arguments presented when reaching a decision.

(11) Commission Members' Comments:

The Commission commented that Judge Kimpson has an outstanding reputation as a fair and hard-working judge with an excellent judicial temperament.

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- (12) Conclusion:
The Commission found Judge Kimpson qualified, and nominated him for re-election to Administrative Law Court, Seat 2.

QUALIFIED, BUT NOT NOMINATED

**Kate Whetstone Usry
Circuit Court, Fifth Judicial Circuit, Seat 2**

**Commission's Findings: QUALIFIED, BUT NOT
NOMINATED**

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

Ms. Usry was born in 1982. She is 39 years old and a resident of Columbia, South Carolina. Ms. Usry provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2007.

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

Ms. Usry 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. Usry reported that she has made \$222.64 in campaign expenditures for: Stamps (\$83.64), and Printed Materials (\$69.50, & \$69.50).

Ms. Usry 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.

Ms. Usry 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. Usry to be intelligent and knowledgeable.

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

I have had the opportunity to present numerous times to various programs, including the South Carolina Bar Association, the S.C. Commission on Prosecution Coordination, victim's advocate groups, and various law enforcement organizations, including law enforcement officers within the Eleventh Judicial Circuit. During the first half of my time with the Eleventh Judicial Circuit Solicitor's Office, most of these speaking engagements covered issues involving domestic violence, stalking, and intimate partner violence, and victim's rights. As my role and duties evolved, my presentations changed to focus on criminal sexual conduct, and the audience was often local law enforcement. I did not keep records of the presentations I made to local law enforcement.

I have continued to participate in continuing legal education programs in private practice. In January of 2020, I had the opportunity to take part in the Trial Objections Continuing Legal Education program.

Below is a nonexclusive list of some of the presentations I have given for which I have records.

- (a) I presented for the South Carolina Commission on Prosecution Coordination in a 2009 program titled "The Investigation and Prosecution of Criminal Domestic Violence." My presentation was titled "Preparation of a Criminal Domestic Violence Case: Reading Police

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Reports, Investigating Further, and Interviewing Witnesses.”

- (b) I spoke at the 2010 South Carolina Law Enforcement Victim’s Advocate Fall Conference in a program titled “Criminal Domestic Violence: The Law.”
- (c) In 2011, I presented a lecture titled “Order of Protection: Issues and Enforcement” for the South Carolina Commission on Prosecution Coordination as part of their program titled “The Investigation and Prosecution of Criminal Domestic Violence.”
- (d) In 2011, I presented a continuing legal education course titled “Bond Settings and Revocations: Special Issues and Considerations” for an event hosted by South Carolina Commission on Prosecution Coordination as part of their program titled “The Investigation & Prosecution of Criminal Domestic Violence.”
- (e) At the 2012 South Carolina Solicitor’s Association Fall Conference, I presented to the victim advocates a program titled “An Introduction to Victim Rights and Victim Service Responsibility.”
- (f) I made a presentation titled “Dating Violence: Addressing the Issues” at the 2013 South Carolina Solicitor’s Association Fall Conference.
- (g) In 2020, I took part in the “The Art and Science of Trial Objections” for a South Carolina Bar Association CLE in which I played the role of a plaintiff’s attorney in a civil case.”

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

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

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

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

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Ms. Usry was admitted to the South Carolina Bar in 2007.

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

- (a) Law Clerk, The Honorable R. Knox McMahon
August 2007 – August 2008

As a law clerk, I was responsible for writing legal briefs and performing legal research, scheduling hearings, communicating with counsel regarding matters before the Circuit Court, and assisting Judge McMahon with his analysis of civil and criminal legal issues. I enjoyed an intimate study of the operations of the Circuit Court and gained valuable experience observing a wide range of civil and criminal hearings and trials during my clerkship. I continue to reflect upon the experiences I had working for a Circuit Court judge in my practice today.

- (b) Assistant Solicitor, Eleventh Judicial Circuit Solicitor's Office

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September 2007 – June 2019

Over the course of my eleven-year journey as an Assistant Solicitor, I handled a large, rapidly evolving case list and routinely prepared cases for trial and tried cases to verdict.

During the first half of my tenure, I was assigned to the domestic violence case docket. I acted as the sole domestic violence prosecutor, handling a docket of around 200 cases. Needless to say, each case had a victim or victims whose interests had to be considered. I was able to increase the number of cases moved each year by bringing more domestic violence cases to trial than our office had in the past. I spoke to various groups at presentations, including CLE events hosted by the South Carolina Commission on Prosecution Coordination. I also provided legal education to law enforcement personnel on the law of domestic violence. I was instrumental in creating laminated legal information sheets for law enforcement officers to assist them in making charging decisions. I also created pamphlets with information about protective orders and domestic abuse assistance programs that were distributed to law enforcement and local magistrate offices.

During the final five to six years of my tenure at the Eleventh Judicial Circuit Solicitor's Office, I took on the role of a supervisor. I took on additional duties, such as coordinating the setting of the Eleventh Judicial Circuit Court General Sessions calendar for the upcoming year, overseeing the selection of the yearly Grand Jury, and managing the trial roster. My duties as trial roster manager included gathering cases for trial for upcoming terms of court, and drafting and distributing the Eleventh Judicial Circuit Court General Sessions roster. During terms of court, my duties included coordinating with trial judges and ensuring all attorneys, both prosecutors and defense counsel, were informed of developments. I participated in our office's hiring process by reviewing resumes and interviewing new lawyers, paralegals, and staff members. I was also responsible for interviewing and hiring interns and law

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clerks, and acted as the point of contact for all of the law clerks during their clerkships.

In addition to the supervisory and managerial responsibilities I assumed, I continued to maintain a docket of 150 to 200 warrants. My cases primarily involved violent crimes such as armed robbery, criminal sexual conduct, and aggravated assault. I appeared in court frequently for motions and pleas. I tried numerous cases as first chair and second chair, including cases involving murder, attempted murder, criminal sexual conduct, and domestic violence. I mentored new attorneys in our office and assisted them in their trial preparation and at trial.

- (c) Attorney, Whetstone, Perkins & Fulda, LLC
July 2019 – Present

In July of 2019, I entered private practice and joined the firm Whetstone, Perkins, and Fulda, LLC. During my time in private practice, I have had the opportunity to work on civil cases involving a wide range of complex issues. I have worked on cases involving 42 U.S.C § 1983 claims, medical malpractice claims, class actions, the South Carolina Tort Claims Act, negligent infliction of emotional distress, false arrest, negligent hiring, and personal injury. I have drafted demands, complaints, answers, and counterclaims, responded to complex discovery requests, taken depositions, and represented my clients at mediation. I have also taken on a number of criminal defense cases, and I have been appointed to represent two defendants indicted by the statewide Grand Jury.

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

My litigation experience is extensive. With respect to criminal matters, I have participated in all aspects of prosecution, from advising law enforcement about the existence of probable cause during the initial phase of the process all the way through closing argument. I am intimately familiar with evaluating legal issues and evidentiary matters in order to assess the strength of a criminal case at trial. The legal issues I have reviewed, researched, and argued before the

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Circuit Court include Confrontation Clause issues, warrantless searches and search warrants, prior bad acts, expert qualifications, impeachment scenarios, and multiple hearsay arguments and exceptions. During the past five years, I have tried cases and prepared cases for trial that pled prior to calling the case involving charges of murder, attempted murder, criminal sexual conduct, armed robbery, domestic violence, drug offenses, and other crimes. I would estimate that I tried or prepared for trial more than fifteen cases over the past five years, and more during the six-year time period prior to that.

My experience as a judicial law clerk exposed me to a wide range of civil cases, motions, and arguments. During my time with Whetstone, Perkins, and Fulda, LLC, I have worked on a wide range of civil cases involving complex legal issues and discovery, including cases involving 42 U.S.C § 1983 claims, medical malpractice claims, class actions, the South Carolina Tort Claims Act, negligent infliction of emotional distress, false arrest, negligent hiring, and personal injury arising in the context of an array of different factual circumstances. Procedurally, I have drafted and filed complaints, answers, counterclaims, and confronted complex discovery issues. I have taken and participated in depositions and presented at mediation for my clients. I have prepared civil cases for trial that ultimately settled out of court, and I have participated in the trial of a civil case involving personal injuries suffered by our client.

While my experience with civil matters is not equal to my extensive criminal experience, I have spent a significant percentage of my time as a lawyer in court. The South Carolina Rules of Evidence that I researched and argued in criminal cases are the very same set of rules I would apply as a Circuit Court judge in a civil case. My knowledge and understanding of Circuit Court operations and procedures are enhanced by my experience as a law clerk, during which time the Circuit Court Judge I clerked for was the Chief Administrative Judge for the Court of Common Pleas for the Eleventh Judicial Circuit. I have observed a wide ranges of civil court motions, arguments, and trials. In addition, my responsibilities as the trial roster manager for the Eleventh Judicial Circuit Solicitor's Office gave me the benefit of working closely with many Circuit Court Judges from all over the state and provided me with a

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unique perspective on the various issues that can arise at the Circuit Court level. I have witnessed and participated in countless jury qualifications and pre-trial motions hearings. I understand how a docket is run by various judges and the issues that can arise on both sides of a case, both plaintiff and defense.

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

- (a) Federal: I have not yet personally argued in Federal Court, but I have made an appearance via filing.

- (b) State: While employed with the Eleventh Judicial Circuit Solicitor's Office between July of 2016 and July of 2019, I appeared in court every other week, and during those weeks, I appeared often. Since entering private practice, I have not appeared in court as often, but I have appeared a number of times for hearings and other matters.

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

- (a) Civil: 35%;
- (b) Criminal: 65%;
- (c) Domestic: 0%;
- (d) Other: 0%.

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

- (a) Jury: 20%;
- (b) Non-jury: 80%.

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

During my time with the Eleventh Judicial Circuit Solicitor's Office, I most often served as sole counsel on any matter in nonjury court. When matters went to trial court, I served as chief counsel approximately half the time and co-counsel half the time.

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Since entering private practice, I have served primarily as co-counsel on various matters.

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

- (a) *State v. Bennie Golston*, 732 S.E.2d 175, 399 S.C. 393 (Ct. App. 2012)

I served as co-counsel in this domestic violence prosecution. Among the numerous legal and evidentiary arguments made throughout the trial, the two most significant were whether the defendant was a cohabitant of the victim's and whether the facts presented at trial allowed for a jury charge on a lesser included offense. The South Carolina Court of Appeals reviewed the case and determined that based on the specific trial record, facts did not exist which would allow a reasonable juror to convict the defendant of the lesser offense and find him not guilty of the charged offense of criminal domestic violence of a high and aggravated nature. This matter is important to me personally, because the testimony I elicited from a witness helped form the factual foundation for the opinion issued on appeal. In addition, the case provided me with insight into the important concerns that arise in the selection and application of jury charges to the facts of a case, which I have continued to expand upon in other matters that I have brought to trial.

- (b) *Latara Brooks v. Gwendolyn Evette Green and Tracy Green*, 2018-CP-38-00776

This civil case settled the Thursday prior to trial. This case is significant, because I was intimately involved in preparing the case for trial. I took the deposition of the defendant, Tracy Green. Information elicited during that deposition gave us important impeachment evidence which would have been used at trial. In addition, I was involved in preparing witnesses. This case gave me insight into how certain aspects of preparing a civil trial are different, but it also confirmed for me the many similarities between presenting civil and criminal cases in Circuit Court, such as the importance of the damages suffered by personal injury clients and the harm done to victims.

- (c) *State v. Kevan D. Parker*, 2018-GS-32-00399 & 400

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This case involved a chronic sexual offender who abused his children over the course of many years. The case pled the Friday morning prior to trial. This case is significant because of the complexity of the legal and evidentiary issues I prepared for in the weeks leading up to the resolution. The case involved complex delayed disclosure issues and jurisdictional issues, as the abuse occurred years prior to trial at various residences in different counties. In addition to the intricacies of preparing multiple young victims for trial, I researched and prepared arguments for the introduction of prior bad act evidence, hearsay evidence, search warrant suppression, and expert testimony. The week prior to the trial, we engaged in telephonic pre-trial conference regarding the confidentiality of extensive counseling records of the victims.

(d) *State v. Michael Fulwiley*, 2016-GS-32-000670

The defendant in this matter was charged with shoplifting, third degree, enhanced. This case is significant because of the search issues. In this case, the law enforcement officer pulled the defendant over for a seatbelt violation and decided to arrest the defendant for shoplifting during the course of that traffic stop. Many cases that are brought before the Circuit Court in General Sessions matters involve search issues, and the law in cases involving both warrantless searches and search warrants is vast and complex. Understanding these issues and how they must be procedurally presented and argued before the court made me a better advocate.

(e) Pro Se Defendant Trial

This trial occurred in General Sessions court. I was involved in the prosecution of a pro se defendant who was successful in their defense. Since the case has been expunged, I am not listing the case name. This was a week-long trial that involved a number of complex legal issues and a pro se defendant who was very intelligent. The case is very significant to me as it taught me the extreme complexities of handling litigation against a pro se defendant. It is also my belief that some of our greatest lessons come from our losses.

Ms. Usry reported she has not personally handled any civil or criminal appeals.

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Ms. Usry reported that he has never held judicial office.

Ms. Usry further reported the following regarding unsuccessful candidacies:

In 2020, I was a candidate for Circuit Court, At-Large, Seat 12. I was not successful in my candidacy but was found Well Qualified by the South Carolina Bar and Qualified but not Nominated by the Judicial Merit Selection Commission.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualification found Ms. Usry "Qualified" in the evaluative criteria of constitutional qualifications, professional and academic ability, physical health, mental stability, experience, and judicial temperament; and "Well Qualified" in the evaluative criteria of ethical fitness, character, and reputation. The Committee noted: "Great criminal experience, limited civil. Good temperament and reputation."

Ms. Usry is married to Charles Edward Usry. She has two children.

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

- (a) South Carolina Bar Association
- (b) South Carolina Association of Justice
- (c) South Carolina Women Lawyers Association
- (d) American Bar Association
- (e) Young Lawyers Association, Eleventh Judicial Circuit Representative, 2014

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

- (a) Junior League of Columbia
 - Education and Development Chair, 2015 – 2016
 - Placement Committee, Communications Council, 2016 – 2017

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Placement Committee, Finance Council, 2017 – 2018
Placement Committee, Communications Council, 2018 – 2019

Placement Committee, Community Council, 2019 – 2020

(b) Trenholm Road United Methodist Church
Member of the Missions Core Committee, 2019 – 2020

(c) 2013 Recipient of the John R. Justice Community
Leadership Award

This honor is bestowed annually upon one prosecutor for
outstanding community leadership and exemplary
citizenship.

(11) Commission Members' Comments:

The Commission commented that Ms. Usry has a great
reputation among her peers and is an accomplished trial
attorney. The Commission also noted her suitable judicial
temperament.

(12) Conclusion:

The Commission found Ms. Usry qualified, but did not
nominate her for election for Circuit Court, Fifth Judicial
Circuit, Seat 2.

CONCLUSION

The Judicial Merit Screening Commission found the following
candidates QUALIFIED AND NOMINATED:

SUPREME COURT

SEAT 4

The Honorable Kaye G. Hearn

COURT OF APPEALS

SEAT 5 CHIEF JUDGE

The Honorable H. Bruce Williams

SEAT 9

The Honorable David Garrison "Gary" Hill

CIRCUIT COURT

FIRST JUDICIAL CIRCUIT, SEAT 1

[HJ]

THURSDAY, JANUARY 13, 2022

Charles J. McCutchen

Heath Preston Taylor

FIRST JUDICIAL CIRCUIT, SEAT 2

The Honorable Diane Schafer Goodstein

SECOND JUDICIAL CIRCUIT, SEAT 1

The Honorable Courtney Pope

THIRD JUDICIAL CIRCUIT, SEAT 1

The Honorable Ralph Ferrell Cothran, Jr.

FOURTH JUDICIAL CIRCUIT, SEAT 1

The Honorable Paul M. Burch

FIFTH JUDICIAL CIRCUIT, SEAT 2

The Honorable Daniel McLeod Coble

The Honorable Amy McCulloch

S. Boyd Young

SIXTH JUDICIAL CIRCUIT, SEAT 1

The Honorable Brian M. Gibbons

EIGHTH JUDICIAL CIRCUIT, SEAT 1

The Honorable Frank Robert Addy, Jr.

THIRTEENTH JUDICIAL CIRCUIT, SEAT 1

The Honorable Perry H. Gravely

THIRTEENTH JUDICIAL CIRCUIT, SEAT 4

The Honorable Alex Kinlaw, Jr.

SIXTEENTH JUDICIAL CIRCUIT, SEAT 1

The Honorable William A. McKinnon

SIXTEENTH JUDICIAL CIRCUIT, SEAT 2

The Honorable Daniel Hall

FAMILY COURT

FIRST JUDICIAL CIRCUIT, SEAT 2

The Honorable Michael Murphy III

SECOND JUDICIAL CIRCUIT, SEAT 1

The Honorable Vicky J. Snelgrove

THIRD JUDICIAL CIRCUIT, SEAT 1

The Honorable Thomas M. Bultman

FOURTH JUDICIAL CIRCUIT, SEAT 1

The Honorable Cely Anne Brigman

FOURTH JUDICIAL CIRCUIT, SEAT 3

Eugene P. Warr, Jr.

FIFTH JUDICIAL CIRCUIT, SEAT 1

The Honorable C. Vance Stricklin, Jr.

FIFTH JUDICIAL CIRCUIT, SEAT 4

[HJ]

THURSDAY, JANUARY 13, 2022

The Honorable Gwendlyne Young Jones
SEVENTH JUDICIAL CIRCUIT, SEAT 3

The Honorable Usha J. Bridges
EIGHTH JUDICIAL CIRCUIT, SEAT 2

The Honorable Mindy W. Zimmerman
NINTH JUDICIAL CIRCUIT, SEAT 1

The Honorable Daniel E. Martin, Jr.
NINTH JUDICIAL CIRCUIT, SEAT 3

The Honorable Michèle Patrão Forsythe
TENTH JUDICIAL CIRCUIT, SEAT 2

The Honorable Karen F. Ballenger
ELEVENTH JUDICIAL CIRCUIT, SEAT 1

The Honorable William Gregory Seigler
TWELFTH JUDICIAL CIRCUIT, SEAT 3

The Honorable Holly Huggins Wall
The Honorable Elizabeth Biggerstaff York
THIRTEENTH JUDICIAL CIRCUIT, SEAT 3

The Honorable Katherine Hall Tiffany
THIRTEENTH JUDICIAL CIRCUIT, SEAT 4

The Honorable Karen Sanchez Roper
THIRTEENTH JUDICIAL CIRCUIT, SEAT 6

The Honorable Jessica Ann Salvini
FOURTEENTH JUDICIAL CIRCUIT, SEAT 2

The Honorable Douglas L. Novak
FIFTEENTH JUDICIAL CIRCUIT, SEAT 2

The Honorable Melissa J. Buckhannon
FIFTEENTH JUDICIAL CIRCUIT, SEAT 3

Melissa M. Frazier
SIXTEENTH JUDICIAL CIRCUIT, SEAT 1

The Honorable Thomas H. White IV

ADMINISTRATIVE LAW COURT

SEAT 2

The Honorable Milton G. Kimpson

Respectfully submitted,

/s/Sen. Luke A. Rankin /s/Rep. G. Murrell Smith Jr.

/s/Sen. Ronnie A. Sabb /s/Rep. J. Todd Rutherford

/s/Sen. Scott Talley. /s/Rep. Jeffrey E. "Jeff" Johnson

/s/Ms. Hope Blackley /s/Mr. Andrew N. Safran

/s/Mr. J.P. "Pete" Strom Jr. /s/Ms. Lucy Grey McIver

[HJ]

THURSDAY, JANUARY 13, 2022

APPENDIX

**Report from the South Carolina Bar Judicial
Qualifications Committee**

**The Honorable Kaye G. Hearn
Supreme Court, Seat 4**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Justice Hearn's candidacy for Supreme Court, Seat 4, is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable H. Bruce Williams
Court of Appeals, Seat 5, Chief Judge**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Williams's candidacy for Court of Appeals, Seat 5, Chief Judge, 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
Experience	Well-Qualified

THURSDAY, JANUARY 13, 2022

Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable David Garrison Hill
Court of Appeals, Seat 9**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Hill's candidacy for Court of Appeals, Seat 9, 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**Mr. Charles J. McCutchen
Circuit Court, 1st Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. McCutchen's candidacy for Circuit Court, 1st 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
Experience	Qualified
Reputation	Qualified
Judicial Temperament	Qualified

THURSDAY, JANUARY 13, 2022

**Mr. Heath Preston Taylor
Circuit Court, 1st Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Taylor's candidacy for Circuit Court, 1st 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Diane Schafer Goodstein
Circuit Court, 1st Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Goodstein's candidacy for Circuit Court, 1st 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 13, 2022

**The Honorable Courtney Pope
Circuit Court, 2nd Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Pope's candidacy for Circuit Court, 2nd 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
Experience	Qualified
Reputation	Qualified
Judicial Temperament	Qualified

**The Honorable Ralph Ferrell Cothran Jr.
Circuit Court, 3rd Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Cothran's candidacy for Circuit Court, 3rd 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 13, 2022

**The Honorable Paul M. Burch
Circuit Court, 4th Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Burch's candidacy for Circuit Court, 4th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Daniel McLeod Coble
Circuit Court, 5th Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Coble's candidacy for Circuit Court, 5th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 13, 2022

**The Honorable Amy McCulloch
Circuit Court, 5th Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge McCulloch's candidacy for Circuit Court, 5th 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
Experience	Qualified
Reputation	Qualified
Judicial Temperament	Qualified

**Ms. Kate Whetstone Usry
Circuit Court, 5th Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Usry's candidacy for Circuit Court, 5th 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
Experience	Qualified
Reputation	Qualified
Judicial Temperament	Qualified

THURSDAY, JANUARY 13, 2022

**Mr. S. Boyd Young
Circuit Court, 5th Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Young's candidacy for Circuit Court, 5th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Brian M. Gibbons
Circuit Court, 6th Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Gibbons's candidacy for Circuit Court, 6th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 13, 2022

**The Honorable Frank Robert Addy Jr.
Circuit Court, 8th Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Addy's candidacy for Circuit Court, 8th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Perry H. Gravely
Circuit Court, 13th Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Gravely's candidacy for Circuit Court, 13th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 13, 2022

**The Honorable Alex Kinlaw Jr.
Circuit Court, 13th Circuit, Seat 4**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Kinlaw's candidacy for Circuit Court, 13th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable William A. McKinnon
Circuit Court, 16th Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge McKinnon's candidacy for Circuit Court, 16th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 13, 2022

**The Honorable Daniel Hall
Circuit Court, 16th Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Hall's candidacy for Circuit Court, 16th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Michael H. Murphy III
Family Court, 1st Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Murphy's candidacy for Family Court, 1st 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
Experience	Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 13, 2022

**The Honorable Vicki J. Snelgrove
Family Court, 2nd Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Snelgrove's candidacy for Family Court, 2nd 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Thomas M. Bultman
Family Court, 3rd Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Bultman's candidacy for Family Court, 3rd 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 13, 2022

**The Honorable Cely Anne Brigman
Family Court, 4th Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Brigman's candidacy for Family Court, 4th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**Mr. Eugene P. Warr Jr.
Family Court, 4th Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Warr's candidacy for Family Court, 4th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 13, 2022

**The Honorable C. Vance Stricklin Jr.
Family Court, 5th Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Stricklin's candidacy for Family Court, 5th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Gwendlyne Young Jones
Family Court, 5th Circuit, Seat 4**

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, 5th Circuit, Seat 4, is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Experience	Qualified
Reputation	Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 13, 2022

**The Honorable Usha J. Bridges
Family Court, 7th Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Bridges' candidacy for Family Court, 7th 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
Experience	Well-Qualified
Reputation	Qualified
Judicial Temperament	Qualified

**The Honorable Mindy W. Zimmerman
Family Court, 8th Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Zimmerman's candidacy for Family Court, 8th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 13, 2022

**The Honorable Daniel E. Martin Jr.
Family Court, 9th Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Martin's candidacy for Family Court, 9th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Michèle Patrão Forsythe
Family Court, 9th Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Forsythe's candidacy for Family Court, 9th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 13, 2022

**The Honorable Karen F. Ballenger
Family Court, 10th Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Ballenger's candidacy for Family Court, 10th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable William Gregory Seigler
Family Court, 11th Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Seigler's candidacy for Family Court, 11th Circuit, Seat 1, is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Experience	Qualified
Reputation	Qualified
Judicial Temperament	Qualified

THURSDAY, JANUARY 13, 2022

**The Honorable Holly Huggins Wall
Family Court, 12th Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Wall's candidacy for Family Court, 12th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Elizabeth Biggerstaff York
Family Court, 12th Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge York's candidacy for Family Court, 12th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 13, 2022

**The Honorable Katherine Hall Tiffany
Family Court, 13th Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Tiffany's candidacy for Family Court, 13th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Karen Sanchez Roper
Family Court, 13th Circuit, Seat 4**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Roper's candidacy for Family Court, 13th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 13, 2022

**The Honorable Jessica Ann Salvini
Family Court, 13th 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, 13th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Douglas L. Novak
Family Court, 14th Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Novak's candidacy for Family Court, 14th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 13, 2022

**The Honorable Melissa J. Buckhannon
Family Court, 15th Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Buckhannon's candidacy for Family Court, 15th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**Ms. Melissa M. Frazier
Family Court, 15th Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Frazier's candidacy for Family Court, 15th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 13, 2022

**The Honorable Thomas H. White IV
Family Court, 16th Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge White's candidacy for Family Court, 16th 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Milton G. Kimpson
Administrative Law Court, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Kimpson's candidacy for Administrative Law Court, 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
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

Received as information.

THURSDAY, JANUARY 13, 2022

SPEAKER IN CHAIR

ROLL CALL

The roll call of the House of Representatives was taken resulting as follows:

Alexander	Allison	Anderson
Atkinson	Bailey	Ballentine
Bamberg	Bannister	Bennett
Bernstein	Blackwell	Bradley
Brawley	Brittain	Bryant
Burns	Bustos	Calhoon
Carter	Caskey	Chumley
Clyburn	Cobb-Hunter	Cogswell
Collins	B. Cox	W. Cox
Crawford	Dabney	Daning
Davis	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Fry	Gagnon
Garvin	Gatch	Gilliam
Gilliard	Govan	Hardee
Hart	Hayes	Henderson-Myers
Herbkersman	Hewitt	Hill
Hixon	Hosey	Howard
Huggins	Hyde	Jefferson
J. E. Johnson	K. O. Johnson	Jones
Jordan	King	Kirby
Ligon	Long	Lowe
Lucas	Magnuson	Matthews
May	McCabe	McCrary
McDaniel	McGarry	McGinnis
McKnight	J. Moore	T. Moore
D. C. Moss	B. Newton	W. Newton
Nutt	Oremus	Ott
Parks	Pendarvis	Pope
Rivers	Rose	Sandifer
Simrill	G. M. Smith	M. M. Smith
Stavrinakis	Taylor	Tedder
Thayer	Thigpen	Weeks
West	Wheeler	White

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Whitmire
Willis

R. Williams
Wooten

S. Williams
Yow

Total Present--108

LEAVE OF ABSENCE

The SPEAKER granted Rep. ROBINSON a leave of absence for the day due to a death in the family.

LEAVE OF ABSENCE

The SPEAKER granted Rep. MURPHY a leave of absence for the day due to medical reasons.

LEAVE OF ABSENCE

The SPEAKER granted Rep. HADDON a leave of absence for the day due to medical reasons.

LEAVE OF ABSENCE

The SPEAKER granted Rep. J. L. JOHNSON a leave of absence for the day due to family medical reasons.

LEAVE OF ABSENCE

The SPEAKER granted Rep. V. S. MOSS a leave of absence for the day due to medical reasons.

LEAVE OF ABSENCE

The SPEAKER granted Rep. HENEGAN a leave of absence for the day.

LEAVE OF ABSENCE

The SPEAKER granted Rep. HIOTT a leave of absence for the day.

LEAVE OF ABSENCE

The SPEAKER granted Rep. G. R. SMITH a leave of absence for the day.

LEAVE OF ABSENCE

The SPEAKER granted Rep. WETMORE a leave of absence for the day due to business reasons.

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CO-SPONSORS ADDED

In accordance with House Rule 5.2 below:

“5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee.”

CO-SPONSOR ADDED

Bill Number: H. 3198
Date: ADD:
01/13/22 ALEXANDER

CO-SPONSOR ADDED

Bill Number: H. 3352
Date: ADD:
01/13/22 CARTER

CO-SPONSORS ADDED

Bill Number: H. 3569
Date: ADD:
01/13/22 M. M. SMITH, HUGGINS, BUSTOS, B. COX,
BRITTAIN, BENNETT, WILLIS, DABNEY,
B. NEWTON, MAGNUSON, BURNS, GATCH,
MCGARRY, BALLENTINE, NUTT and OTT

CO-SPONSOR ADDED

Bill Number: H. 3598
Date: ADD:
01/13/22 CARTER

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CO-SPONSOR ADDED

Bill Number: H. 3599
Date: ADD:
01/13/22 CARTER

CO-SPONSORS ADDED

Bill Number: H. 4765
Date: ADD:
01/13/22 CARTER and MCGARRY

CO-SPONSOR ADDED

Bill Number: H. 4768
Date: ADD:
01/13/22 CARTER

CO-SPONSOR ADDED

Bill Number: H. 4775
Date: ADD:
01/13/22 CARTER

CO-SPONSORS ADDED

Bill Number: H. 4778
Date: ADD:
01/13/22 THAYER, HYDE and WHITMIRE

**S. 865--RETURNED TO THE SENATE WITH
AMENDMENTS**

The following Bill was taken up:

S. 865 -- Senators Rankin, Campsen, Young, Sabb, Matthews, Talley and Harpootlian: A BILL TO AMEND SECTION 1-1-715, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADOPTION OF THE UNITED STATES CENSUS, SO AS TO ADOPT THE UNITED STATES CENSUS OF 2020 AS THE TRUE AND CORRECT ENUMERATION OF INHABITANTS OF THIS STATE AND TO IDENTIFY THE DATA USED IN THE CODE SECTIONS CONTAINING GEOGRAPHIC ASSIGNMENTS FOR ELECTION DISTRICTS; BY ADDING SECTION 2-1-75 SO AS TO ESTABLISH ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SOUTH CAROLINA SENATE ARE ELECTED COMMENCING

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WITH THE 2024 GENERAL ELECTION; BY ADDING SECTION 2-1-45 SO AS TO ESTABLISH ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE HOUSE OF REPRESENTATIVES ARE ELECTED BEGINNING WITH THE 2022 GENERAL ELECTION; TO REPEAL SECTION 2-1-70 RELATING TO ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SENATE WERE FORMERLY ELECTED; TO REPEAL SECTION 2-1-35 RELATING TO ELECTION DISTRICTS FROM WHICH MEMBERS OF THE HOUSE OF REPRESENTATIVES WERE FORMERLY ELECTED; TO AUTHORIZE THE PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE TO INTERVENE IN ANY STATE OR FEDERAL ACTION CONCERNING THIS LEGISLATION; TO AUTHORIZE THE PRESIDENT OF THE SENATE TO INITIATE OR OTHERWISE PARTICIPATE IN LITIGATION ON BEHALF OF THE SENATE REGARDING REDISTRICTING; AND TO AUTHORIZE THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO INITIATE OR OTHERWISE PARTICIPATE IN LITIGATION ON BEHALF OF THE HOUSE REGARDING REDISTRICTING.

Rep. HENDERSON-MYERS demanded the yeas and nays which were taken, resulting as follows:

Yeas 68; Nays 36

Those who voted in the affirmative are:

Allison	Bailey	Ballentine
Bannister	Bennett	Blackwell
Bradley	Brittain	Bryant
Burns	Bustos	Calhoon
Carter	Caskey	Chumley
Collins	B. Cox	W. Cox
Dabney	Daning	Davis
Elliott	Erickson	Felder
Finlay	Forrest	Fry
Gagnon	Gatch	Gilliam
Hardee	Herbkersman	Hewitt
Hill	Hixon	Huggins
Hyde	J. E. Johnson	Jones
Jordan	Ligon	Long
Lucas	Magnuson	May
McCabe	McCravy	McGarry

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McGinnis	T. Moore	D. C. Moss
B. Newton	W. Newton	Nutt
Oremus	Pope	Sandifer
Simrill	G. M. Smith	M. M. Smith
Taylor	Thayer	West
White	Whitmire	Willis
Wooten	Yow	

Total--68

Those who voted in the negative are:

Alexander	Anderson	Atkinson
Bernstein	Brawley	Clyburn
Cobb-Hunter	Dillard	Garvin
Gilliard	Govan	Hart
Hayes	Henderson-Myers	Hosey
Howard	Jefferson	K. O. Johnson
King	Kirby	Matthews
McDaniel	J. Moore	Ott
Parks	Pendarvis	Rivers
Rose	Rutherford	Stavrinakis
Tedder	Thigpen	Weeks
Wheeler	R. Williams	S. Williams

Total--36

The Bill was read the third time and ordered returned to the Senate with amendments.

H. 4495--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 4495 -- Reps. B. Newton, McGarry and Yow: A BILL TO AMEND SECTION 7-7-350, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LANCASTER COUNTY, SO AS TO REVISE THE NAMES OF FIVE PRECINCTS, AND TO UPDATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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Rep. B. NEWTON proposed the following Amendment No. 1 to H. 4495 (COUNCIL\ZW\4495C001.AR.ZW21), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting clause and inserting:

/ SECTION 1. Section 7-7-350 of the 1976 Code, as last amended by Act 150 of 2018, is further amended to read:

“Section 7-7-350. (A) In Lancaster County there are the following voting precincts:

521 North

Antioch

Black Horse Run

Buford

Camp Creek

Carmel

Chesterfield Avenue

College Park

Douglas

~~Dwight~~

Elgin

Erwin Farm

Flat Creek

Gold Hill

~~Gooch's Cross Road~~

Harrisburg

Heath Springs

Hyde Park

~~Jacksonham~~

Kershaw North

Kershaw South

Lake House

Lancaster East

Lancaster West

~~Lynwood Drive~~

McIlwain

~~Midway~~

Osceola

Pleasant Hill

Pleasant Valley

Possum Hollow

Rich Hill

River Road

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Riverside
Shelley Mullis
~~Spring Hill~~
Springdale
The Lodge
Tradesville
Unity
University
Van Wyck

(B) The precinct lines defining the above precincts are as shown on maps filed with the clerk of court of the county and also on file with the State Election Commission as provided and maintained by the Revenue and Fiscal Affairs Office designated as document ~~P-57-18~~ P-57-22.

(C) The polling places for the precincts provided in this section must be established by the Board of Voter Registration and Elections of Lancaster County subject to approval by a majority of the Lancaster County Legislative Delegation.”

SECTION 2. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Rep. B. NEWTON explained the amendment.
The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:
Yeas 89; Nays 0

Those who voted in the affirmative are:

Allison	Anderson	Bailey
Ballentine	Bamberg	Bannister
Bennett	Bernstein	Blackwell
Bradley	Brittain	Bryant
Burns	Bustos	Calhoon
Carter	Caskey	Chumley
Clyburn	Collins	B. Cox
W. Cox	Crawford	Dabney
Daning	Davis	Dillard
Elliott	Erickson	Felder

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Finlay	Forrest	Fry
Gagnon	Garvin	Gatch
Gilliam	Gilliard	Hart
Henderson-Myers	Herbkersman	Hewitt
Hill	Hixon	Hosey
Huggins	Hyde	Jefferson
J. E. Johnson	K. O. Johnson	Jones
Kirby	Ligon	Long
Lucas	Magnuson	May
McCabe	McCravy	McGarry
McKnight	J. Moore	T. Moore
D. C. Moss	B. Newton	W. Newton
Nutt	Oremus	Parks
Pendarvis	Pope	Rose
Rutherford	Sandifer	Simrill
G. M. Smith	M. M. Smith	Stavrinnakis
Taylor	Tedder	Thayer
Thigpen	Weeks	West
White	Whitmire	Willis
Wooten	Yow	

Total--89

Those who voted in the negative are:

Total--0

So, the Bill, as amended, was read the second time and ordered to third reading.

**H. 4495--ORDERED TO BE READ THIRD TIME
TOMORROW**

On motion of Rep. B. NEWTON, with unanimous consent, it was ordered that H. 4495 be read the third time tomorrow.

RECURRENCE TO THE MORNING HOUR

Rep. B. NEWTON moved that the House recur to the morning hour, which was agreed to.

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S. 525--COMMITTEE OF CONFERENCE APPOINTED

The following was received from the Senate:

MESSAGE FROM THE SENATE

Columbia, S.C., Wednesday, January 12, 2022

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it insists upon its amendments to S. 525:

S. 525 -- Senators Gambrell, Verdin, Massey, Loftis, Garrett and Gustafson: A BILL TO AMEND SECTION 44-96-40 OF THE 1976 CODE, RELATING TO DEFINITIONS FOR THE SOUTH CAROLINA SOLID WASTE POLICY AND MANAGEMENT ACT, TO DEFINE NECESSARY TERMS RELATED TO ADVANCED RECYCLING AND ADVANCED RECYCLING FACILITIES.

and asks for a Committee of Conference and has appointed Senators Gambrell, Senn and Garrett to the Committee of Conference on the part of the Senate.

Very respectfully,
President

Whereupon, the Chair appointed Reps. HIOTT, BURNS and ATKINSON to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

HOUSE RESOLUTION

The following was introduced:

H. 4779 -- Reps. W. Newton, Herbkersman, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight,

[HJ]

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J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE HILTON HEAD CHRISTIAN ACADEMY VARSITY FOOTBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2021 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS 2A STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4780 -- Reps. Finlay and Bernstein: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR ACCLAIMED MASTER NATURALIST, CRAFTSMAN, AND EDUCATOR TOM MANCKE OF RICHLAND COUNTY AND TO EXPRESS THE APPRECIATION OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES FOR HIS CONTRIBUTIONS TO PRESERVING THE NATURAL HISTORY, RICH OUTDOOR HERITAGE, AND CENTURIES-OLD CRAFTS TRADITION OF THIS GREAT STATE.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4787 -- Reps. Gilliard, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins,

[HJ]

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Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO SALUTE THE REVEREND DR. CLIFFORD HENRY BROWN OF CHARLESTON COUNTY FOR HIS DEDICATED SERVICE IN CHRISTIAN MINISTRY AND TO HIS COMMUNITY AND TO WISH HIM MUCH CONTINUED SUCCESS AND FULFILLMENT IN THE DAYS AHEAD AS HE CONTINUES TO SERVE THE LORD.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4788 -- Reps. J. Moore, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoun, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO SALUTE TAIWAN FOR ITS STRONG AND

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FRIENDLY RELATIONS WITH THE UNITED STATES AND WITH THE STATE OF SOUTH CAROLINA.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4789 -- Reps. J. Moore, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE WIDE AWAKE BREWERY UPON THE OCCASION OF ITS OPENING ON THURSDAY, DECEMBER 9, 2021, BECOMING GOOSE CREEK'S FIRST EVER LOCAL BREWERY AND TO CONGRATULATE CREEK CITY GRILL AND WIDE AWAKE BREWERY ON THEIR NEW ESTABLISHMENT.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was introduced:

H. 4790 -- Reps. Atkinson, Hayes, Alexander, Allison, Anderson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox,

[HJ]

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W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DR. JOHN M. KIRBY, JR., UPON THE OCCASION OF HIS RETIREMENT AFTER FIVE DECADES OF EXEMPLARY SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

CONCURRENT RESOLUTION

The following was introduced:

H. 4791 -- Reps. Fry, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire,

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R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO HONOR THE VICTIMS OF AGENT ORANGE DURING THE VIETNAM WAR AND EXPRESS GRATITUDE FOR THEIR COURAGEOUS SERVICE TO OUR COUNTRY AS SOME OF AMERICA'S MOST HEROIC CITIZENS.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

CONCURRENT RESOLUTION

The following was introduced:

H. 4792 -- Reps. Tedder, Alexander, Anderson, Bamberg, Brawley, Clyburn, Dillard, Garvin, Gilliard, Govan, Henderson-Myers, Henegan, Hosey, Howard, J. Moore, Jefferson, J. L. Johnson, K. O. Johnson, King, Matthews, McDaniel, McKnight, Murray, Parks, Pendarvis, Rivers, Robinson, Rutherford, Thigpen, Weeks, R. Williams, S. Williams and Cobb-Hunter: A CONCURRENT RESOLUTION TO RECOGNIZE THE LIFE ACHIEVEMENTS OF DOCTOR MARTIN LUTHER KING, JR., TO HONOR THE LEGACY OF HIS COMMITMENT TO LIBERTY AND JUSTICE FOR ALL CITIZENS, AND TO PLEDGE TO SUPPORT LEGISLATION THAT WILL CHAMPION THE FULLNESS OF HIS LEGACY.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 963 -- Senator Senn: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DEPUTY MICAH COX, FIRST SERGEANT HUGER MCCLELLAN, AND TEMS OPERATOR MERIDITH LEVENTIS FOR THEIR MANY CONTRIBUTIONS TO THE CHARLESTON COUNTY COMMUNITY AND CONGRATULATE THEM FOR RECEIVING THE MEDAL OF VALOR.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

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CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 964 -- Senator Senn: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DEPUTY NICHOLAS VECCHIONE FOR HIS MANY CONTRIBUTIONS TO THE CHARLESTON COMMUNITY AND CONGRATULATE HIM FOR RECEIVING THE MEDAL OF VALOR.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 971 -- Senator Scott: A CONCURRENT RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF GEORGE E. GLYMPH OF COLUMBIA, TO CELEBRATE HIS LIFE AND ACHIEVEMENTS, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 978 -- Senators McElveen and K. Johnson: A CONCURRENT RESOLUTION TO HONOR CORPORAL MATTHEW BARWICK AND CORPORAL BRADLEY HYNES OF THE SUMTER COUNTY SHERIFF'S OFFICE, WHO DISPLAYED EXCEPTIONAL DECISIVENESS, PRESENCE OF MIND, AND SWIFTNESS OF ACTION WHILE IN THE LINE OF DUTY, AND TO CONGRATULATE THEM UPON RECEIVING THE SOUTH CAROLINA SHERIFFS' ASSOCIATION MEDAL OF VALOR.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

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INTRODUCTION OF BILLS

The following Bills and Joint Resolution were introduced, read the first time, and referred to appropriate committees:

H. 4793 -- Reps. Pope, King, Ligon and Simrill: A JOINT RESOLUTION TO PROVIDE THAT THE GENERAL ASSEMBLY APPROVES ORDINANCE NUMBER 3421 ADOPTED ON SEPTEMBER 7, 2021, BY THE YORK COUNTY COUNCIL TO EXPAND THE CATAWBA INDIAN RESERVATION, AS REQUESTED BY THE CATAWBA INDIAN NATION.

On motion of Rep. POPE, with unanimous consent, the Joint Resolution was ordered placed on the Calendar without reference.

H. 4794 -- Reps. W. Cox and Elliott: A BILL TO AMEND ARTICLE 6 OF CHAPTER 3, TITLE 16, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UNLAWFUL HAZING, SO AS TO DEFINE NECESSARY TERMS, TO RESTRUCTURE THE OFFENSES AND PENALTIES ASSOCIATED WITH UNLAWFUL HAZING, AND TO REQUIRE TIMELY REPORTING OF HAZING INCIDENTS; TO AMEND SECTION 59-101-200, RELATING TO HAZING AND DEFINITIONS REGARDING HAZING, SO AS TO REVISE THE DEFINITION OF "HAZING" TO CONFORM TO THE DEFINITION CONTAINED IN SECTION 16-3-505; BY ADDING SECTION 59-101-220 SO AS TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING SHALL DEVELOP A COMPREHENSIVE ANTI-HAZING POLICY, TO SET MINIMUM PARAMETERS OF WHAT MUST BE INCLUDED IN THE POLICY, AND TO PROVIDE FOR THE PUBLICATION OF THE POLICY ON THE INSTITUTION'S WEBSITE; AND TO AMEND SECTION 59-63-275, RELATING TO STUDENT HAZING AT PUBLIC EDUCATION INSTITUTIONS, SO AS TO REQUIRE THE STATE BOARD OF EDUCATION TO DEVELOP A COMPREHENSIVE ANTI-HAZING POLICY, TO SET MINIMUM PARAMETERS OF WHAT MUST BE INCLUDED IN THE POLICY, AND TO PROVIDE FOR THE PUBLICATION OF THE POLICY ON THE INSTITUTION'S WEBSITE

Referred to Committee on Judiciary

H. 4795 -- Reps. Brawley, Garvin, K. O. Johnson, R. Williams, Howard, Pendarvis, S. Williams, Henderson-Myers, King, McDaniel, Collins and Tedder: A BILL TO AMEND SECTION 27-40-210, CODE

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OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GENERAL DEFINITIONS FOR PURPOSES OF THE RESIDENTIAL LANDLORD AND TENANT ACT, SO AS TO REVISE THE DEFINITION OF "ESSENTIAL SERVICES" TO INCLUDE ACCESS TO POSTAL SERVICES; AND TO AMEND SECTION 27-40-440, RELATING TO THE DUTIES OF A LANDLORD TO MAINTAIN PREMISES, SO AS TO ADD THE DUTY TO MAINTAIN MAILBOXES FOR ALL TENANTS IN ACCORDANCE WITH UNITED STATES POSTAL SERVICE REGULATIONS.

Referred to Committee on Judiciary

H. 4796 -- Reps. Oremus, Forrest, Taylor, Allison, G. R. Smith, Jones, Yow, Gatch, B. Cox, Elliott, Nutt, W. Newton, Wetmore, McCravy, Davis, Atkinson, Dabney, Gilliard, Hayes, Herbkersman, Hixon, McKnight, Sandifer, Thayer, Wheeler and Whitmire: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "CHOKING PREVENTION ACT"; BY ADDING SECTION 44-1-147 SO AS TO REQUIRE RETAIL FOOD ESTABLISHMENTS TO MAINTAIN A MANUALLY OPERATED SUCTION-BASED ANTICHOKING DEVICE ON THEIR PREMISES FOR USE IN A CHOKING EMERGENCY AND TO PROVIDE IMMUNITY FROM LIABILITY FOR RENDERING SUCH EMERGENCY ASSISTANCE; BY ADDING SECTION 44-61-85 SO AS TO REQUIRE EMERGENCY MEDICAL SERVICES PERSONNEL TO MAINTAIN AS PART OF THEIR EQUIPMENT A MANUALLY OPERATED SUCTION-BASED ANTICHOKING DEVICE FOR USE IN APPROPRIATE CIRCUMSTANCES; AND FOR OTHER PURPOSES.

Referred to Committee on Judiciary

H. 4797 -- Rep. Elliott: A BILL TO AMEND SECTION 56-3-5010, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF "PUBLIC EDUCATION: A GREAT INVESTMENT" MOTOR VEHICLE LICENSE PLATES, SO AS TO PROVIDE THE REVISED PURPOSE OF ISSUANCE OF THE LICENSE PLATES IS TO ESTABLISH A FUND FOR THE PURPOSE OF PROVIDING CLASSROOM TECHNOLOGY TO PUBLIC SCHOOLS.

Referred to Committee on Education and Public Works

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H. 4798 -- Reps. McKnight, Allison, Oremus, Brawley and Taylor: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-18-1650 SO AS TO PROVIDE WHEN THE STATE SUPERINTENDENT OF EDUCATION ASSUMES CONTROL OF A SCHOOL DISTRICT UNDER A STATE OF EMERGENCY PURSUANT TO THE EDUCATION ACCOUNTABILITY ACT, HE SHALL PROVIDE THE LOCAL LEGISLATIVE DELEGATION WITH A QUARTERLY REPORT DETAILING THE PROGRESS OF THE DISTRICT TOWARD MEETING ANNUAL TARGETS IN THE DISTRICT STRATEGIC PLAN FOR SUSTAINED IMPROVEMENT.

Referred to Committee on Education and Public Works

H. 4799 -- Reps. May, Fry, Bailey, Bennett, Burns, Bustos, Chumley, B. Cox, Dabney, Forrest, Gilliam, Hiott, Hixon, Huggins, Jones, Long, Magnuson, McCabe, McGarry, T. Moore, Morgan, Nutt, Oremus, G. R. Smith, Thayer and Wooten: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 35 TO TITLE 1 SO AS TO DEFINE TERMS, PROHIBIT THE STATE, ALL POLITICAL SUBDIVISIONS, ALL PUBLIC SCHOOL DISTRICTS, PUBLIC SCHOOLS, AND PUBLIC INSTITUTIONS OF HIGHER EDUCATION FROM AFFIRMING, ADOPTING, ADHERING TO, OR INSTRUCTING ANY OF THE TENETS OF "CRITICAL RACE THEORY"; TO PROHIBIT THE UTILIZATION OR REQUIREMENT OF ADHERENCE TO THE TENETS OF CRITICAL RACE THEORY AS A CONDITION OF EMPLOYMENT; TO PROHIBIT THE UTILIZATION OR REQUIREMENT OF ADHERENCE TO THE TENETS OF CRITICAL RACE THEORY WHEN SPENDING PUBLIC MONEY PURSUANT TO THE SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE; TO PROHIBIT THE CONSIDERATION OF THE TENETS OF CRITICAL RACE THEORY WHEN ADOPTING POLICIES AND PROCEDURES; TO PROHIBIT THE UTILIZATION OR REQUIREMENT OF ADHERENCE TO THE TENETS OF CRITICAL RACE THEORY BY ENTITIES RECEIVING FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY; TO PROHIBIT THE STATE, INCLUDING ALL POLITICAL SUBDIVISIONS, FROM OFFERING TAX INCENTIVES TO ENTITIES UTILIZING OR REQUIRING ADHERENCE TO THE TENETS OF CRITICAL RACE THEORY; AND TO PROVIDE WHISTLEBLOWER PROTECTIONS; BY ADDING ARTICLE 5 TO CHAPTER 29, TITLE

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59 SO AS TO DEFINE TERMS, PROVIDE TEACHERS AND STUDENTS OF CIVICS AND RELATED COURSEWORK IN PUBLIC SCHOOLS MAY NOT BE COMPELLED TO DISCUSS CERTAIN TOPICS OR AFFIRM CERTAIN BELIEFS; TO PROHIBIT CREDIT FROM BEING AWARDED FOR CERTAIN STUDENT LOBBYING ACTIVITIES; TO PROHIBIT THE USE OF PRIVATE FUNDING FOR CURRICULUM OR TEACHER TRAINING CONCERNING CIVICS AND RELATED COURSEWORK; TO PROHIBIT CERTAIN CONCEPTS FROM INCLUSION IN CURRICULUM OR INSTRUCTION; TO PROVIDE PUBLIC SCHOOL WEBSITES MUST INCLUDE CERTAIN INFORMATION AND MEANS OF PROVIDING RELATED FEEDBACK CONCERNING INSTRUCTIONAL MATERIALS AND CURRICULA IN USE; TO PROVIDE RELATED REPORTING REQUIREMENTS OF THE STATE DEPARTMENT OF EDUCATION AND SCHOOL DISTRICTS; TO PROHIBIT THE TEACHING, USE, OR PROMOTION OF THE 1619 PROJECT OR CERTAIN OTHER TENETS; TO PROVIDE FOR THE WITHHOLDING OF FUNDING FOR NONCOMPLIANCE WITH CERTAIN PROVISIONS OF THIS ACT; TO PROVIDE REQUIREMENTS FOR PUBLIC SCHOOLS THAT SEEK OR RECEIVE FEDERAL GRANTS RELATED TO HISTORY OR SOCIAL STUDIES EDUCATION; TO ESTABLISH THAT INSTRUCTIONAL MATERIALS AND CURRICULA ARE NOT EXEMPT FROM THE FREEDOM OF INFORMATION ACT; TO PROVIDE WHISTLEBLOWER PROTECTIONS; AND TO ESTABLISH CONSEQUENCES TO NONCOMPLIANCE WITH THIS ACT; AND BY ADDING SECTION 10-1-220 SO AS TO PROHIBIT FLAGS AND BANNERS THAT INTEND TO PROMOTE A SOCIAL OR POLITICAL CAUSE FROM BEING FLOWN FROM PUBLIC SCHOOLS.

Referred to Committee on Education and Public Works

H. 4800 -- Rep. McGarry: A BILL TO AMEND ACT 777 OF 1988, AS AMENDED, RELATING TO THE ESTABLISHMENT OF THE LANCASTER COUNTY SCHOOL DISTRICT, SO AS TO PROVIDE FOR THE ELECTION OF SCHOOL TRUSTEES IN PARTISAN INSTEAD OF NONPARTISAN ELECTIONS BEGINNING IN 2024 AND FOR THE NOMINATION, TERMS, AND ELECTION PROCEDURES OF CANDIDATES FOR THESE OFFICES.

Referred to Lancaster Delegation

[HJ]

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H. 4801 -- Rep. J. Moore: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA DIGNITY IN PREGNANCY AND CHILDBIRTH ACT" BY ADDING CHAPTER 42 TO TITLE 44 SO AS TO REQUIRE PERINATAL HEALTH CARE PROVIDERS TO IMPLEMENT AN EVIDENCE-BASED IMPLICIT BIAS PROGRAM TO TRAIN HEALTH CARE STAFF, TO ESTABLISH REQUIREMENTS FOR THE PROGRAM, AND FOR OTHER PURPOSES.

Referred to Committee on Medical, Military, Public and Municipal Affairs

H. 4802 -- Rep. R. Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-24-170 SO AS TO PROVIDE THAT A MUNICIPALITY MAY IMPOSE A MUNICIPAL DEED STAMP EQUAL TO ONE DOLLAR TEN CENTS FOR EACH ONE THOUSAND DOLLARS, OR FRACTIONAL PART OF ONE THOUSAND DOLLARS, OF THE REALTY'S VALUE.

Referred to Committee on Judiciary

H. 4803 -- Reps. R. Williams and King: A BILL TO AMEND CHAPTER 1, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO RENAME THE CHAPTER THE "DEPARTMENT OF PUBLIC HEALTH" AND TO REORGANIZE THE CHAPTER TO ABOLISH THE DEPARTMENT AND BOARD OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH BY THE GOVERNOR, TO ELIMINATE PROVISIONS PERTAINING TO THE BOARD AND TO ENVIRONMENTAL RESPONSIBILITIES OF THE DEPARTMENT, AND FOR OTHER PURPOSES; BY ADDING CHAPTER 6 TO TITLE 48 SO AS TO CREATE THE DEPARTMENT OF ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL BY THE GOVERNOR, TO TRANSFER TO THE DEPARTMENT THE ENVIRONMENTAL DIVISIONS, OFFICE, AND PROGRAMS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND FOR OTHER PURPOSES; TO AMEND SECTIONS 44-2-20, 44-2-40, 44-

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2-60, 44-2-130, 44-4-130, 44-4-540, 44-7-130, 44-7-150, 44-7-180, 44-7-190, 44-7-200, 44-7-210, 44-7-230, 44-7-320, 44-7-370, 44-7-760, 44-7-2430, 44-29-10, 44-29-150, 44-29-210, 44-53-160, AS AMENDED, 44-53-280, AS AMENDED, 44-53-290, AS AMENDED, 44-53-310, 44-53-320, 44-53-360, AS AMENDED, 44-53-740, 44-55-20, 44-55-30, 44-55-40, 44-55-45, 44-55-50, 44-55-60, 44-55-70, 44-55-120, 44-55-690, 44-55-860, 44-56-20, 44-56-30, 44-56-60, 44-56-100, 44-56-130, 44-56-160, 44-56-200, 44-56-210, 44-56-405, 44-56-410, 44-56-420, 44-56-495, 44-56-720, 44-56-840, AS AMENDED, 44-61-20, AS AMENDED, 44-61-30, 44-61-40, 44-61-50, 44-61-60, 44-61-70, 44-61-80, 44-61-130, 44-61-310, 44-61-350, 44-61-720, 44-61-800, 44-63-110, 44-69-20, 44-69-30, 44-69-50, 44-71-20, 44-75-20, AS AMENDED, 44-75-30, 44-75-40, 44-89-30, 44-93-20, 44-93-150, 44-93-160, 44-96-40, 44-96-85, 44-96-100, 44-96-120, AS AMENDED, 44-96-165, 44-96-170, 44-96-250, 44-96-440, 44-96-450, 48-1-10, 48-1-20, 48-1-55, 48-1-85, 48-1-95, 48-1-100, 48-1-130, 48-1-280, 48-2-20, 48-2-70, 48-2-320, 48-2-330, 48-2-340, 48-3-10, 48-3-140, 48-5-20, 48-14-20, 48-18-20, 48-18-50, 48-20-30, 48-20-40, 48-20-70, 48-21-20, 48-34-40, 48-39-10, AS AMENDED, 48-39-35, 48-39-50, 48-39-270, 48-39-280, AS AMENDED, 48-39-320, 48-40-20, 48-40-40, 48-43-10, 48-43-30, 48-43-40, 48-43-50, 48-43-60, 48-43-100, 48-43-390, 48-43-510, 48-43-520, 48-43-570, 48-46-30, 48-46-40, 48-46-50, 48-46-80, 48-46-90, 48-52-810, 48-52-865, 48-55-10, 48-56-20, 48-57-20, 48-60-20, 48-60-55, 49-1-15, 49-1-16, 49-1-18, 49-3-30, 49-4-20, 49-4-170, 49-5-30, 49-5-60, 49-6-30, 49-11-120, 49-11-170, AND 49-11-260, RELATING TO UNDERGROUND STORAGE TANKS, EMERGENCY HEALTH POWERS, HOSPITALS, CONTAGIOUS AND INFECTIOUS DISEASES, CONTROLLED SUBSTANCES, DRINKING WATER, HAZARDOUS WASTE MANAGEMENT, EMERGENCY MEDICAL SERVICES, VITAL STATISTICS, HOME HEALTH AGENCIES, HOSPICE PROGRAMS, ATHLETIC TRAINERS, BIRTHING CENTERS, INFECTIOUS WASTE MANAGEMENT, SOLID WASTE POLICY AND MANAGEMENT, POLLUTION CONTROL, ENVIRONMENTAL PROTECTION, WATER QUALITY, STORMWATER MANAGEMENT, EROSION AND SEDIMENT CONTROL, MINING, PRESCRIBED FIRES, COASTAL TIDELANDS AND WETLANDS, BEACH RESTORATION, OIL AND GAS EXPLORATION, LOW-LEVEL RADIOACTIVE WASTE, ENERGY EFFICIENCY, ENVIRONMENTAL AWARENESS AND INNOVATION, ENVIRONMENTAL AUDITS, INFORMATION TECHNOLOGY

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EQUIPMENT RECOVERY, IMPOUNDMENT OF NAVIGABLE WATERS, WATER RESOURCES PLANNING, SURFACE WATER WITHDRAWAL, GROUNDWATER USE, AQUATIC PLANT MANAGEMENT, AND DAMS, RESPECTIVELY, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS OF STATE GOVERNMENT SO AS TO ADD THE DEPARTMENT OF PUBLIC HEALTH AND THE DEPARTMENT OF ENVIRONMENTAL CONTROL; BY ADDING SECTION 1-30-140 SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 1-30-45 RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

Referred to Committee on Education and Public Works

H. 4804 -- Reps. R. Williams and Gilliard: A BILL TO AMEND CHAPTER 52, TITLE 48, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PLAN FOR STATE ENERGY POLICY, SO AS TO RENAME THE CHAPTER THE "STATE ENERGY OFFICE"; TO AMEND SECTION 48-52-410, RELATING TO THE ESTABLISHMENT OF THE STATE ENERGY OFFICE, SO AS TO TRANSFER THE STATE ENERGY OFFICE FROM THE OFFICE OF REGULATORY STAFF AND ESTABLISH IT AS A SEPARATE AGENCY OF THIS STATE; BY ADDING SECTION 48-52-415 SO AS TO PROVIDE FOR THE NOMINATION AND APPOINTMENT OF THE EXECUTIVE DIRECTOR OF THE STATE ENERGY OFFICE; TO AMEND SECTION 1-11-20, RELATING TO THE TRANSFER OF OFFICES, DIVISIONS, AND OTHER AGENCIES FROM THE STATE BUDGET AND CONTROL BOARD TO APPROPRIATE ENTITIES, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTIONS 48-52-440, AS AMENDED, AND 48-52-460, BOTH RELATING TO THE STATE ENERGY OFFICE, SO AS TO MAKE CONFORMING CHANGES.

Referred to Committee on Labor, Commerce and Industry

H. 4805 -- Rep. Elliott: A BILL TO AMEND SECTION 12-20-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IMPOSITION OF LICENSE TAXES ON CORPORATIONS, SO AS TO PROVIDE THAT THE FEE DOES NOT APPLY TO ANY PORTION OF THE FIRST FIFTY MILLION DOLLARS OF

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CERTAIN CAPITAL STOCK AND PAID-IN OR CAPITAL SURPLUS.

Referred to Committee on Ways and Means

Rep. R. WILLIAMS moved that the House do now adjourn, which was agreed to.

RETURNED WITH CONCURRENCE

The Senate returned to the House with concurrence the following:

H. 4747 -- Rep. Lucas: A CONCURRENT RESOLUTION INVITING HIS EXCELLENCY, HENRY DARGAN MCMASTER, GOVERNOR OF THE STATE OF SOUTH CAROLINA, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION AT 7:00 P.M. ON WEDNESDAY, JANUARY 19, 2022, IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES.

ADJOURNMENT

At 11:05 a.m. the House, in accordance with the motion of Rep. GILLIAM, adjourned in memory of John Robinson McCravy Jr., father of Representative McCravy, to meet at 10:00 a.m. tomorrow.

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H. 3198	376	H. 4794	391
H. 3352	377	H. 4795	391
H. 3569	377	H. 4796	391
H. 3598	377	H. 4797	392
H. 3599	377	H. 4798	392
H. 4495	380, 383	H. 4799	393
H. 4747	397	H. 4800	394
H. 4765	377	H. 4801	394
H. 4768	377	H. 4802	395
H. 4775	377	H. 4803	395
H. 4778	378	H. 4804	397
H. 4779	384	H. 4805	397
H. 4780	384		
H. 4787	385	S. 525	383
H. 4788	386	S. 865	378
H. 4789	386	S. 963	389
H. 4790	387	S. 964	389
H. 4791	388	S. 971	390
H. 4792	388	S. 978	390
H. 4793	390		