NO. 3

JOURNAL

OF THE

SENATE

OF THE

STATE OF SOUTH CAROLINA

REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

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THURSDAY, JANUARY 12, 2023

Thursday, January 12, 2023
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator SHEALY. **(This is a Statewide Session day established under the provisions of Senate Rule 1B. Members not having scheduled committee or subcommittee meetings may be in their home districts without effect on their session attendance record.)**

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:
S. 164 Sens. Loftis, Peeler
S. 179 Sens. Gambrell, Garrett

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 371 -- Senator Jackson: A RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF KAIYAH T'SELANI TYANNA HORTON-SEAWRIGHT OF COLUMBIA, TO CELEBRATE HER LIFE, AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.
lc-0121ph-rm23.docx : 8ed81732-0aff-49e4-81c0-4f40382011f5
The Senate Resolution was adopted.

S. 372 -- Senator Matthews: A RESOLUTION TO CONGRATULATE NEW HOPE CHRISTIAN CHURCH (DISCIPLES OF CHRIST) UPON THE OCCASION OF ITS ONE HUNDREDTH ANNIVERSARY AND TO COMMEND THE CHURCH FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE BURTON COMMUNITY AND THE PEOPLE AND THE STATE OF SOUTH CAROLINA.
sr-0208km-vc23.docx : 9266f28c-6a0b-4aed-835b-7a91583f85e8
The Senate Resolution was adopted.

S. 373 -- Senator Malloy: A RESOLUTION TO RECOGNIZE AND HONOR MICHAEL HARRIOT FOR HIS CONTRIBUTIONS AS A WRITER, POET, CULTURAL CRITIC, JOURNALIST, AND

BROADCASTER, AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

lc-0125ph-jn23.docx : 0203f0fb-9c44-432e-86a8-c9038f4e8648

The Senate Resolution was adopted.

S. 374 -- Senators Rankin, Sabb and Talley: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, FEBRUARY 1, 2023, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE SUPREME COURT, SEAT 4, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JULY 31, 2032; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2023; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 2, AND THE SUCCESSOR WILL SERVE A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2029; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, FIFTEENTH JUDICIAL CIRCUIT, SEAT 1, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2023, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2027; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIRST JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH EXPIRES JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TWELFTH JUDICIAL CIRCUIT, SEAT 1, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2023, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 7, WHICH WILL EXPIRE JUNE 30, 2023; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 8, WHICH WILL EXPIRE JUNE 30, 2023; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 5, UPON HER RETIREMENT ON OR BEFORE JUNE 30, 2023, AND THE SUCCESSOR WILL SERVE A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2028.

sj-0003ec-ec23.docx : c2a24ec5-4c53-4866-9a3e-d4ce95b2f0b2

The Concurrent Resolution was introduced and referred to the Committee on Operations and Management.

S. 375 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE THAT A DRIVER SHALL ENSURE THAT HIS VEHICLE IS KEPT UNDER CONTROL WHEN APPROACHING OR PASSING A MOTOR VEHICLE STOPPED ON OR NEAR THE RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE THAT A PERSON DRIVING A VEHICLE APPROACHING A STATIONARY VEHICLE DISPLAYING FLASHING HAZARD LIGHTS SHALL SLOW DOWN, YIELD THE RIGHT-OF-WAY, AND MAINTAIN A SAFE SPEED IF CHANGING LANES IS UNSAFE; AND TO PROVIDE PENALTIES.
sr-0213km23.docx : 99899f71-6f67-4556-85c7-199f48fc1da7

Read the first time and referred to the Committee on Transportation.

S. 377 -- Senator Campsen: A BILL TO AMEND ACT 844 OF 1952, RELATING TO THE COMPOSITION, RESIDENCY, AND TERMS OF THE SCHOOL TRUSTEES OF CERTAIN SCHOOL DISTRICTS IN CHARLESTON COUNTY, SO AS TO PROVIDE THAT THE MOULTRIE SCHOOL DISTRICT NO. 2 BOARD OF TRUSTEES SHALL CONSIST OF SEVEN MEMBERS, AT LEAST THREE OF WHOM MUST BE RESIDENTS OF THE TOWN OF MOUNT PLEASANT.
lc-0075ph23.docx : 0527c639-7a3b-4cd0-a011-bce8c88657e2

Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 378 -- Senator Allen: A RESOLUTION TO RECOGNIZE AND HONOR BARBARA BOLLING-WILLIAMS FOR HER ILLUSTRIOUS CAREER AS AN ATTORNEY AND TO WELCOME HER TO THE STATE OF SOUTH CAROLINA TO ADDRESS THE NAACP FREEDOM FUND BANQUET IN LAURENS.
lc-0050ha-gm23.docx : fa9fe9be-2215-42ac-a57d-4382a3ed099a

The Senate Resolution was adopted.

S. 379 -- Senator Shealy: A RESOLUTION TO RECOGNIZE AND HONOR DARIUS RUCKER FOR HIS CONTRIBUTIONS TO MUSIC AND TO THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

sr-0211km-vc23.docx : 14efa224-7aea-42cd-a16e-81a6d87f6f5e

The Senate Resolution was adopted.

S. 380 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-20, RELATING TO DEFINITIONS, SO AS TO DEFINE LEGAL GUARDIANSHIP; BY AMENDING SECTION 63-7-20, RELATING TO DEFINITIONS SO AS TO DEFINE LEGAL GUARDIAN; BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE FOR PROCEDURES TO ESTABLISH LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS WHEN ADOPTION IS NOT AN OPTION; BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE CONFORMING LANGUAGE; BY ADDING SECTION 63-7-1705 SO AS TO ESTABLISH PROCEDURES FOR INITIATING THE JUDICIAL ESTABLISHMENT OF LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2810 SO AS TO PROVIDE THE PURPOSE OF THE SOUTH CAROLINA LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2820 SO AS TO DEFINE THE TERMS; BY ADDING SECTION 63-7-2830 SO AS TO ESTABLISH AN ONGOING PROGRAM OF SUPPLEMENTAL BENEFITS FOR LEGAL GUARDIANSHIP; BY ADDING SECTION 63-7-2840 SO AS TO PROVIDE THE ELIGIBILTY REQUIREMENTS FOR LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2850 SO AS TO PROVIDE REQUIREMENTS FOR WRITTEN AGREEMENTS BETWEEN THE DEPARTMENT OF SOCIAL SERVICES AND LEGAL GUARDIANS; BY ADDING SECTION 63-7-2860 SO AS TO PROVIDE A METHOD FOR REVIEW OF DECISIONS THAT ARE ADVERSE TO THE LEGAL GUARDIAN; BY ADDING SECTION 63-7-2870 SO AS TO PROMULGATION OF REGLUATIONS; BY ADDING SECTION 63-7-2880; BY AMENDING SECTION 63-1-20, RELATING TO POLICY, SO AS TO INCLUDE LEGAL GUARDIANSHIP WHEN ADOPTION IS NOT APPROPRIATE; AND BY AMENDING SECTION 63-7-2350, RELATING TO RESTRICTIONS ON FOSTER CARE OR ADOPTION PLACEMENTS, SO AS TO INCLUDE PLACEMENT OF A CHILD IN A LEGAL GUARDIAN'S HOME.

sr-0011jg23.docx : 78154632-5bee-4723-ad9f-aaa915ad8201

Read the first time and referred to the Committee on Family and Veterans' Services.

S. 381 -- Senator Peeler: A BILL CONSTITUTION TO RATIFY AN AMENDMENT TO SECTION 36(A), ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND, SO AS TO INCREASE FROM FIVE TO SEVEN PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND; AND TO RATIFY AN AMENDMENT TO SECTION 36(B) OF ARTICLE III, RELATING TO THE CAPITAL RESERVE FUND, SO AS TO INCREASE FROM TWO TO THREE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE CAPITAL RESERVE FUND AND TO PROVIDE THAT THE FIRST USE OF THE CAPITAL RESERVE FUND MUST BE TO OFFSET MIDYEAR BUDGET REDUCTIONS.
lc-0103dg23.docx : cdb9b0c3-a989-406a-b550-6eb503439362

Read the first time and referred to the Committee on Finance.

S. 382 -- Senator Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 8-11-625 SO AS TO PROVIDE THAT STATE EMPLOYEES EARNING ANNUAL LEAVE AT THE RATE OF THIRTY DAYS A YEAR MUST RECEIVE A LUMP SUM PAYMENT FOR DAYS OF ANNUAL LEAVE FEWER THAN THIRTY DAYS NOT USED OR DONATED BY THE EMPLOYEE IN A CALENDAR YEAR, TO PROVIDE ELIGIBILITY REQUIREMENTS, AND TO PROVIDE THAT SUCH PAYMENTS ARE NOT CONSIDERED EARNABLE COMPENSATION IN THE CALCULATION OF RETIREMENT BENEFITS.
smin-0065aa23.docx : c6944334-a734-489f-9c49-f3699690a98d

Read the first time and referred to the Committee on Finance.

S. 383 -- Senator Malloy: A BILL TO PROVIDE THAT EACH MEMBER OF THE LEE COUNTY TRANSPORTATION COMMITTEE SHALL BE ALLOWED AND PAID ONE HUNDRED DOLLARS FROM LEE COUNTY "C" FUND REVENUES FOR EACH MEETING AT WHICH HE IS IN ATTENDANCE; TO PROVIDE THAT THE MEMBERS OF THE LEE COUNTY

TRANSPORTATION COMMITTEE SHALL RECEIVE PAYMENTS UPON THE ISSUANCE OF APPROVED VOUCHERS BY THE COMMITTEE'S CHAIRMAN, EXCEPT THAT THE CHAIRMAN MAY NOT APPROVE VOUCHERS FOR MORE THAN FIFTEEN MEETINGS PER FISCAL YEAR FOR EACH MEMBER OF THE COMMITTEE; AND TO PROVIDE THAT THE CHAIRMAN OF THE LEE COUNTY LEGISLATIVE DELEGATION SHALL BE AN EX-OFFICIO, NONVOTING MEMBER OF THE LEE COUNTY TRANSPORTATION COMMITTEE.

sr-0051km23.docx : 8e020aa7-b5c7-4093-b8fc-c5a0dd44f09c

Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 384 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-37-220(B)(3), RELATING TO GENERAL EXEMPTION FROM PROPERTY TAXES, SO AS TO PROVIDE FOR AN EXEMPTION FOR A DISABLED VETERAN'S VEHICLE IF THE VEHICLE IS OWNED BY A TRUST, THE DISABLED VETERAN IS THE BENEFICIARY OF THE TRUST, AND THE DISABLED VETERAN OTHERWISE WOULD QUALIFY FOR THE EXEMPTION IF HE OWNED THE VEHICLE.

sr-0188km23.docx : 17b8d65f-043b-488a-9835-b76510a2f19a

Read the first time and referred to the Committee on Finance.

S. 385 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-2910, RELATING TO RECKLESS VEHICULAR HOMICIDE, SO AS TO PROVIDE PENALTIES FOR RECKLESS VEHICULAR HOMICIDE, AND TO PROVIDE THAT A PERSON MAY PETITION THE CIRCUIT COURT IN THE COUNTY OF THE PERSON'S CONVICTION FOR REINSTATEMENT OF HIS DRIVER'S LICENSE AFTER ONE YEAR FROM THE DATE OF REVOCATION OF HIS LICENSE; AND BY ADDING SECTION 56-5-2925 SO AS TO PROVIDE FOR THE OFFENSE OF FELONY RECKLESS DRIVING, TO PROVIDE PENALTIES, TO PROVIDE A PROCEDURE FOR DRIVER'S LICENSE REINSTATEMENT FOR A PERSON CONVICTED OF FELONY RECKLESS DRIVING, AND TO PROVIDE THAT A SUBSEQUENT MOVING VIOLATION REQUIRES THE AUTOMATIC CANCELLATION OF ANY REINSTATED DRIVERS LICENSE AND IMPOSITION OF THE

FULL PERIOD OF REVOCATION FOR THE FELONY RECKLESS DRIVING VIOLATION; AND TO DEFINE NECESSARY TERMS.
sr-0158km23.docx : fee536e3-7ded-4b76-b6a7-406aa61ca7a4

Read the first time and referred to the Committee on Transportation.

REPORTS OF STANDING COMMITTEES

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

S. 39 -- Senator Grooms: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-8-110 SO AS TO DEFINE NECESSARY TERMS; BY ADDING SECTION 59-8-120 SO AS TO PROVIDE TIMELINE AND SCHOLARSHIP APPLICATION PROCESS GUIDELINES; BY ADDING SECTION 59-8-130 SO AS TO ESTABLISH THE SOUTH CAROLINA EDUCATION SCHOLARSHIP TRUST FUND; BY ADDING SECTION 59-8-140 SO AS TO ESTABLISH AN ONLINE ELECTRONIC PAYMENT SYSTEM; BY ADDING SECTION 59-8-150 SO AS TO PROVIDE GUIDELINES FOR IF A PROGRAM OF ACADEMIC INSTRUCTION IS TERMINATED BEFORE THE END OF THE SEMESTER; BY ADDING SECTION 59-8-160 SO AS TO LIMIT THE NUMBER OF SCHOLARSHIP STUDENTS FOR SPECIFIED SCHOOL YEARS; BY ADDING SECTION 59-8-170 SO AS TO PROVIDE FOR THE APPLICATION PROCESS AND ESTABLISHMENT OF EDUCATION SERVICE PROVIDERS; BY ADDING SECTION 59-8-180 SO AS TO PROVIDE GUIDELINES FOR INFORMING STUDENTS AND THEIR PARENTS OF PROGRAM ELIGIBILITY; BY ADDING SECTION 59-8-190 SO AS TO ENSURE EQUITABLE TREATMENT AND PERSONAL SAFETY OF ALL SCHOLARSHIP STUDENTS; BY ADDING SECTION 59-8-200 SO AS TO REQUIRE THAT A SCHOLARSHIP STUDENT'S RESIDENT SCHOOL DISTRICT PROVIDE A PARENT AND THE EDUCATION SERVICE PROVIDER WITH THE STUDENT'S SCHOOL RECORDS; BY ADDING SECTION 59-8-210 SO AS TO ESTABLISH THE ESTF REVIEW PANEL; BY ADDING SECTION 59-8-220 SO AS TO PROVIDE THAT THE PROVISIONS OF THE CHAPTER DO NOT RESTRICT A SCHOOL DISTRICT'S ABILITY TO ENACT OR ENFORCE A DISTRICT'S STUDENT TRANSFER POLICY.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Medical Affairs submitted a favorable report on:

S. 164 -- Senators Climer, Gustafson, Kimbrell, Senn, Loftis and Peeler: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY RENAMING ARTICLE 3, CHAPTER 7, TITLE 44 AS THE "STATE HEALTH FACILITY LICENSURE ACT"; BY AMENDING SECTIONS 44-7-110, 44-7-120, 44-7-130, 44-7-140, 44-7-150, AND 44-7-320, ALL RELATING TO THE REGULATION OF HEALTH CARE FACILITIES IN THE STATE, TO ELIMINATE REFERENCES TO CERTIFICATE OF NEED REQUIREMENTS; BY AMENDING SECTIONS 44-7-160, SO AS TO PROVIDE THAT THE CERTIFICATE OF NEED PROGRAM ONLY APPLIES TO NURSING HOMES; BY ADDING SECTION 44-7-161, TO PROVIDE THAT MUSC MUST APPEAR BEFORE THE JBRC AND OBTAIN APPROVAL FROM THE SFAA PRIOR TO TAKING CERTAIN ACTIONS; AND TO ESTABLISH THE CERTIFICATE OF NEED STUDY COMMITTEE TO ASSESS HEALTHCARE IN RURAL SOUTH CAROLINA.

Ordered for consideration tomorrow.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

REPORT
Judicial Merit Selection Commission
Report of Candidate Qualifications for 2022

Date Draft Report Issued: Thursday, January 12, 2023

Date and Time: Final Report Issued: Noon, Tuesday, January 17, 2023
Judicial candidates are not free to seek or accept commitments until Tuesday, January 17, 2023, at Noon.

Judicial Merit Selection Commission

Sen. Luke A. Rankin, Chairman
Rep. Micajah P. "Micah" Caskey, IV, Vice-Chairman
Sen. Ronnie A. Sabb

Erin B. Crawford, Chief Counsel

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

January 12, 2023

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 17, 2023. Further, members of the General Assembly are not permitted to issue letters of introduction, announcements of candidacy, statements detailing a candidate's qualifications, or commitments to vote for a candidate until 12:00 Noon on Tuesday, January 17, 2023. 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,
Senator Luke A. Rankin

Judicial Merit Selection Commission

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

January 12, 2023

Dear Fellow Members of the General Assembly:

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

Section 2-19-70(C) of the South Carolina Code contains strict prohibitions concerning candidates seeking or legislators giving their pledges of support or implied endorsement through an introduction prior to 48 hours after the release of the final report of the Judicial Merit Selection Commission ("Commission"). The purpose of this section 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,
Senator Luke A. Rankin
Chairman

INTRODUCTION

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

The Judicial Merit Selection Commission is composed of ten members, four of whom are non-legislators. The Commission has continued the more in-depth screening format started in 1997. The Commission has

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

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

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

experience, and judicial temperament. The Commission's investigation includes the following:

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

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

The Commission expects each candidate to possess a basic level of legal knowledge and ability, to have experience that would be applicable to the office sought, and to exhibit a strong adherence to codes of ethical behavior. These expectations are all important, and excellence in one category does not make up for deficiencies in another.

Routine questions related to compliance with ethical Canons governing ethics and financial interests are now administered through a written

questionnaire mailed to candidates and completed by them in advance of each candidate's staff interview. These issues are no longer automatically made a part of the public hearing process unless a concern or question was raised during the investigation of the candidate. The necessary public record of a candidate's pledge to uphold the Canons is his or her completed and sworn questionnaire.

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 David Garrison "Gary" Hill
Supreme Court, Seat 4

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 Supreme Court Justice.

Judge Hill was born in 1964. He is 58 years old and a resident of Greenville, 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 $429.95 in campaign expenditures for:
Postage - $70
Stationary - $109.95
Clerical Assistance - $250

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.
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, and 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.

(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 at a seminar for employees of the S.C. Department of Revenue and at conferences held by the S.C. Ass'n 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.

(n) I have taught the Ethics class at the LEAPP program presented by the S.C. Bar

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

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 these years.

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 his last rating as of 2004 was AV by Martindale-Hubbell. He was also listed in the Martindale-Hubbell Register of Preeminent Lawyers.

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:
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 the frequency of his court appearances prior to his service on the bench as follows:
(a) Federal: From 1999-2004 I appeared in federal court on civil and criminal matters several times each month.
(b) State: Once or more each week.

Judge Hill reported the percentage of his practice involving civil, criminal, domestic and other matters prior to his service on the bench as follows:
(a) Civil: 65%
(b) Criminal: 15%
(c) Domestic: 20%
(d) Other:

Judge Hill reported the percentage of his practice in trial court prior to his service on the bench as follows:
(a) Jury: Not more than 10%. Like most trial attorneys, most of my litigation cases began as potential jury trials but settled before trial;
(b) Non-jury: The remaining 90% of my practice in trial court consisted of motion practice and bench trials

Judge Hill 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 Hill's account of his five most significant litigated matters:

(a) American Heart Association, et al. v. County of Greenville, et al., 331 S.C. 498, 489 S.E.2d 921 (1997). In this case I represented pro bono the American Heart Association and the American Cancer Society. These two charities were the residuary beneficiaries under the Will of Mrs. Kate Jackson, the widow of Baseball Legend Joseph "Shoeless Joe" Jackson. The charities sought possession and ownership of Mr. Jackson's original Last Will and Testament, on the ground that it was an asset that passed to Mrs. Jackson at her husband's death. The original was extremely valuable, as it contained one of the few known genuine signatures of "Shoeless Joe," who rarely gave autographs. Experts contend that an original "Shoeless Joe" signature is the third most valuable signature in the world, outranked only by that of Martin Luther and Button Gwinnett, a Georgia signer of the Declaration of Independence. The charities wanted to auction the original Will and use the proceeds for medical research.

Although we lost the case, it was significant to me because of the uniqueness of the parties, the subject matter and the legal principles involved.

(b) WCRSA v. DHEC, et al.

Our firm was general counsel to Western Carolina Regional Sewer Authority (WCRSA) (n/k/a REWA), the largest sewer treatment facility in Upstate South Carolina. WCRSA brought this action challenging numerous actions of DHEC as arbitrary, unlawful rulemaking in excess of DHEC's regulatory authority. The case was eventually settled but involved important issues of administrative law and rulemaking under our state Administrative Procedures Act and the S.C. Constitution.

(c) Gardner v. S.C. Dep't of Revenue, 353 S.C. 1 (2003)

Although I was by no means lead counsel, I represented the City of Seneca as a class defendant in this case where the plaintiffs challenged the constitutionality of the Setoff Debt Collection Act, Act 474 of 1988.

(d) SCDOT v. Antonakos. I represented the Landowner in this condemnation case that arose out of construction of the "Southern Connector" toll road in Greenville County. The case was significant because the jury returned a sizeable verdict in favor of the Landowner, and the trial also involved

some novel issues under the Eminent Domain Procedures Act, S.C. Code section 28-2-10 et seq.

(e) In Re: Safety Kleen Litigation. This was a class action case litigated in federal district court for the District of South Carolina. It involved allegations of securities fraud, corporate wrongdoing, and other causes of action on behalf of certain Safety Kleen shareholders. I served as local counsel to one of the lead Plaintiffs.

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

(a) Poole v. Incentives Unlimited, Inc., 338 S.C. 271, 525 S.E.2d 898 (S.C. Supreme Court June 4, 2001).

This employment law case presented the issue of whether continued at-will employment constitutes sufficient consideration for a covenant not to compete.

(b) Nedrow v. Pruitt, 336 S.C. 668, 521 S.E.2d 755 (S.C. Court of Appeals September 13, 1999).

This appeal from a jury verdict involved a challenge to the trial court's jury instructions and rulings on the admissibility of impeachment evidence.

(c) Nalley v. Nalley, 53 F.3d 649 (4th Cir. 1995).

This appeal concerned the appropriate measure of damages for violations of the federal

(d) Medlock v. 6.18 Acres of Real Property (S.C. Sup. Ct. 1992)

This arose out of and was the companion case to Medlock v. 1985 Ford F-150, 308 S.C. 68, 417 S.E.2d 85 (1992), which established the right to a jury trial under the civil forfeiture statute, S.C. Code section 44-53-30.

(e) Bradley v. Cherokee School District, 322 S.C. 181, 470 S.E.2d 570 (S.C. Supreme Court May 2, 1996).

This appeal addressed the constitutionality of Act No. 588 of 1994, specifically whether the Act constituted special legislation, amounted to taxation without representation, and unlawfully delegated taxing power.

The following is Judge Hill's account of five criminal appeals he has personally handled:

(a) United States v. Holmes, et al., 2002 WL 440225 (4th Cir. 2002).

This appeal raised Bruton issues, and challenged the admissibility of expert testimony and juror conduct.

(b) State v. Anders, 331 S.C. 474, 503 S.E.2d 443 (S.C. Supreme Court July 20, 1998).

This appeal involved whether a defendant's statement was admissible under the co-conspirator exception to the hearsay rule, SCRE 801, or as a statement against penal interest, SCRE 804.

(c) State v. Harry, 321 S.C. 273, 468 S.E.2d 76 (S.C. Court of Appeals February 5, 1996).

This appeal raised issues related to circumstantial evidence, impeachment evidence, and severance.

(d) State v. Thrift, 312 S.C. 282, 440 S.E.2d 341 (S.C. Supreme Court January 17, 1994) (on brief).

This appeal from a State Grand Jury prosecution decided important questions concerning enforceability of plea agreements and immunity from prosecution.

(e) United States v. Winchester, 993 F.2d 229 (4th Cir.1993).

This appeal presented the issue of whether the offense of entering a bank with the intent to commit a felony constituted a "crime of violence" sufficient to support a conviction under 18 U.S.C. section 924(c).

Judge Hill reported that he has held the following judicial offices:

(a) Resident Circuit Judge for the Thirteenth Judicial Circuit, Seat No. 4, 2004-2017

(b) Judge, South Carolina Court of Appeals, Seat 9, 2017-present

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)

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 to waive 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

While a circuit judge, 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 wrote 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, was 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.

(10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualifications found Judge Hill to be "Well-Qualified" as to 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. There were no summary or related 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 18 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.

(11) Commission Members' Comments:
The Commission commended Judge Hill for his service as a judge on the Court of Appeals. They noted his great intellect and outstanding reputation which have ably served him in discharging his responsibilities on the Court of Appeals.

(12) Conclusion:
The Commission found Judge Hill qualified, and nominated him for election to Supreme Court, Seat 4.

The Honorable Aphrodite Konduros
Supreme Court, Seat 4

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Konduros was born in 1959. She is 63 years old and a resident of Simpsonville, South Carolina. Judge Konduros provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1985.

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

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

Judge Konduros 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 Konduros 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 Konduros to be intelligent and knowledgeable.

Judge Konduros reported that she has taught the following, non-exhaustive list of law-related courses:

(a) Guest professor at the Charleston School of Law for a number of years, lecturing on practice in the area of family court and appellate practice. The courses were designed as a practicum for third year students to actually learn how to hire a secretary, open a trust account, behave in the courtroom setting, and prosper in the practice of law

(b) Speaker at the American Legion's Palmetto Girls' State for many years on a possible career in law and government, and to regional events throughout the state

(c) Speaker for many years to the American Board of Trial Advocates youth program, the James Otis Lecture Series

(d) SCTLA Conference on ethical considerations in family court

(e) Numerous Omnibus Adult Protection Act presentations at the Criminal Justice Academy

(f) DSS-sponsored CLE seminars on Termination of Parental Rights, Adult issues and Adoptions

(g) Abuse and Neglect to Greenville School District teachers

(h) "Grand Rounds" training to interns at Greenville Hospital on recognizing abuse

(i) Annual training to Greenville Chamber of Commerce young members on the court system and moderated a law enforcement panel

(j) Annual training to "Leadership Greenville" on recognizing abuse, and question and answers at the Court of Appeals on the appellate process

(k) Lecturer at the Summer School on Gerontology at Winthrop University

(l) Panelists on various panels at the SC Bar Family Law Section

(m) Panelist on the Chief Justice's Mini-summit on Children

(n) Speaker many times on appellate issues for SCDTAA

(o) Speaker many times on appellate issues for SC Access to Justice

(p) Speaker to the inaugural class of the USC Legal Writing Academy

(q) Addressed the Biannual National Court Technology Conference in Baltimore. Maryland on the use of the iPad for the appellate review of cases.

(r) Taught a "Maymester" class at the Charleston School of Law on abuse and neglect law.

(s) Addressed the National Governors' Conference in Washington, D.C. on sentencing considerations

(t) Speaker many times at the Greenville Bar Year-End CLE on family law, appellate issues, and mentoring lawyers with substance abuse issues

(u) Speaker at the annual SC Magistrates and Municipal Court Judges Annual Conference twice

(v) Speaker to the annual conference of the SC Clerks of Court on docketing issues in family court

(w) Spoken to the Greenville Kiwanis on Adoption issues

(x) Spoken at the Greenville Bar Law Day Luncheon and Summer Associate Luncheon many times

(y) Presented to the Greenville Tech Paralegal Program on ethical responsibilities and was their graduation speaker

(z) Twice addressed the SC Probate Judges Conference

(aa) Speaker at the Furman Foundation Annual Meeting

(bb) Numerous training sessions to the Upstate Fatherhood Coalition on the logic of child support

(cc) "Welcome the Judge" at Welcome Elementary and Sara Collins Elementary Schools

(dd) Commencement Speaker for Charleston School of Law graduation twice

(ee) Commencement speaker at Colleton Academy, Walterboro, SC

(ff) Commencement speaker at Wilson Hall, Sumter, SC

(gg) Judged USC's Kate Bockman Moot Court numerous times

(hh) Finer Points of Legal Writing to the Public Service Commission legal staff

(ii) Many presentations at Circuit and Family Court Judges Conferences

(jj) Downtown Greenville Rotary Speaker for Law Enforcement Appreciation Day

Judge Konduros reported that she has published the following:

(a) "Chief of the Catawbas", Sandlapper Magazine, Summer Issue. 1999

(b) "An Unlikely Mentor", SCWLA Briefcase, Spring Issue, 2007

(c) SC Adoption Law and Practice (SC Bar 2010), Editorial Board

(d) Marital Litigation in SC, Professor Emeritus Roy T. Stuckey (SC Bar 2010), Third and Fourth Editions Editorial Board

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

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

The Commission also noted that Judge Konduros 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 Konduros reported that her last available rating by a legal rating organization, Martindale-Hubbell, was AV.
Judge Konduros reported that she has not served in the military.

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

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

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

(8) Experience:
Judge Konduros was admitted to the South Carolina Bar in 1985.

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

(a) 1984-85 Weinberg, Brown & McDougall- Associate. General practice, civil, criminal, appellate, Armed Services Board of Contract Appeals- no financial involvement

(b) 1985-87 Law Clerk to the Honorable David F. McInnis, Circuit Judge, Thirteenth Judicial Circuit – Accompanied judge to 33 counties assisting him in criminal and civil trials-no financial involvement

(c) 1987-89 Todd & Barber Law Firm, Columbia, SC-Associate. General practice including residential and commercial real estate and development, domestic, probate, appellate practice, criminal, civil, outdoor advertising licensure, and collection. - no financial involvement

(d) 1989-94 SC Department of Disabilities and Special Needs, Columbia, SC - Assistant General Counsel. Practice included juvenile hearings, unemployment, workers compensation, civil, criminal, probate commitments, Medicaid and Social Security benefits practice. - no financial involvement

(e) 1994-97 SC Department of Social Services, Greenville, SC-County attorney. Prosecuted abuse and neglect cases, child support, appellate practice, unemployment and probate. -no financial involvement

(f) 1/1997-12/1997 The Code Law Firm, Greenville, SC-Associate. Private practice including divorce, child support, representing DSS, DJJ, DDSN, City of

Greenville, City of Greer Police Department, Department of Corrections through the Insurance Reserve Fund, magistrate court- no financial involvement, other than setting some of my fees.

(g) 1997-2000 SC Department of Social Services, Columbia, SC- Assistant General Counsel. Adoptions, DSS prosecution, appellate practice, state procurement, day care licensure appeals, state employee grievances. - no financial involvement

(h) 2000-2008 SC Department of Social Services, Greenville, SC- County Director and Attorney- Managed 314 state employees and multi-million-dollar budget, administering Medicaid and Medicare, food stamps, child and adult protective services, foster care licensing, and over 400 foster children. Supervised five attorneys and continued to try cases myself in child abuse, elder abuse, adoptions, termination of parental rights. Handled unemployment cases myself. - no financial involvement. All finances handled through the Columbia office and local business manager.

(i) 2002-2008 SC Family Court Judge, Thirteenth Circuit, Seat 3- no financial involvement.

(j) 2008- present SC Court of Appeals Judge- no financial involvement

Judge Konduros reported the frequency of her court appearances prior to her service on the bench as follows:
(a) Federal: rare, maybe three times;
(b) State: predominately family court, with a fair percentage of circuit court and appellate appearances. I appeared in family court three times a week on average.

Judge Konduros reported the percentage of her practice involving civil, criminal, domestic and other matters prior to her service on the bench as follows:
(a) Civil: 6%;
(b) Criminal: 4%;

(c) Domestic: 90%;
(d) Other: 0%.

Judge Konduros reported the percentage of her practice in trial court prior to her service on the bench as follows:
(a) Jury: 5%;
(b) Non-jury: 95%.
Judge Konduros provided that during the past five years prior to her service on the bench she most often served as sole counsel, and sometimes chief counsel.

The following is Judge Konduros' account of her five most significant litigated matters:
(a) SCDSS v Elizabeth Rochelle Maddox, et al. Termination of parental rights case concerning mother and father's rights to remaining siblings of murdered sibling. Parents had been convicted of murdering their child and the case raised whether termination their rights to their other children was premature while the convictions were on appeal.
(b) SCDSS v Partridge, Harris, et al. Children were sexually abused but too young to testify. The parents, boyfriend and grandparents were all suspects.
(c) SCDSS v Walker, Thompson, et al. Complicated neglect and custody case where father of all the children and both mothers were all individuals with mental retardation. Each litigant had a lawyer and a guardian and each case was tried carefully to ensure the defendants understood the proceedings against them.
(d) SCDSS v Plunkett, Sullivan, et al. Contested four-day termination of parental rights case between the natural parents, who were also full siblings and their mother versus the foster/adoptive parents. The parents relinquished their rights, and then changed their minds forcing a two-day trial on the voluntariness of their relinquishments, followed by a two-day trial between the grandmother and the foster parents.
(e) Hooper v Rockwell, SCDSS, et al. 334 S.C. 281, 513 S.E.2d 358 (1999) Mother appealed termination of her rights which the Court upheld. This case still stands for what matters in family court are interlocutory and which are final.

The following is Judge Konduros' account of three civil appeals she has personally handled:
(a) SCDSS v Beeks, et al. 325 S.C. 243, 481 S.E.2d 703 (1997)- joined in another's brief.

(b) Hooper v Rockwell, et al. 334 S.C. 281, 513 S.E.2d 358 (1999).
(c) Charping v J.P. Scurry& Company, Inc.,296 S.C.312, 372 S.E. 2d 120 (Ct. App. 1988).

Judge Konduros reported that she has not personally handled any criminal appeals.

Judge Konduros reported that she has held the following judicial office(s):
(a) SC Family Court Judge in the Thirteenth Judicial Circuit. First elected February 6, 2002, and reelected February 4, 2004, serving until February 6, 2008. Jurisdiction is set forth in SC Code Section 63-3-510, et seq. Elected by the SC Legislature.
(b) SC Court of Appeals Judge since February 6, 2008 to present. Jurisdiction is set forth in SC Code Ann. Section 14-8-200. Elected by the SC Legislature.

Judge Konduros provided the following list of her most significant orders or opinions:
(a) SCDSS v Williams, 412 S.C. 458, 772 S.E.2d 279 (Ct. App. 2015).
(b) Nakatsu v Encompass Indem. Co., 390 S.C. 172, 700 S.E. 2d 283 (Ct. App. 2010) (affirmed by Carter v Standard Fire Ins. Co., 406 S.C. 609, 753 S.E.2d 515 (2013)).
(c) Neeltec Enters., Inc. v Long, 402 S.C. 524, 741 S.E.2d 767 (Ct. App. 2013), (rehearing denied May 16, 2013).
(d) State v Pradubsri, 403 S.C. 270, 743 S.E.2d 98 (Ct. App. 2013) (cert. denied June 25, 2014).
(e) Scott v McAlister, 436 S.C.324, 871 S.E.2d 620 (Ct. App. 2022)

Judge Konduros reported the following regarding her employment while serving as a judge:
I served as a guest lecturer at Charleston School of Law from 2013-2019 for a month every summer. Arrangements for my lecturing were handled through Dean Andy Abrams.

Judge Konduros further reported the following regarding unsuccessful candidacies:
Yes. I ran unsuccessfully for the SC Court of Appeals, Seat 3 to which the Hon. Paula Thomas was elected on February 7, 2007, for the SC Court of Appeals, Seat 7 to which the Hon. Danny Pieper was elected on

May 23, 2007, and the SC Supreme Court, Seat 2 to which the Hon. John Few was elected in February 3, 2016.

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

(10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualifications found Judge Konduros to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

Judge Konduros is married to Samuel James Konduros. She does not have any children.

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

(a) SC Women's Law Association, member

(b) Greenville County Bar, member since 1994

(c) SC Bar member since 1985

(d) Richland County Young Lawyers Association in the early1990's

(e) Family Court Judges Association, member 2002-2008

(f) Haynsworth-Perry Inn of Court, 2013 to present

(g) SC Family Law Inn of Court

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

University Associates. I have held no office in the group. Four times a year, there is a lunch at Capstone House with a guest speaker from the University of South Carolina's administration, faculty or coaching staff. I am no longer a member, but I have been a member in the last five years.

Judge Konduros further reported:

(a) Co-recipient of the Claude N. Sapp Award for Outstanding Law Graduate (with David Dukes, Esq. of Columbia).

(b) Served as Acting Associate Justice of the South Carolina Supreme Court on a number of occasions since 2004.

(c) 2007-2008 Vocational Service Award from the Greenville East Rotary.

(d) Recipient of the Statewide Fatherhood Advocate Award, 2005.

(e) Recipient of the Award of Excellence from the SC Coalition Against Domestic Violence and Sexual Assault, 2005.

(f) Recipient of the SC Chapter of the American Board of Trial Advocates (ABOTA) Jurist of the Year, 2013.

(g) Chairman of the Family Court Docketing section of the Supreme Court Docketing Commission.

(h) Vice-chairman of the Chief Justice's Commission on the Profession under chairman Justice John Kittredge.

(i) Past chairman of the Magistrates and Municipal Court Judges Mentoring Program.

(j) Board member, SC Bar Lawyers Helping Lawyers Program.

(k) Awarded an Honorary Doctorate from the Charleston School of Law.

(l) Served as a volunteer substitute teacher in Greenville County in 2022.

(m) I have served as a mentor for Lawyers Helping Lawyers through the SC Bar where I agree to follow a lawyer with substance abuse issues for a minimum of two years. I make weekly or monthly contact until they are released from their period of observation as set by Disciplinary Counsel and State Supreme Court. I have also intervened personally on mental health issues through the same organization.

(n) I have authored over 400 opinions in my 14 years on the Court of Appeals and have probably signed on to more than twice that number.

(11) Commission Members' Comments:

The Commission was impressed that Judge Konduros has been actively involved in community service for most of her professional career. They

also noted her reputation for kindness, her pleasant temperament, and her work ethic.

(12) Conclusion:
The Commission found Judge Konduros qualified, and nominated her for election to Supreme Court, Seat 4.

The Honorable Stephanie Pendarvis McDonald
Supreme Court, Seat 4

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge McDonald was born in 1969. She is 53 years old and a resident of Charleston, South Carolina. Judge McDonald provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1994.

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

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

Judge McDonald reported that she has made $252.95 in campaign expenditures:

(a) $92.00: to USPS for postage

(b) $60.95: to Staples for linen paper and envelopes

(c) $50.00: to my law clerk to notarize the sworn documents

(d) $50.00: to my administrative assistant to pick up some of the signed original letters for the application packet

Judge McDonald testified she has not:
(a) sought or received the pledge of any legislator prior to screening;
(b) sought or been offered a conditional pledge of support by a legislator;
(c) asked third persons to contact members of the General Assembly prior to screening.

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

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

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

(a) On May 6, 2022, at the South Carolina Bar Association's "Why Family Court Attorneys should do Appeals" CLE seminar, I gave a presentation on the appellate court rules and preservation pitfalls, and I participated on an appellate practice panel;

(b) On November 19, 2021, I participated on a judicial panel addressing "How the Last 18 Months have Changed the Practice of Law" for the SC Defense Trial Attorneys' Association's Annual Meeting;

(c) I participated in a judicial panel for the Charleston School of Law Women in Law networking event in November 2021;

(d) On April 7, 2021, I participated on a James L. Petigru Inn of Court Zoom panel discussion on "The Practice of Law in and out of the Courtroom and Everywhere in Between";

(e) In March 2021, I participated in a Virtual Fireside Chat for Women's History Month sponsored by the South Carolina Bar's Diversity Committee;

(f) On February 22, 2021, I gave a Zoom presentation for the Charleston County Bar Law Student Division;

(g) On February 5, 2021, I participated on the judicial panel for the Charleston County Bar Association's annual "What Works" CLE;

(h) On December 10, 2020, I moderated a mock trial and spoke on the topic of expert testimony at a course for firefighters and law enforcement investigators sponsored by the International Association of Arson Investigators (IAAI);

(i) From April 28-29, 2020, I participated in WebEx seminars organized and conducted by Charleston County Clerk of Court, Julie Armstrong, as she worked to address issues resulting from the COVID-19 epidemic in Common Pleas, General Sessions, Family Court, and before the Master-in-Equity. These WebEx seminars involved discussions of docket management and practice/procedure issues as well as question and answer sessions with members of the Bar attending the webinars;

(j) I presented on the topic of "Joint Custody—Recent Developments" and served on an Appellate Practice panel at the February 10, 2020 Hilton Head Island Bar Association Super CLE;

(k) I spoke at and conducted a "behind the scenes" tour of the South Carolina Court of Appeals with Chief Judge James Lockemy as an event for the 2020 South Carolina Bar Convention in January 2020;

(l) I spoke at a Washington D.C. event and introduced a group of attorneys from the South Carolina Women Lawyers Association for admission to the Bar of the United States Supreme Court in December 2019;

(m) I served on a judicial panel with Judge Aphrodite Konduros at the 2019 Annual Meeting of the SC Defense Trial Attorneys' Association;

(n) I served as a panelist for the October 2019 "Ethics with the Judges" SC Bar Sporting Clays CLE;

(o) Judge Katherine Tiffany and I co-presented on the topic of joint custody in September 2019 at the S.C. Bar's annual "Hot Tips from the Coolest Domestic Law Practitioners" CLE;

(p) I presented on "Appellate Court" at the 2019 New Circuit Judges Orientation School;

(q) I served as a panelist on "Leading from the Bench" at The Citadel's 12th Annual Principled Leadership Symposium (2019);

(r) I served as a trial judge and presenter at the SC Defense Trial Attorneys' 2019 Trial Academy;

(s) I served as a panelist at the 2019 SC Defense Trial Attorneys' Women in Law Committee forum titled "Can We Really Have It All? (A discussion about challenges unique to female professionals)";

(t) Judge Aphrodite Konduros and I co-presented a three-hour program on "Tips from the Bench" at CSOL's 2nd Annual CLE Seminar on November 30, 2018;

(u) I presented at the SC Bar's 2018 CLE "The Unauthorized Practice of Law and How it Impacts Licensed Attorneys";

(v) I served as a trial judge and presenter at the SC Defense Trial Attorneys' 2018 Trial Academy;

(w) I served as a trial judge and presenter at the SC Defense Trial Attorneys' 2017 Trial Academy;

(x) I served on a panel with Justice Few and Justice James addressing questions relating to appeals in workers' compensation cases at the Injured Workers' Advocates' 2017 Annual Meeting;

(y) I served as a panelist at the Charleston County Bar's 2017 "What Works" CLE;

(z) I served as a panelist for the SC Bar's 2016 "Ethics with the Judges" Sporting Clays CLE;

(aa) I served as a trial judge and speaker at Professor Debra Gammons's 2016 CSOL Mock Trial competition;

(bb) I co-presented with Justice Hearn and Commissioner Melody James on the topic "How to Best Present Your Case Before the Appellate Courts" at the 2015 Injured Workers' Advocates' Annual Meeting;

(cc) I presented on "Tips from the Appellate Bench" at the Fourteenth Circuit's 2015 "Tips from the Bench: What Your Judges Want You to Know" CLE;

(dd) I served as a panelist for the 2015 SC Women Lawyers Association's 2015 breakfast program on women running for public office;

(ee) I served as a panelist for the 2015 "Ethics with the Judges" SC Bar Sporting Clays CLE;

(ff) I presented on the "Top Ten Ways to Avoid Reversal on Appeal" at the 2015 South Carolina Circuit Judges Conference;

(gg) I served as a panelist for the 2014 "Ethics with the Judges" SC Bar Sporting Clays CLE;

(hh) I spoke on "Civility, Competence, and Candor: Minding your Manners to Avoid Obvious Courtroom Pitfalls" at the 2014 USC School of Law's Reunion CLE;

(ii) I served as a panelist for "A View from the Bench" at the SC Association for Justice's 2014 Annual Meeting;

(jj) I served as a panelist for the 2013 "Ethics with the Judges" SC Bar Sporting Clays CLE;

(kk) I served as a panelist for "Tips from the Bench" at the 2013 SC Defense Trial Attorneys Summer Meeting;

(ll) I served as a panelist for the 2013 SC Bar Program "Fast Break on Fast Track Jury Trials: How it will Work";

(mm) I spoke to law students attending the 2013 CSOL Professionalism Series on "Professionalism in the Courthouse";

(nn) In 2013, I presented a lunch program on "Mental Health Issues and the Courts" to the Historic Rotary Club of Charleston;

(oo) I served as a trial judge and presenter at the SC Defense Trial Attorneys' 2012 Trial Academy;

(pp) I spoke on "Ethics in the Courtroom" at the Charleston Lawyers Club's 2012 "Tips from the Bench and Bar" CLE;

(qq) I co-presented on "The Fairness in Civil Justice Act of 2011" at the 2011 SC Defense Trial Attorneys' Annual Meeting;

(rr) I served as a panelist for the 2011 "Ethics with the Judges" SC Bar Sporting Clays CLE;

(ss) In 2010, I served on the faculty for a day-long CLE seminar on "The Mechanics of Civil Procedure";

(tt) In 2006, I spoke at the Insurance Reserve Fund's Law Enforcement Defense Seminar (CLE) on recent developments in constitutional law and the changing composition of the Fourth Circuit and United States Supreme Court;

(uu) At the 2004 South Carolina Conference of Countywide Elected Officials (SCACEE), I spoke about the operation of South Carolina's Freedom of Information Act and provided an update on recent South Carolina cases impacting countywide elected officials;

(vv) In 2003, I taught a one-hour session at the South Carolina Defense Trial Attorneys' Trial Academy. I believe it was on cross-examination;

(ww) (ww) I presented the "Ethics" portion for the 2001 Charleston Lawyers Club Law Week CLE. The topic was

"Ten Ways to Avoid the Office of Disciplinary Counsel and Tips for Handling that Dreaded Letter";

(xx) At the 2000 Conference for Attorneys to Assist Disciplinary Counsel, I provided an investigation checklist for Attorneys to Assist and spoke on how to conduct a thorough investigation;

(yy) In 1998, I spoke at the American Bar Association's Affiliate Outreach Seminar in Las Vegas about the South Carolina Bar Young Lawyer's Division's "Lawyers as Mentors" project and provided instruction for other YLDs interested in starting similar programs in other states; and

(zz) In 1997, I spoke at the American Bar Association's Affiliate Outreach Seminar in Tampa about the South Carolina Bar Young Lawyer's Division's "Citizenship in Schools" project and provided instruction for other YLDs interested in starting similar programs in other states.

Judge McDonald reported that she has published the following:

(a) Co-author, Recent Developments in Government Operations and Liability Law: Annual Update on Public Official Immunities, The Urban Lawyer, 1997.

(b) Author, Clerkships: A Foundation for Successful Private Practice, After the Bar (an ABA Young Lawyers Division Publication), 2020.

(4) Character:

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

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

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

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

(5) Reputation:
Judge McDonald reported that her last available rating by a legal rating organization, Martindale Hubbell, was AV.

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

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

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

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

(8) Experience:
Judge McDonald was admitted to the South Carolina Bar in 1994.

She gave the following account of her legal experience since graduation from law school:
Prior to my election to the Circuit Court in 2011, my legal experience included:

(a) Associate, Stuckey & Kobrovsky, which later became Stuckey & Senn

(Aug. 1994-June 1997)

Approximately 70% of this practice included civil defense work in state and federal courts, primarily involving constitutional and governmental issues. The remainder of my work included probate administration/estate representation, non-complex family court work and the firm's DSS

appointments, property/business litigation, plaintiff's work, and appellate work in state and federal courts. My first three solo trials involved constitutional claims in United States District Court.

I was not involved in the financial management of the firm. Administrative work included timekeeping and reviewing bills. I did not handle or have access to the firm's trust account.

(b) Solo practitioner (1998-2003)

In June 1997, I became quite ill while pregnant with my only child and took a two-month leave of absence for home intravenous treatments. I attempted to return to part-time work in August, 1997; however, when my doctor prescribed bedrest a few weeks later, I made the decision to leave the law firm.

In early 1998, I started my own practice in order to stay home with my daughter as much as possible. My practice focused on appellate work and a variety of research, writing, and editing for other attorneys. I also continued some trial work for other attorneys in state and federal court during this time period.

During this time, I handled appellate matters for:

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

I did other litigation research, writing, or editing for:

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

Stanley Feldman

I handled all billing and administrative matters. I did not maintain a trust account as all of my work during this time period was billed hourly to other attorneys or firms.

(c) Senn, McDonald, and Leinbach, LLC (2003-2011)

Once my daughter was in school, I joined Senn, McDonald, and Leinbach. By this time, approximately 50% of my practice consisted of appellate matters for other firms (for plaintiffs, defendants, and family court litigants). The remainder of my practice focused primarily on civil defense work for public officials, law enforcement officials and agencies, state agencies, and local governments. This work included frequent appearances in state and federal courts. I handled some trial level work for plaintiffs as well, primarily in the area of employment discrimination and harassment.

From 2010-2011, I served as a volunteer prosecutor for the South Carolina Attorney General's Criminal Domestic Violence Task Force. Most of this work took place in Orangeburg County. Prior to 2010, our firm also assisted with the prosecution of cases for the Attorney General's Dogfighting Task Force.

I was not involved in the financial management of the firm. Administrative work
included timekeeping, reviewing bills, and addressing personnel matters as needed.
I did not handle or have access to the firm's trust account.

Judge McDonald reported the frequency of her court appearances prior to her service on the bench as follows:
(a) Federal: 1-2 times per month, more when in trial
(b) State: 5-7 times per month, more when in trial

Judge McDonald reported the percentage of her practice involving civil, criminal, domestic and other matters prior to her service on the bench as follows:
(a) Civil: 70%
(b) Criminal: 10%
(c) Domestic: 15%
(d) Other: 5%

Judge McDonald reported the percentage of her practice in trial court prior to her service on the bench as follows:
(a) Jury: 85% (this figure includes matters in which summary judgment or
directed verdict was granted)
(b) Non-jury: 15%

Judge McDonald provided that during the past five years prior to her service on the bench she most often served as sole counsel, and sometimes co-counsel.

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

(a) Erickson v. Winner, Charleston County Court of Common Pleas (March 2006). This case arose from the Domestic Court Reform Movement that took place in South Carolina in the 1990s. The plaintiff, a former Dorchester County guardian ad litem, sued several defendants for defamation and other torts following the issuance of "The Winner Report," which offered a scathing view of South Carolina's private guardian system. A lengthy article in the Charleston City Paper followed the report. Our firm represented the Governor's GAL Office and a county office supervisor. After three weeks of trial, the Honorable Buddy Nicholson directed a verdict for our clients on all causes of action. Following a fourth week of trial, the jury returned a verdict of 6.5 million dollars against some of the remaining co-defendants. After the appeal involving our trial clients was dismissed, two of the private defendants hired me to argue their case before the South Carolina Supreme Court. The Supreme Court affirmed the Circuit Court's reformation of the actual damages verdict to $243,540.82 and vacated "the punitive damages verdict in its entirety." See Erickson v. Winter, 2010-MO-006, 2010 WL 10097768 (S.C. March 1, 2010).

(b) Jamison v. Ford Motor Company, 373 S.C. 248, 644 S.E.2d 755 (Ct. App. 2007), cert. dismissed as improvidently granted, 385 S.C. 238 (S.C. Sept. 28,

2009). Although I was not involved with this case at trial, I handled the plaintiffs' appeals before the South Carolina Court of Appeals and Supreme Court. This case involved complex issues of products liability, federal pre-emption, and discovery abuse following the tragic death of a young driver after her 1993 Ford Escort seatbelt lacerated her liver in a frontal, angular automobile collision.

(c) Pelaccio v. Charleston County Sheriff's Office, Berkeley County Court of Common Pleas (April 2005). This wrongful death action arose after a father held his infant hostage, threatening to kill the child and detonate explosives in the family home. He also threatened several members of law enforcement responding to the domestic incident. After an all-night standoff, the father emerged from the house, holding a knife to the baby's neck. When he refused to release the child and remain in a location safe enough for the Charleston County SWAT team to retrieve the baby from the porch, a police sniper shot him in order to ensure the safety of the baby and the on-scene officers. We represented the Charleston County Sheriff's Office, and the jury returned a defense verdict after a four-day trial.

(d) Cowsert v. Brown, Charleston County Court of Common Pleas (April 2006). Our firm represented the plaintiffs in this matter, which arose after Mrs. Cowsert fell from the elevated second-story porch of her Folly Beach home. The contractor who built the home had failed to secure a portion of the porch railing in any way—it was not nailed, glued, or otherwise secured to the main railing area. When the railing gave way, Mrs. Cowsert fell, suffering serious, permanent injuries. Following the four-day trial, the jury returned a significant verdict for the plaintiffs.

(e) The City of Charleston "Sofa Super Fire" aftermath (2007-2010)

We represented the City of Charleston in the investigations and litigation arising from this tragic fire, which took the lives of nine Charleston

firefighters. The work involved numerous related matters, including representation during the SC-OSHA investigation, before the OSHA hearing officer, and throughout the series of investigations conducted by federal agencies and law enforcement entities. The subsequent civil action involved several private co-defendants and issues of Worker's Compensation Act exclusivity, exemptions under the South Carolina Tort Claims Act, and considerations related to the South Carolina Contribution Among Tortfeasors Act.

The following is Judge McDonald's account of five civil appeals she has personally handled:
(a) Henry v. Horry County, 334 S.C. 461, 514 S.E.2d 122 (1999).
(b) Brown v. Daniel, 230 F.3d 1351, 2000 WL 1455443 (4th Cir. Sept. 9. 2000) (unpublished per curiam opinion).
(c) Mentavlos v. Anderson, 249 F.3d 301 (4th Cir. 2001), cert denied, 534 U.S. 952 (Oct. 9, 2001).
(d) Sunset Cay v. City of Folly Beach, 357 S.C. 414, 593 S.E.2d 462 (2004).
(e) Eargle v. Horry County, 335 S.C. 425, 517 S.E.2d 3 (Ct. App. 1999) (en banc) and Eargle v. Horry County, 344 S.C. 449, 545 S.E.2d 276 (2001).

The following is Judge McDonald's account of three criminal appeals she has personally handled:
(a) United States v. Luther Ray Cyrus, 132 Fed. Appx. 441 (4th Cir. May 24, 2005). (I wrote the 4th Circuit brief and prepared the Joint Appendix for attorney Jay Ervin).
(b) United State v. Dalton, 477 F.3d 195 (4th Cir. 2007). (I assisted the late Stanley Feldman with his brief and with his preparation for oral argument).
(c) Michau v. Charleston County, 434 F.3d 725 (4th Cir. 2006). This was a civil appeal in an action filed under 42 U.S.C. §1983, but the appeal involved construction of South Carolina's Sexually Violent Predator Act and whether a county detainee held pending evaluation under the SVPA is a "prisoner" for purposes of the Prison Litigation Reform Act.

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

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

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

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

On May 28, 2014, I was elected by the General Assembly to Seat 7 of the South Carolina Court of Appeals. I began work at the Court of Appeals on July 1, 2014, and have served continuously since that time. I was elected to a second term in February 2020.

The Court of Appeals is a statutorily created court; § 14-8-200(a) sets forth its jurisdiction. Generally, the Court of Appeals has jurisdiction when an appeal is taken from an order or judgment of the Circuit Court, Family Court, Administrative Law Court, or Appellate Panel of the Worker's Compensation Commission. This section also authorizes the Supreme Court to provide by rule for the Court of Appeals to consider petitions for writs of certiorari in PCR matters.

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

Judge McDonald provided the following list of her most significant orders or opinions:
(a) Stoney v. Stoney, 425 S.C. 47, 819 S.E.2d 201 (Ct. App. 2018), cert. denied, June 28, 2019.
(b) Nero v. South Carolina Dept. of Transp., 427 S.C. 392, 831 S.E.2d 143 (Ct. App. 2019), cert. denied, Feb. 12, 2020.

(c) State v. Daise, 421 S.C. 442, 807 S.E.2d 710 (Ct. App. 2017). No petition for a writ of certiorari was filed; the remittitur was sent on January 22, 2018.
(d) Pickens County v. SCDHEC, 429 S.C. 92, 837 S.E.2d 743 (Ct. App. 2020), aff'd in
part, vacated in part, 435 S.C. 99 (Dec. 8, 2021).
(e) State v. Dinkins, 435 S.C. 541, 868 S.E.2d 181 (Ct. App. 2021). No petition for a
writ of certiorari was filed; the remittitur was sent on January 7, 2022.

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

Judge McDonald further reported the following regarding unsuccessful candidacies:
In 2009, I was found to be qualified, but was not nominated, for the position of Circuit Court Judge, At-Large, Seat 8.

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

(10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Judge McDonald 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: "Superb judge, hard worker, conscientious, personable, knowledgeable, straight shooter... would be a very, very good Sup. Ct. Justice."

Judge McDonald is not married. She has one child.

Judge McDonald reported that she was a member of the following Bar and professional associations:
(a) South Carolina Bar Association

Positions held for the Young Lawyers Division (YLD):
Chair, Law School for Non-Lawyers project (1998)
Co-Chair, Lawyers as Mentors project (1997)
Chair, "Citizenship in Schools" project at Fraser Elementary School (1996)
Co-Chair, Lawyers for Literacy project (1995)

Delegate, ABA Annual Meeting (Young Lawyers Division) (1997)

(b) Charleston County Bar Association

(c) Charleston Lawyers Club (for YLD members of the Charleston County Bar)

President, 1998-99

(d) South Carolina Bar Foundation Board Member, 1998-2001

(e) Federal Bar Association (former member)

(f) South Carolina Women Lawyers Association

(g) American Bar Association (Judicial Division)

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

(a) Mentor, South Carolina Lawyer Mentoring Program (2009-2010)

(b) Board Member, Association of Junior Leagues International, New York, NY(2006-2009)

(c) President, Junior League of Charleston (2010-2011)

(d) Commissioner, City of Charleston Mayor's Office for Children, Youth & Families (2000-2003)

(e) Chair and Parliamentarian, 120th Annual Meeting of the Episcopal Church Women of the Diocese of South Carolina (2004)

(f) President, St. Philip's Episcopal Church Women (ECW) (2003-2004)

(g) Member, City of Charleston Leadership Team, National League of Cities Municipal Leadership in Education Project (2001-2003)

(h) Board Member, Youth Service Charleston (2001-2003)

(i) Junior League of Charleston Community Impact Award (2002)

(j) Leadership Charleston Class of 2001

(k) Youth Mentor, Mitchell Elementary School (1998-2001)

(l) Advisory Board, Charleston County School District Parenting Center, District #20 (2000-2001)

Law School Awards: American Jurisprudence Award for Evidence
American Jurisprudence Award for Moot Court
First Year Legal Writing Award

Undergraduate: Carolina Cares, USC's Philanthropic Organization (1988-1991)
President (1990-1991)
Alpha Delta Pi Sorority (1987-present)
President (1990-1991)
Student Alumni Association (1989-1991)
Secretary/Treasurer (1990-1991)
Interclub Council (1989-1991)
Secretary/Treasurer (1989-1990)
USC Community Service Programs Advisory Board (1990-1991)
Assistant Student Advocate (Student Government) (1989-1990)
Campus Judicial Board (1990-1991)
Hurricane Hugo Relief (Salvation Army) (1989)
Association of Honors Students (1987-1991)
Mortar Board (1989-1991)
Omicron Delta Kappa (1990-1991)
Order of Omega (1989-1991)

Honors: Algernon Sydney Sullivan Award
Phi Beta Kappa
Mortar Board Graduate Fellowship
Dorothy Shaw Leadership Award (National Sorority Award)
USC Hall of Leaders
Josiah Morse Award for Philosophy

Judge McDonald further reported:

It has been my honor and privilege to serve on the Circuit Court and the Court of Appeals, and I hope the Commission and General Assembly will allow me to continue this service with the Supreme Court. While in private practice, I tried over forty (40) cases as either lead counsel or co-counsel,

and I personally handled at least forty-five (45) appeals. I assisted other attorneys and firms with over twenty (20) others. I know what it means to be a practicing courtroom lawyer and a trial judge, and I believe this allows me to bring additional understanding to my judicial role with respect to my temperament, decision-making, and continuing study. Treating others with fairness, impartiality, integrity, and dignity—in life and in the courtroom—is critical to the practice of law and our judicial system. I hope I have demonstrated such characteristics during my time on the bench. Good temperament, patience, scholarship, and the willingness to make difficult decisions are important traits for any judge, and I am always working to try to improve in these areas.

I also believe my experiences as a working mother and trial lawyer have provided me with a perspective that has enhanced my ability as a judge to understand some of the issues attorney parents must face as they seek to balance a law practice with the demands of raising children. The challenges attorneys and trial judges face daily were heightened during the pandemic as the working parents of pre-school and school-aged children struggled to deal with the stress of home and online school and other childcare-related issues. Most of our trial and appellate judges understand the balancing act required and are able to work with attorneys to address their needs in conjunction with docket efficiency. But some do not, and this is a constant source of stress for lawyers. One of my goals as a judge is to remain open to communication about such issues and to never forget what it was like to be an attorney or to work as a trial judge.

(11) Commission Members' Comments:

The Commission recognizes and appreciates Judge McDonald's active involvement in Bar and other legal activities in the community over the years. Judge McDonald is known for her intellect as well as her approachability, qualities that would continue to serve her well on the Supreme Court.

(12) Conclusion:

The Commission found Judge McDonald qualified, and nominated her for election to Supreme Court, Seat 4.

COURT OF APPEALS
QUALIFIED AND NOMINATED

The Honorable Blake A. Hewitt
Court of Appeals, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Hewitt was born in 1978. He is 44 years old and a resident of Conway, South Carolina. Judge Hewitt provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2005.

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

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

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

Judge Hewitt testified he has not:
(a) sought or received the pledge of any legislator prior to screening;
(b) sought or been offered a conditional pledge of support by a legislator;
(c) asked third persons to contact members of the General Assembly prior to screening.

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

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

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

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

(b) I lectured on techniques of oral advocacy at the 2016 "Prosecution Bootcamp" for new prosecutors, hosted by the Prosecution Coordination Commission. I delivered the same presentation at the Solicitor's Association's Annual Convention later that same year.

(c) I presented on the topic of appellate practice at the Bridge the Gap programs in 2015 and 2016.

(d) I lectured on oral advocacy at the 2016 SC Bar "SC Lawyer's Guide to Appellate Practice" Program.

(e) I gave "case law update" presentations to all attendees at the Injured Workers' Advocates organization's Annual Conventions in 2010, 2011, 2013, 2014, 2015, 2016, and 2017. During the same 2016 and 2017 Annual Conventions I moderated a discussion about appellate practice with the appellate judges attending the conference.

(f) In 2015 I gave a presentation that dealt with issues surrounding the admission of forensic interviews in criminal sexual conduct cases as part of the SC Bar's annual "It's All A Game" seminar. I updated this presentation for the same seminar in 2021.

(g) I shared presentations on special filing procedures in professional negligence cases as a part of the annual Tort Law Update hosted by the SC Bar in 2014 and 2015.

(h) I lectured on error preservation and techniques of developing a record for an eventual appeal at the 2013 SC Bar Program "Introduction to Birth Injury Litigation."

(i) I was a member of a panel discussion on indigent defense funding at the Charleston School of Law's symposium celebrating the 50th anniversary of the U.S. Supreme Court's decision in Gideon v. Wainwright.

(j) I gave speeches on effective legal writing at a local CLE Program, "What Every Lawyer should know to Enjoy (or Survive) the Practice of Law" in 2012 and 2013.

(k) I lectured on handling appeals effectively at the South Carolina Association for Justice's 2012 Annual Convention.

(l) I gave a "case law update" at the South Carolina Association for Justice's 2016 Annual Convention.

(m) I spoke about the strategy and method of working an appellate case as part of the "2018-2019 Appellate Practice Project" in November of 2018.

(n) I gave a family court "case law update" as part of the Horry County Family Court Bar's "Family Law Seminar" in February of 2020.

(o) I participated in a panel discussion explaining the process of running for a judicial position as part of the 2021 SC Bar Convention.

(p) I participated in a Q & A about the appellate process for the SC Workers' Compensation Educational Association's Annual Conference in 2021.

(q) I participated in a panel discussion about the appellate process as part of the Injured Workers' Advocates Annual Convention in 2021.

(r) I participated in a panel discussion about the appellate process for the Coastal American Inn of Court in February of 2021.

(s) I participated in a panel discussion about written and oral advocacy for the SC School Board Association's Council of School Attorneys in May of 2022.

Judge Hewitt reported that he has published the following:
Appellate Practice in South Carolina Jean Hoefer Toal et al. (SC Bar CLE 2016), Editorial Board.

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

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

The Commission also noted that Judge Hewitt 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 Hewitt reported that his last available rating by a legal rating organization, Best Lawyers, was Best Lawyers in the areas of both Appellate Practice and Personal Injury Litigation - Plaintiffs.

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

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

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

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

(8) Experience:
Judge Hewitt was admitted to the South Carolina Bar in 2005.

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

(a) From August of 2005 to July of 2008, I served as a judicial law clerk and legislative liaison to the Honorable Jean H. Toal, Chief Justice of the Supreme Court of South Carolina.

(b) From July of 2008 to August of 2009, I served as a judicial law clerk to the Honorable Joseph F. Anderson, Jr., United States District Judge for the District of South Carolina.

(c) From August of 2009 until November of 2019, I was in private practice with the same law firm. When I joined the firm it was Bluestein Nichols Thompson & Delgado. When I left, it was Bluestein Thompson Sullivan. My primary area of practice was appellate litigation but I was routinely involved in work at the Circuit Court and District Court level as either lead counsel or consulting counsel.

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

(e) From January of 2020 to the present time I have been honored to serve the people of South Carolina as a judge on the Court of Appeals.

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

I was elected by the General Assembly to the Court of Appeals in February of 2019. I did not begin serving until after the Honorable Paul Short retired the following December. My service began in January of 2020. I have served continuously since that time.

The Court of Appeals predominantly has appellate jurisdiction and performs the first stage of appellate review for the vast majority of appeals that are filed in the unified judicial system. The only exceptions are the seven categories of cases that skip the Court of Appeals and proceed directly to the Supreme Court. In addition to its appellate jurisdiction, the Court of Appeals hears pretrial motions to suppress wire, oral, or electronic communications under the "South Carolina Homeland Security Act" if there is a claim the communications were illegally intercepted.

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

Every case I handled in private practice was significant to me because every client's case is supremely important to them. The same has been true as a judge – every case is the most important case to the people involved. We do our best to give every case a full and complete review because they are all significant. With that qualification, some of the cases that I believe to have broader significance are described below:

(a) Fairfield Waverly, LLC v. Dorchester Cnty. Assessor, 432 S.C. 287, 852 S.E.2d 739 (Ct. App. 2020) (cert. petition pending)

(b) Arcadia Lakes v. S.C. Dep't of Health & Env't Control, 433 S.C. 47, 855 S.E.2d 325 (Ct. App. 2021)

(c) Est. of Jane Doe 202 v. City of N. Charleston, 433 S.C. 444, 858 S.E.2d 814 (Ct. App. 2021) (cert. petition pending)

(d) Encore Tech. Grp., LLC v. Trask, 436 S.C. 289, 871 S.E.2d 608 (Ct. App. 2021) (cert. petition pending)

(e) State v. Williams, Op. No. 5918 (S.C. Ct. App. filed June 15, 2022) (Howard Adv. Sh. No. 21 at 45)

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

Judge Hewitt further reported the following regarding unsuccessful candidacies:

In 2012 I ran unsuccessfully for the South Carolina House of Representatives, District #105. For a brief period in May, I was the Republican nominee for this office, however I was disqualified as a candidate as a result of the Supreme Court of South Carolina's decision in Florence County Democratic Party v. Florence County Republican Party, which invalidated the filing directions that the South Carolina Election Commission issued to all candidates. I pursued a petition candidacy following this decision and was certified by the Election Commission as a petition candidate for the November 2012 general election. I did not win the general election. I filed my final financial report in April of 2013.

In 2014 I ran unsuccessfully for the Court of Appeals, seat 7. This vacancy was created when Judge Danny Pieper retired. I was deeply honored to be found qualified and nominated by the JMSC. I withdrew from the race a week before the election, which Judge Stephanie McDonald won.

In 2017 I ran unsuccessfully for the Court of Appeals, seat 9. This vacancy was created by Judge James Lockemy's elevation to Chief Judge. I was deeply honored to again be found qualified and nominated by the JMSC. I withdrew from the race the morning of the election, which Judge Gary Hill won.

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

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

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

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

(a) South Carolina Bar: Trial & Appellate Advocacy Section, Council Member (July 2010 - July 2013); Judicial Qualifications Committee, Committee Member (March 2011 - August 2012); Young Lawyers Division, Long-Range Planning Committee, Committee Member (July 2010 - July 2012); Young Lawyers Division, 15th Circuit Representative (July 2013 - July 2015); Young Lawyers Foundation Board, Board Member (November 2013 - July 2015).

(b) Horry County Bar Association.

(c) South Carolina Supreme Court Historical Society.

(d) Injured Workers Advocates: Judicial Affairs Committee, Committee Member (March 2010 - Feb. 2019).

(e) South Carolina Association for Justice: Legislative Steering Committee, Committee Member (November 2010 - Feb. 2019).

(f) Coastal Inn of Court: Community Service Chair (Jan. 2014 - Sept. 2019), Judicial Officer (Sept. 2019 - present).

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

(a) Waccamaw Sertoma Club. Board Member (July 2013 - Aug. 2019), President (August 2016 - July 2017);

(b) City of Conway Board of Zoning Appeals (April 2013 - Feb. 2019);

(c) City of Conway Downtown Alive;

(d) Compleat Lawyer Award (Silver), USC Law School.

Judge Hewitt further reported:

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

I have known for some time that I wanted to devote my career to public service. My passion as a lawyer has always been the desire to help the court system be the best that it can be – to treat people decently, to treat everyone's case as important, and to help the court make the right decision for the right reasons. I gravitated towards appellate work in particular because I enjoyed it, because I felt that it provided a platform for fulfilling these goals, and because I felt it brought out the best lawyer in me.

I believe true success is not about serving yourself, but serving others. I loved litigating cases, and I loved my colleagues in private practice. Even so, the opportunity to serve the appellate court system was so attractive that I had to pursue it. In private practice, my obligations were to produce results for my clients and produce revenue for my law firm. Public service allows me to leverage my experience and abilities for the benefit of my fellow citizens and my State. It has been, and continues to be the greatest honor of my professional life to devote my energy and my affection for appellate work to helping the Court of Appeals succeed in its essential mission to produce high-quality decisions, in a timely manner, that follow the rule of law. It has been hard work, but I enjoy it tremendously.

(11) Commission Members' Comments:
The Commission commented that Judge Hewitt has an outstanding reputation as an appellate jurist. They noted that his great intellect and appellate experience have ably served him in discharging his responsibilities on the Court of Appeals.

(12) Conclusion:
The Commission found Judge Hewitt qualified, and nominated him for re-election to Court of Appeals, Seat 1.

Whitney B. Harrison
Court of Appeals, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

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

Ms. Harrison was born in 1985. She is 37 years old and a resident of Columbia, South Carolina. Ms. Harrison 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 2011.

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

Ms. Harrison 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. Harrison reported that she has made $264.82 in campaign expenditures for metered postage, paper and envelopes for introduction letters, palm cards, and a name tag.

Ms. Harrison 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. Harrison 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. Harrison to be intelligent and knowledgeable.

Ms. Harrison reported that she has taught the following law-related courses:
(a) September 19, 2017: I delivered Presbyterian College's Constitution Day speech, where I discussed the toolbox of rights and protections found in our constitution; afterwards I had Q&A with faculty and staff;
(b) June 14, 2018: I spoke at Palmetto Girls State about my experience with the practice of law;
(c) September 24, 2018; I spoke at the Honorable Michelle Child's Federal Court Mentoring Lunch regarding appellate practice—including briefing, motions practice, and oral argument preparation—with the Deputy Staff Attorney of the Court of Appeals and a fellow appellate practitioner;
(d) August 3, 2019: I was on a panel at the South Carolina Association for Justice (SCAJ) convention for the Consumer Protection Section CLE with co-counsel, an attorney from Office of Regulatory Staff, and a reporter from The State to discuss the VC Summer Litigation;

(e) November 20, 2019: I spoke again at Judge Child's Federal Court Mentoring Lunch regarding appellate practice.
(f) From January 2020 through May 2020, I was part of Cornell Law School's Clinical Program in connection with Moore v. Stirling. This weekly class was a hybrid of legal course work for law students and counsel meetings with Cornell faculty and students, fellows and staff attorneys from Justice 360, and other criminal practitioners;
(g) November 7, 2021: I spoke on a panel about civil litigation and appellate practice with two fellow practitioners and former appellate clerks for the Supreme Court and Court of Appeals' mentoring program;
(h) March 28, 2022: I taught a three-hour class on appellate practice and procedure in a South Carolina law survey course at Presbyterian College, which stemmed from the weekly constitutional law course I taught at Presbyterian College in Spring 2013;
(i) In June 2022, I spoke at Palmetto Girls State with the practice of law.
(j) *August 5, 2022: I will be presenting at the SCAJ convention for the Family Law Section—on supersedeas filings at the Court of Appeals and issue preservation;
(k) *November 4-5, 2022: I will be moderating a panel for the South Carolina Bar entitled "Importance of Oral Argument," as well as serving as a judge during the Oral Argument Workshop.

Ms. Harrison reported that she has published the following:
(a) Incorporating Service Work Into Your Practice, South Carolina Young Lawyer, February 2011, Volume 2, Issue 2, p. 15. (Co-authored with Professor Amy Milligan of University of South Carolina School of Law).
(b A Best Friend to All: A Tribute to the Honorable Tanya A. Gee; South Carolina Young Lawyer, December 2016, Volume 9, Issue 2, p. 3; The Docket, December 2016, Volume 10, Issue 10, p. 2; RICHBARNEWS, November/December 2016, p. 6.
(c) Inspired to Dream: Inspired to Give, PC Annual Report, July 2020, p. 19.
(4) Character:
The Commission's investigation of Ms. Harrison did not reveal evidence of any founded grievances or criminal allegations made against her.

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

The Commission also noted that Ms. Harrison 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. Harrison reported her rating by legal rating organizations:

- Super Lawyers: Rising Star.
- National Trial Lawyers: 40 under 40 Civil Plaintiff List.

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

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

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

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

(8) Experience:
Ms. Harrison was admitted to the South Carolina Bar in 2011.

She gave the following account of her legal experience since graduation from law school:
Upon graduating from law school, I clerked for the Honorable Aphrodite K. Konduros, on the South Carolina Court of Appeals. While working for Judge Konduros, I reviewed briefs and records in criminal, civil, family, workers' compensation, and administrative law cases; researched legal issues raised and wrote bench memoranda to assist the judges; presented my analysis and recommendations on my assigned cases to the appellate panel to help prepare them for oral argument; and assisted with the drafting of opinions.

In March 2013, I accepted a job in private practice, working for McGowan, Hood, Felder & Phillips, LLC (MHFP) on anti-trust litigation, along with an agreement that I could establish an appellate practice overtime. During my first year, I worked primarily on class

action litigation brought on behalf of the State through parens patrie, where I served as the primary associate for the team. Over the course of that year, I started handling my firm's appeals at the Supreme Court of South Carolina and South Carolina Court of Appeals.

From March 2014 to July 2015, I continued handling MHFP's appeals to the South Carolina appellate courts and assisted with appeals to the United States Court of Appeals for the Fourth Circuit and drafting a writ of certiorari to the United States Supreme Court. In total, I served as lead counsel on nine appeals and argued five times before our appellate courts during this period. Additionally, I worked with the named partners on medical malpractice cases and personal injury cases—assisting at every stage of litigation by drafting pleadings, arguing motions, taking depositions, and handling motions, jury charges, and witnesses at trial.

In Spring 2015, the Honorable Kaye G. Hearn invited me to clerk in her chambers at Supreme Court of South Carolina. While unexpected, the opportunity to sharpen my appellate skills was significant, and I accepted the position with the conditions that before leaving private practice I could complete two milestones, already calendared: (1) try my first medical malpractice case; and (2) argue for the first time before the Supreme Court.

With both conditions met, in August 2015 I began clerking for Justice Hearn. At the Supreme Court, I worked on novel issues in every area of the law. I also had exposure to original jurisdiction cases, which provided an opportunity to work on cases involving elections, death penalty, utilities, and constitutional issues.

In August 2016, I returned to MHFP with a heightened desire to firmly establish myself as a name in appellate practice. As part of those efforts, I placed an emphasis on gaining as much courtroom experience as possible through motions practice and trial work to master procedural and discovery issues that are often addressed on appeal, while also increasing my appellate work. These matters included: medical malpractice, personal injury, civil rights, first amendment claims, and probate. During 2017, I began taking on appeals and trial work from other law firms while continuing to work with MHFP's trial teams for larger cases and complex appeals. Today, I continue to work under this rubric, which gives me the incredible ability to continually work on fascinating issues at trial and on appeal.

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

(a) Federal: 5%;
(b) State: 95%.

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

(a) Civil: 75%;
(b) Criminal: 5%;
(c) Domestic: 15%;
(d) Other: 5% administrative.

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

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

My practice is unique. Generally, I am associated as co-counsel in trial court for two reasons: (1) a case is certain to go to trial or (2) a case includes a novel issue that will likely require an appeal. I have tried multiple cases to verdict in circuit court and have arbitrated a case.

Ms. Harrison provided that during the past five years she served as co-counsel and chief counsel:
For trial matters, I served as co-counsel, where I typically handled motions and legal strategy, and during trial I handled motions, record preservation, and occasional examination of witnesses. In appellate matters, I served as chief counsel—regardless of whether I was co-counsel in the underlying matter or retained to handle the appeal.

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

(a) VC Summer Litigation (Lightsey v. S.C. Elec. & Gas Co., et al., Case No. 2017-CP-25-00335 & Cook v. S.C. Pub. Serv. Auth., et al., Case No. 2019-CP-23-06675)

This litigation stemmed from the abandonment of the VC Summer Nuclear Project (the Project) on July 31, 2017, by South Carolina Electric & Gas Company (SCE&G) and South Carolina Public Service Authority (Santee Cooper). Class counsel filed a lawsuit against the

utility companies for their negligence and mismanagement of the Project.

In stark contrast to traditional utility law, the Base Load Review Act (BLRA), allowed SCE&G to charge customers for construction costs prior to service, i.e. providing electricity to be used by customers, from the new units. In total, SCE&G customers advanced over $2 billion in financing costs at the time of abandonment. The determinative legal issue in this matter was the BLRA's constitutionality. At the hearing, I argued the BLRA was unconstitutional because it violated Article I, Section 22 of the South Carolina Constitution, which contains an express protection of the right of notice and an opportunity to be heard in administrative agency cases, as well violating the Fifth and Fourteenth amendments of the United States Constitution and the delegation doctrine.

Months after I argued this constitutional challenge, the circuit court issued instructions regarding anticipated rulings on the Class's constitutional arguments. These instructions provided the impetus for SCE&G to begin settlement negotiation. This case settled for almost $2.2 billion—$178 million in cash and $2 billion in rate relief administered through the Public Service Commission.

As to Santee Cooper, the determinative legal issues were defining the duties owed to these customers. Generally, a utility company does not owe a duty to its customers regarding rates. Articulating a duty between the company and the customers was heightened because Santee Cooper is a state entity. Additionally, because of the Project's nature as a joint venture with SCE&G, it was necessary to craft a separate and distinct duty between SCE&G and Santee Cooper's customers. By arguing that Santee Cooper's customers were financing the project for Santee Cooper and in turn SCE&G, it provided an avenue to satisfy elements of both negligence theories.

In the weeks leading up to trial, where a jury would determine whether a duty existed, Santee Cooper moved to strike future damages, valued at nearly $4 billion, as a means of limiting liability/recovery at trial. Santee Cooper and SCE&G argued that the future damages were speculative. Following my argument that the damages were ascertainable, the Court agreed and found $4 billion could be requested at trial. The case settled shortly thereafter. In total, the settlement provided for $520 million in cash and $510 million in rate relief.

(b) Kosciusko v. Parham, 428 S.C. 481, 836 S.E.2d 362 (Ct. App. 2019).

This appeal addressed whether South Carolina law permits issues relating to child custody and visitation to be submitted to binding arbitration without oversight from the family court or appellate review. I represented the mother, who argued that the family court did not have jurisdiction to enforce a custody arrangement decided in arbitration because allowing an arbitrator to decide custody violated multiple state laws—specifically, ones in which the General Assembly vested exclusive jurisdiction in the family court to determine issues with children—as well as court rules. This was a case of first impression and the Court of Appeals found that child custody may not be arbitrated. Two years later, the Supreme Court in Singh v. Singh, agreed and relied on this case's reasoning and the mother's arguments. 434 S.C. 223, 225, 863 S.E.2d 330, 331 (2021) ("[O]ur reading of the statutes and court rules is consistent with the analysis of the court of appeals in Kosciusko.").

(c) Moore v. Stirling, 436 S.C. 207, 871 S.E.2d 423 (2022).

For the first time in almost thirty years, the Supreme Court granted oral argument to a habeas corpus petition in a death penalty case to address an issue of first impression. This case challenged the Court's methodology for conducting a proportionality review on direct appeal. By way of background, following a death sentence in circuit court, the case is appealed directly to the Supreme Court. While addressing any merit issue raised by the defendant, the Court separately conducts a proportionality review as mandated by the General Assembly—a review vested solely with the Supreme Court. Practically, the Court is charged with confirming the sentence is proportionate to the crime based on prior cases in the State. In interpreting this mandate, the Court previously decided it would only compare the case before it to cases where the death sentences were upheld.

My client challenged the Court's limited comparison pool arguing that the pool invited only one outcome because of the pool's limited size. The pool failed to account for cases with similar facts in which: a death sentence was not sought, a death notice was withdrawn, or a death sentence was not imposed—including consideration of the lesser sentences. In the absence of a rule change, my client contended that the Court was failing to carry out its statutory directive from the General Assembly. The Supreme Court agreed and modified its rule to allow a defendant to submit comparison cases that should be taken into consideration during its proportionality review.

(d) Gartrell v. Aiken Regional Medical Center, Court of Common Pleas, Aiken County, Civil Action No: 15-CP-02-0794.

My client became a triple-amputee as a result of medical negligence. After a two-week trial alongside MHFP partners, an Aiken County jury awarded a $13.75 million verdict. In anticipation of a large verdict, I was invited to the trial team to preserve the record for appeal, handle motions and jury charges, and prepare for post-trial motions to sustain the verdict, including constitutional challenges to any reduction. In preparation for those constitutional challenges, I utilized primary documents from the 1700 and 1800s, and worked with historians and research librarians in the months leading up to trial. While this matter settled prior to an appeal, this was the first case that blended my passion for complexity and novel law into the circuit court in anticipation of an appeal to the Supreme Court through original jurisdiction. Following this experience, I saw an avenue to practice in my own unique way.

(e) Shareholder Dispute (Andrews v. Broom, Op. No. 2018-002223, 2022 WL 539073, at *1 (S.C. Ct. App. filed Feb. 9, 2022) Broom v. Ten State St., LLP, Op. No. 2015-MO-057 (S.C. Sup. Ct. filed Sept. 30, 2015) (reversing Broom v. Ten State St. LLP, Op. No. 2015-UP-030 (S.C. Ct. App. filed January 14, 2015).

This business dispute, spanning seventeen years of litigation and counting, involves a partnership dissolution with an assertion of a novel issue surrounding a minority shareholder, along with numerous issues involving preservation, statutes of limitations, and civil procedure. I have been involved with the case's two appeals to the Court of Appeals, two writs of certiorari to the Supreme Court, and a bench trial. Included within this lengthy litigation are a series of firsts for me: first appellate brief—Broom v. Ten State St. LLP, Op. No. 2015-UP-030 (S.C. Ct. App. filed January 14, 2015); first win at the Supreme Court—Broom v. Ten State St., LLP, Op. No. 2015-MO-057 (S.C. Sup. Ct. filed Sept. 30, 2015), and my first bench trial.

Without getting too far into the procedural weeds or business disagreements, Mr. Broom has asserted since 2016 that the case was moot following his 2015 favorable Supreme Court ruling and remittitur. In 2018, Mr. Broom raised these arguments in a motion to dismiss before the trial court. The trial court disagreed and allowed the matter to proceed to a bench trial. At trial, Mr. Broom was successful on all but one claim,

which he appealed. In 2022, the Court of Appeals agreed with Mr. Broom that it was an error of law for the trial to have occurred because the issues were moot on procedural grounds. A petition for certiorari is pending.
For me, this case highlights the importance of preserving a record on appeal and continually renewing arguments for appeal.

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

(a) Rainey v. S.C. Dep't of Soc. Servs., 434 S.C. 342, 344, 863 S.E.2d 470, 471 (Ct. App. 2021);

(b) Broom v. Ten State St., LLP, Op. No. 2015-MO-057 (S.C. Sup. Ct. filed Sept. 30, 2015); Andrews v. Broom, Op. No. 2018-002223, 2022 WL 539073, at *1 (S.C. Ct. App. filed Feb. 9, 2022);

(c) Sims v. Amisub of S.C., Inc., 414 S.C. 109, 110, 777 S.E.2d 379, 380 (2015);

(d) Roddey v. Wal-Mart Stores E., LP, 415 S.C. 580, 583, 784 S.E.2d 670, 672 (2016);

(e) Michael v. Michael, Op. No. 2016-001498, 2018 WL 1956476, at *1 (S.C. Ct. App. Apr. 25, 2018).

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

(a) Moore v. Stirling, 436 S.C. 207, 211, 871 S.E.2d 423, 425 (2022).

(b) State v. Robinson, Court of Appeals, Appellate Case No. 2018-001269, decision pending, involved with the amicus brief.

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

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Ms. Harrison to be "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation,

experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The committee commented: "Exceptionally qualified for writing well-reasoned opinions."

Ms. Harrison is not married. She does not have any children.

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

(a) South Carolina Bar Association (2011 to present); involvement includes: Torts & Insurance Council (2018-2021); Practice and Procedures Committee (2020 to Present);

(b) South Carolina Bar Foundation Board (2018 to Present); involvement includes: Cole Committee Chair (overseeing scholarship donations for CLEs), Finance Committee member, and Grants Committee member (helping interview and propose awards of grants to non-profit organizations); South Carolina Supreme Court Historical Society Co-Chair (2018 to 2021);

(c) South Carolina Association for Justice (2016 to Present); involvement: Rules and Practice Chair (2018 to Present);

(d) South Carolina Women Lawyers Association (2020 to Present);

(e) Supreme Court Historical Society (2018 to Present); involvement: revived Supreme Court Historical Society as co-chair through Bar Foundation and now am a member under new framework;

(f) Supreme Court Common Pleas Docketing Committee (2017 to Present);

(g) American Association of Justice (2022); member.

Ms. Harrison provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations and was recognized with the following awards:

Current Involvement
(a) Presbyterian College Board of Trustees;
(b) Downtown Church (PCUSA);
(c) Historic Columbia.

Past Involvement
(a) SC Appleseed Board Member;
(b) Femex Columbia.

Awards/Recognition
(a) SC Bar's Trial and Appellate Advocacy Award;
(b) Presbyterian College's Young Alumna Award;
(c) 20 under 40, The State;
(d) Best and Brightest: 35 and Under, Columbia Magazine;
(e) William Plumer Jacobs Society Member.

Ms. Harrison further reported:
I love a courtroom podium. It's where I have always felt most at home in this profession. The law comes alive during an argument when I am peppered with hypotheticals and nuanced questions to test the strength and veracity of my arguments. It's in those moments that the courtroom becomes my stage as I am pushed by the ticking appellate clock to prioritize and persuade seamlessly while balancing the bench's questions. I generally dislike discussing myself and resist a spotlight—a truth I felt with force as I answered the last fifty-seven questions. But in a courtroom, it's never about me. I stand front and center, giving voice to issues that need to be squarely addressed. When I leave court, I know I have given it my all, using my time and talents to make a difference—living out my definition of service.

I grew up with parents who made service an organic part of our family. From hosting Cub Scout meetings in our living room every Monday night for nearly six years to volunteering with every clean-up project, ticket table, or random event that needed more hands, we were there ready to serve. It was instilled in me that when you care about your community you show up—wherever and however you can.

This emphasis on making service a daily practice is what drew me to Presbyterian College, whose motto "while we live, we serve" continues to inspire me twenty-years later. There, my mentor, former President Dr. John V. Griffith, often brought our conversations about life and my

future back to a paraphrased verse in Deuteronomy, stating: "we are heirs of cities we did not build." His point being that with our grand inheritances comes a responsibility to serve our communities using our unique gifts to ensure that those who follow us will receive not only the same, but better. I left college anticipating that the law would be my vocation and my path to serve.

As you read in my application, however, my path became unexpected when I had to take the bar exam three times. There were moments when I questioned if I would ever practice law. And even after I was admitted, I was certain my bar failures would be a shameful embarrassment that would follow my career—a blemish used to size up my intellect and talent. Yet, with the passing of time, I have come to see that blemish for what it really is: a sign of my strength and determination.

During the fall of my 3L year, I was diagnosed with cancer. I underwent surgery to prevent melanoma from spreading, which involved the removal of a grapefruit-size mass. I declined doctors' advice to take leave from school and returned to law school hooked to a machine with tubes coming out of my clothes. There was nothing normal about the rest of that school year (or the year that followed). But I adapted because I had three goals I was determined to accomplish: finish school, deliver our class speech at graduation as planned, and pass the bar exam that October—almost a year from the date of my diagnosis.
I achieved the first two goals—walking across the graduation stage with my classmates and delivering a speech on service. But it took an extra year of studying when I was not working, as well as healing, to pass the bar exam.

Trusting my inner voice that reminded me "I am strong enough to try" was the most significant decision I will likely ever make. There is no question there were challenging, humbling, and down-right awful days that occurred as I faced set-backs both personally and professionally. Yet, those are the days that profoundly shaped me, giving me the perspective that I want a lifetime of days filled with purpose and meaningful service. This, in turn, sharpened my drive and forced me to try harder, embracing late nights and early mornings to fully commit to a task at hand. I learned I am not afraid to be an outlier or to trust my own instinct. I found the value of following my own compass and its passions. Those two years of choosing to try rather than accepting defeat made me a better lawyer and a better servant.

It is still that inner voice that boldly guides me in all aspects of life. In the law, it has encouraged me to take on challenging novel issues and remain unwavering in my advocacy. In so doing, I have represented South Carolinians from all walks of life including: a businessman, an injured DSS worker, a single mother fighting for her kids, a child abandoned by his family, a utility customer, a triple amputee, a man on death row, and so many others. My vocation has become my service—with an unassailable conviction and stronger confidence than I could have anticipated. As I look forward and consider my responsibility as an heir of our State, I believe my legal talents and experiences have uniquely prepared me to serve on the Court of Appeals. Although I will undoubtedly miss my beloved podium, I know serving on the bench offers more opportunity to build on our jurisprudence for the betterment of our heirs, which after everything remains my ultimate goal.

(11) Commission Members' Comments:
The Commission noted Ms. Harrison has a wonderful reputation as an appellate practitioner. She was engaging and poised. They noted she has focused her professional experience on appellate practice, which will serve her well should she be elected to the Court of Appeals.

(12) Conclusion:
The Commission found Ms. Harrison qualified, and nominated her for election to Court of Appeals, Seat 2.

The Honorable Grace Gilchrist Knie
Court of Appeals, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Knie was born in 1964. She is 58 years old and a resident of Campobello, South Carolina. Judge Knie 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 Knie.

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

Judge Knie 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 Knie 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 Knie to be intelligent and knowledgeable.

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

(a) I have lectured at the 2002 SCAJ Annual Convention, to the Family Law Section on the subject Family Court Visitation and Custody Issues (Excluding Patel);

(b) I have lectured at the 2003 SCAJ Annual Convention, to the Family Law Section, on the subject What Family Court Judges Want at Temporary Hearings;

(c) I have lectured at the 2004 SCAJ Annual Convention, to the Family Law Section

(d) on the subject Family Law- Case Law Update, September 2003 -July 2004;

(e) I have lectured at the 2005 SCAJ Annual Convention, to the Family Law Section on the subject Family Law- Case Law Update, September 2004 -July 2005;

(f) In 2007 I chaired the Family Law Section of the SCAJ and enlisted speakers for the CLE presentation. I presided over and moderated the Family Law presentation at the 2007 Annual Convention;

(g) I have lectured as a judicial panelist at the SC Bar Association CLE held in Spartanburg on the subject of 7th Circuit Tips from the Bench, May , 2018;

(h) I enlisted speakers for the JCLE presentation and moderated the JCLE presentation for the SC Circuit Judges' Association Annual Conference in May 2019;

(i) I served as co-presenter at the SC Judicial Conference September 2019, for the introduction of speaker Karen Korematsu, Director of the Fred T. Korematsu Institute regarding Korematsu v. United States, 323 U.S. 214 (1944);

(j) I made a presentation at the ABOTA SC Chapter Meeting, March 2020, as judicial panelist to discuss Attorney Conducted Voir Dire in South Carolina;

(k) I have lectured as a judicial panelist at the SC Bar Association CLE held in Spartanburg on the subject of 7th Circuit Tips from the Bench, May 2022;

(l) I have participated as a panelist in several presentations by the NCSI (National Courts and Sciences Institute) in my capacity of SC Judicial Representative 2018-present.

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

(4) Character:

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

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

The Commission also noted that Judge Knie 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 Knie reported that she is rated by the following legal rating organizations:
(a) AV Preeminent Rating Martindale -Hubbell in Legal Ability and Ethical Standards;
(b) Best Lawyers in America, Member;
(c) Super Lawyers, Member;
(d) Litigation Counsel of America Trial Lawyer Honorary Society Fellow.

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

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

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

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

(8) Experience:
Judge Knie was admitted to the South Carolina Bar in 1989.

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

(a) Kermit S. King, Attorney, Columbia, South Carolina,

Clerkship August 1988-June 1989;
Upon graduating from law school in the Summer of 1989, while studying to take the bar exam in August, I continued to work for Kermit S. King, Attorney at Law, in Columbia. Mr. King's practice primarily focused on domestic litigation. My job responsibilities were to research aspects of the law as instructed, to assist in organizing files and accompanying him and other lawyers in the firm to court, when necessary. In addition, I

performed general clerkship duties. The position ended at the conclusion of the bar exam preparation and upon my taking a position as Law Clerk to The Honorable James B. Stephen, Circuit Court Judge.

(b) The Honorable James B. Stephen, Circuit Court Judge, Spartanburg, South Carolina, Law Clerk, August 1989-August 1990;

I obtained the position of Law Clerk to The Honorable James B. Stephen, Circuit Court Judge for the Seventh Judicial Circuit, Spartanburg, SC, in August 1989. I had the opportunity to shadow Judge Stephen in his court room and in his office for one year. I traveled with him while he rotated throughout the state when he held court in Beaufort, Charleston, Columbia, Aiken, Cherokee, Spartanburg and other counties. I had a unique and distinct career opportunity which was priceless in gaining valuable experience and insight into the practice of law and in being a Circuit Court Judge. During that year, I sat beside Judge Stephen on the bench, in the courtroom, daily and was able to observe first-hand General Sessions Court and Common Pleas Court. He had me research legal issues, assist in writing decisions and had me serve as the conduit of information between him and counsel appearing before him concerning decisions, calendaring, and scheduling.

(c) Bruce Foster, P.A., Spartanburg, South Carolina,

Associate, 1990-1992;
In August of 1990 I became an associate of Bruce Foster, P.A. in Spartanburg. The practice was a general litigation practice with a focus on domestic litigation, and plaintiff's personal injury. As an associate attorney, I initially served as co-counsel with Mr. Foster in on-going, pending litigation. I then accumulated my own clients, representing them in both family court and civil litigation, and some criminal defense, as well as, employment discrimination and sexual harassment litigation. At the conclusion of two years, I continued to share office space with Mr. Foster but, formed my own firm as Grace Gilchrist Dunbar, P.A.

(d) Grace Gilchrist Dunbar, PA, Spartanburg, South Carolina,

Attorney, 1992-2004;
In 1992 through 2004, I had a general litigation practice handling domestic litigation, plaintiff's personal injury, workers' compensation, employment discrimination and criminal defense work. During this time, Mr. Foster's health began to deteriorate, and he retired. I purchased and renovated an office building in Spartanburg and moved my practice to a

location approximately one block from Mr. Foster's office. I was a sole practitioner and solely handled the administrative and financial management of the law firm which required that I was in charge of payroll, payroll tax deposits, quarterly and annual tax returns, and I was in charge of the management of the law firm's trust account/s. A CPA firm calculated payroll, tax deposits, and withholding amounts.

(e) City of Spartanburg, Spartanburg, South Carolina,

City Prosecutor, 1995-2010; part-time position;
In 1995, I took the position as the City Prosecutor for the City of Spartanburg. I held that position until 2010. It was part-time. My job responsibilities included the prosecution of all criminal jury trials for the City of Spartanburg. The cases ranged from minor traffic citations to more serious charges of Criminal Domestic Violence, Driving Under the Influence 1st offense and Driving Under Suspension. There were multi-day terms of court on a monthly basis. I dealt with attorneys representing defendants, as well as, pro-se litigants on a regular basis. Additionally, I served as legal counsel at City Council meetings when the City Attorney could not be present. I handled most of the appeals from the Spartanburg County Municipal Court to the Circuit Court.

(f) Grace Gilchrist Knie, PA, Spartanburg, South Carolina,

Attorney, 2004 – February 23, 2017.
In 2004, although the nature of my practice remained the same, after my marriage, I changed the name of my law practice and professional association to Grace Gilchrist Knie, P.A. Approximately 6-8 years later I transitioned the nature of my practice from contested domestic litigation to Social Security Disability in addition to personal injury. I was a sole practitioner and solely handled the administrative and financial management of the law firm which required that I was in charge of payroll, payroll tax deposits, quarterly and annual tax returns, and I was in charge of the management of the law firm's trust account/s. A CPA firm calculated payroll, tax deposits, and withholding amounts.

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

(a) Federal: several times a month;
(b) State: several times a month.

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

(a) civil: Personal injury/ Workers Compensation 40%;
(b) criminal: Defense 2%;
(c) domestic: 8%;
(d) other: Social Security disability 50%; City Prosecutor of criminal jury trials approximately four days a month as a part-time position from 1995- 2010.

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

(a) jury: 40% including City Prosecutor position 1995-2010;
(b) non-jury: 60%;

Judge Knie 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 Knie's account of her five most significant litigated matters:

(a) Laura B. Steagall v. Freightliner L.L.C., et. al, CA 2007-CP-11-655 later removed to federal court 7:07-cv-03877. This lawsuit involved the alleged sexual harassment of the plaintiff by a supervisor of Freightliner. It was somewhat unique because the plaintiff was employed by a staffing company which supplied the plaintiff to Freightliner. Issues arose as to whether Freightliner fell within Title VII because the plaintiff and her alleged assailant did not work for the same company. There were also reporting and notice issues. In addition, her assailant allegedly harassed her both at work and after hours at her home and elsewhere.

The complaint included alleged causes of action for a hostile work environment (Title VII), sexual harassment (Title VII), retaliatory discharge, negligent supervision and retention, and assault and battery. This was removed to federal court due to diversity jurisdiction issues. The causes of action for negligent supervision and retention and for assault and battery, are state causes of action.

Many practitioners have not been exposed to this area of the law; however, I have handled at least five other such lawsuits during my years of practice. It is important as a state court jurist to have some knowledge

of federal statutory law as it can apply to state proceedings in several different areas.

(b) Gumaro Gonzalez-Bravo v. Krishna Patel Kandel, d/b/a Citgo Food Mart;

WCC File No. 0918192

In this tragic circumstance and case, Mr. Bravo was working at the Citgo Food Mart located in Spartanburg, South Carolina in the capacity of stocker and clean up personnel. He had been working at the Citgo Food Mart for less than a month and, on the night of September 30, 2009, he and one of the co-owners of the food mart were the only two persons working. Mr. Bravo was in the back-storage room, sweeping the floor. The food mart was robbed and both Mr. Bravo and the co-owner were killed. Mr. Bravo had moved to the United States from Mexico. He was earning $5.00 per hour, which he was paid in cash at the time of his death. I view this case as one of the most significant litigated matters that I have handled in my twenty-seven years of practicing law for several reasons. The unique issues involved in the case included whether the store owner was a statutory employer pursuant to S.C. law and if Mr. Bravo was actually an employee of the food mart, and if so if death benefits were payable, what was his average weekly wage and compensation rate, and who were Mr. Bravo's dependents pursuant to S.C. law. In this case, the owner of the store did not have workers' compensation insurance and the argument was that he was not required to have workers' compensation insurance because he did not have four or more employees or, he did not have the minimum number of employees required of him to mandate carrying workers' compensation insurance. I was successful in proving that there were more than the minimum number of employees employed and, in the end, I was also successful in proving that the decedent's family was entitled to 500 weeks of benefits. This case involved contact with the Probate Court in Spartanburg County, documents from the Spartanburg County Coroner's Office, witnesses and documents from the Spartanburg County Sheriff's Office and obtaining documents from the S.C. Department of Revenue. I felt a deep commitment and obligation to represent the interests of this deceased party for the financial benefit of his wife and children, and to honor his senseless murder.

(c) Helen Owens v. Freddy Lee Johnson, 2014-CP-30-185

This lawsuit involved a serious motor vehicle collision in which the plaintiff suffered a fractured femur which required multiple surgeries. The plaintiff was traveling to work early in the morning when the

defendant, a third shift employee of BMW Manufacturing, traveling in the opposite direction on a two-lane road, fell asleep and crossed the center line hitting the plaintiff's vehicle head on. Early on, an issue arose as to whether the plaintiff had crossed the center line because of tread marks just left of center from the direction in which plaintiff was traveling. I employed an accident reconstruction expert who established that the tread marks were from a different vehicle than that of the plaintiff. The defendant driver leased the BMW which he was driving from his employer, and BMW had substantial liability coverage on the vehicle. The vehicle also had an emergency response system which detected that there had been a collision and a dispatcher engaged the defendant driver in a conversation. I subpoenaed the recording of that conversation which revealed that the driver had fallen asleep at the wheel and did not realize that the collision involved another vehicle. The combination of the expert witness and the recording of the defendant's conversation with the emergency response dispatcher were enough to overcome liability concerns. Ultimately, I was able to secure a significant confidential settlement at mediation. This case was significant because it involved an expert witness and the role of scientific evidence.

(d) Joseph Brown as PR of the Estate of Lillie Ruth Brown v. Spartanburg Urology Surgery Center Partners, L.P., et. al., CA 2015-CP-42-867

In this tragic but interesting case, I was hired by Mr. Brown whose wife, in otherwise perfect health, had elected to undergo outpatient carpal tunnel release surgery. Within 15 minutes of her otherwise successful surgery, she went into cardiac arrest. Efforts to revive her at the for-profit outpatient surgery center were unsuccessful and she was transferred to Spartanburg Medical Center which was ironically across the street. Although she was ultimately revived, she had suffered irreversible brain damage. She remained at the hospital and later at hospice in a vegetative state for more than a month before she passed away.

It was established through expert witnesses that her cardiac arrest resulted from the improper and untimely release of the tourniquet used in conjunction with her local anesthesia. Moreover, the outpatient surgery center was not equipped with the proper "crash cart" to deal with this type of event.

The case had a number of challenging legal issues, among them being the relationship of the surgery center, the surgeons who also owned the surgery center, the anesthesia group which supplied the nurse anesthetist,

and the R.N. who released the tourniquet. In addition, the Non-Economic Damages Act of 2005 came into play in determining the amount of potential non-economic damages allowable. I took the position that Mr. Brown could recover $425,000 in non-economic damages in his wrongful death, survival, and loss of consortium actions, plus the economic damages suffered which were substantial. After significant discovery and mediation, the case was ultimately settled for a confidential seven figure amount.

The significance of having handled this case for a judicial candidate is that it required a working knowledge of the statutory and common law surrounding medical malpractice cases including the caps. This body of law is very specific and unique. Nonetheless, while mediation has greatly reduced the number of civil cases tried, medical malpractice cases continue to be tried on a regular basis and a jurist must be aware of the nuances of this area of the law.

(e) Tinsley v. Tinsley, 326 S.C. 374, 483 S.E. 2d 198 (Ct. App. 1997)

This family court action involved issues of divorce on the fault ground of physical cruelty, custody and visitation, and equitable distribution of assets and debts. I represented the Wife. The primary issue presented was whether Husband's South Carolina state disability retirement benefits were property and therefore a marital asset to be divided in equitable distribution, or were those benefits income. On appeal the Court of Appeals held that the payments were replacement for current and future income, and therefore not subject to equitable distribution. The case is significant because it is often cited by attorneys during litigation and it is referred to in trial argument on the income versus asset issue.

The following is Judge Knie's account of five civil appeals she has personally handled:

(a) Stoney G. Allison v. State, Appellate Case No. 2006-035039; *

(b) Hazell Stoudemire, III v. State, Case No. 2012-CP-42-2779; *

(c) Stephens v. Integrated Electrical Services, et.al., SCWCC #0915846;

(d) Blanton v. Blanton, 2007 -UP-129 (S.C. Ct. App.);

(e) Siegfried v. SSA, xxx-xx-xxxx;

* Both of these cases are criminal cases in which the criminal defendant petitioned the SC Circuit Court for post-conviction relief (PCR). PCR actions are considered civil in nature. I represented both in the PCR actions and then filed the appeals to the SC Supreme Court.

The following is Judge Knie's account of criminal appeals she has personally handled:
As the City Prosecutor at the City of Spartanburg from 1995-2010, in addition to prosecuting all jury trials, I routinely handled the City of Spartanburg Municipal Court appeals to the Circuit Court of the Seventh Judicial Circuit. These cases normally involved the appeal of Criminal Domestic Violence Charges, Driving Under the Influence, other traffic violations, and other municipal level offenses.

Judge Knie reported that she has held the following judicial office(s):
I was elected on February 1, 2017, by the SC General Assembly and took the oath on February 24th, 2017, for the position of Circuit Court Judge for the Seventh Judicial Circuit, Seat 2. The Circuit Court is a court of general trial jurisdiction and limited appellate jurisdiction from the Probate Court, Magistrate's Court and Municipal Court in South Carolina. I was re-elected to the same position on February 7th, 2018.

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

(a) Farr v. Wan, et.al., 2013-CP-42-02404

This action was brought as a medical negligence case in which it was alleged that the physician, a pulmonologist due to a failure to diagnose breached the standard of care when she failed to identify an abnormal density in the decedent's right lung. Suit was brought against the physician and her employer medical group. The case was tried by jury trial for one week in the fall of 2020. There were several expert witnesses from various parts of the United States called by both parties. The trial was challenging due to the constraints of the COVID pandemic. There were challenges and complications regarding jury selection, jury management, and travel restrictions for witnesses. Ultimately it was agreed that several expert witnesses would be allowed to testify virtually. The jury trial verdict was for the Defendants.

(b) State v. Mark Anthony Gilbert, 2019-GS-42-1035

This criminal jury trial involved allegations by the victim, a daughter against her biological father of criminal sexual conduct. The Defendant was charged with four counts of Criminal Sexual Conduct with a Minor in the Second Decree. The evidence presented by the State included the testimony of the victim, and other family members. The State presented no physical evidence. The case was tried for four days. The jury found the Defendant guilty on all charges. He was sentenced to 25 years in the SC Department of Corrections and was required to register as a Sex Offender.

(c) Keith Bookman v. Jason Brian Buffkin, 2018-CP-40-6147

The parties in this action were involved in a motor vehicle collision on Interstate 77 North in 2018. Plaintiff was working in an interstate construction zone, driving a message board truck, and Defendant, driving under the influence, collided with the attenuator on the back of Plaintiff's truck. Plaintiff suffered personal injuries. Plaintiff brought a claim for negligence and sought actual and punitive damages. Plaintiff resolved his case against the at-fault insurance carrier on a covenant not to execute and proceeded at trial against the UIM carrier. Plaintiff's demand had been for the limits of coverage. In September of 2021, the case was tried for four days. At trial, Defendant admitted negligence but disputed that Plaintiff was injured or suffered any damages as a result of the collision. The parties presented expert testimony via video conference and in person from an orthopedic surgeon, a toxicologist, and a biomechanical expert. The jury returned a verdict in favor of the Plaintiff for $12.5 million dollars, $3.5 million dollars in actual damages and $9 million dollars in punitive damages.

(d) State v. Christian Thomas McCall, 2018-GS-46-03262, 2018-GS-46-03265,

2018-GS-46-03267 and 2018-GS-46-03269

This action arose in 2018 from a domestic dispute between husband and wife in which a 911 call was made from the residence of the victim and the Defendant. The Defendant fled the scene on foot and to apprehend him, a chase ensued by law enforcement. When cornered, the Defendant killed one officer and wounded three others. The Defendant pled guilty to Murder and three counts of Attempted Murder. He received a life sentence, three consecutive thirty-year sentences and a consecutive five-year sentence. This case was further complicated due to the significant public and press interest in this case, and the press coverage of the plea and sentencing hearing which lasted for several hours.

(e) Carnell Davis v. The State of South Carolina, 1991-GS-42-1126 and 1991-GS-42-1723

This matter came before the Court for a bench trial on resentencing pursuant to Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014). Petitioner filed his petition and the Circuit Court of Spartanburg County was vested with exclusive jurisdiction to hear the petition by Order of the Chief Justice of the South Carolina Supreme Court. A hearing on the petition was conducted in August 2018. In 1991, the Petitioner committed murder and shot a Spartanburg City Police Officer. Petitioner was indicted and pled guilty to Murder and Assault and Battery with Intent to Kill. The Petitioner received a life sentence with parole on the Murder charge and he received a twenty-year consecutive sentence on the Assault and Battery with Intent to Kill charge. At the time of the commission of the crimes, the Petitioner was seventeen years old. Petitioner sought relief pursuant to Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014). However, the law of South Carolina at the time of Petitioner's conviction provided for possibility of parole being granted for persons sentenced to life terms. Based on information obtained from the South Carolina Department of Probation, Parole, and Pardon Services, since first becoming eligible for parole in 2011, Petitioner had at least four prior parole hearings and subsequent to the time of the re-sentencing hearing the Defendant would again be eligible for parole consideration. Because the Petitioner's original life sentence made him eligible for parole pursuant to South Carolina law, he was not entitled to resentencing pursuant to Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014).

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

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Judge Knie to be "Qualified" as to 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.

Judge Knie is married to Patrick E. Knie. She has two stepchildren.

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

(a) Spartanburg County Bar Association;

President, 2012; Vice President, 2011; Executive Committee member, 2009 -2013;
Chairperson, Spartanburg County Bar's Cinderella Prom Dress Project 2008-2013;

(b) SC Bar Association 1989 - Present;

Member, Judicial Qualifications Committee 2012 - January 2016;
Member, Solo and Small Firm Section

(c) American Bar Association;

(d) Association of SC Circuit Judges;

(e) NCSI (National Courts and Sciences Institute) SC Judicial Representative.

Judge Knie provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:
(a) First Presbyterian Church;
(b) The YMCA;
(c) The Piedmont Club;
(d) The Spartanburg County Library.

Judge Knie further reported:
As a young person, it was always my goal to complete college and law school. Out of necessity in order to pay the tuition and the necessary costs involved, I worked multiple jobs at the same time while attending school and was able to pay my way through undergraduate school and law school. I believe that I have a strong work ethic that has carried over to my professional practice. I was always willing to put in the long hours necessary to be fully prepared in every case which I handled. As a circuit court judge, I brought that work ethic with me every day to ensure that whatever tasks were assigned to me were fully and timely completed. My work ethic has also made me very independent and I believe that such independence is very important to be a good and ethical jurist.

(11) Commission Members' Comments:
The Commission commented that Judge Knie has an exceptional judicial temperament. Judge Knie also has had a diverse legal background that would serve her well on the Court of Appeals.

(12) Conclusion:
The Commission found Judge Knie qualified, and nominated her for election to Court of Appeals, Seat 2.

The Honorable Letitia H. Verdin
Court of Appeals, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Verdin was born in 1970. She is 52 years old and a resident of Greenville, South Carolina. Judge Verdin provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1997.

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

Judge Verdin 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 Verdin 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 Verdin 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 Verdin to be intelligent and knowledgeable.

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

(a) I made a presentation on Children's Law to Furman Pre-Law Society in 2015.

(b) I addressed the S.C. Women Lawyers Association in 2012 on the topic of running for judicial seats.

(c) I addressed the S.C. Women Lawyers Association in 2012 on the topic of changes in the legal profession affecting women.

(d) I addressed the Greenville Bar Association during its 2012 Law Week Luncheon concerning civility in the practice of law.

(e) I addressed the Public Defenders Conference in 2012 on the topic "A View from the Bench."

(f) I served on a Judicial Panel for the S.C. Defense Trial Attorneys Conference in 2012.

(g) I spoke to the S.C.Bar in 2013 regarding the Essentials of Criminal Practice.

(h) I addressed the S.C. Solicitor's Conference in 2013 on the topic of Mental Health Issues in General Sessions Court.

(i) I addressed the S.C. Bar in 2014 at the 23rd Annual Criminal Practice in S.C.

(j) I spoke to the S.C. Solicitor's Conference in 2014 with Tom Traxler on the Psychology of Persuasion.

(k) I presented to the Women's Leadership Institute at Furman University in 2015 on the topic of Women in the Law.

(l) I spoke at a S.C. Bar CLE in 2015 with Tom Traxler on the Psychology of Persuasion.

(m) I addressed new lawyers in the S.C. Bar regarding Rule 403 requirements in 2015.

(n) I served on a Judicial Panel addressing Updates in the Law at the 2015 S.C. Solicitor's Conference.

(o) I served on a panel addressing Tips from the Bench at the 2015 S.C. Defense Trial Attorneys Association Women in Law Seminar.

(p) I addressed the S.C. Bar at a CLE with Tom Traxler in 2016 on the topic of the Psychology of Persuasion.

(q) I addressed the Greenville Bar End of Year CLE in 2017 on the topic of a View from the Bench.

(r) I have taught a course at the Charleston School of Law. The course is entitled Primer on First Year Practice in S.C. I taught the course in 2013, 2014, 2015, 2016, and 2017.

(s) I spoke at the Greenville Bar End of the Year CLE in 2019 on the topic of General Sessions Court in the Thirteenth Circuit.

(t) I spoke at the Greenville Bar End of the Year CLE in 2021 on the topic of the Courts' Adjustment During COVID.

(u) I spoke at the Greenville Bar End of the Year CLE in 2022 on the topic of Update on the Civil Court in the Thirteenth Circuit.

(v) I addressed the South Carolina Defense Trial Lawyers Conference in 2021 on "A View from the Bench."

(w) I have annually addressed the Circuit Court Judges School on the topic of Inherent Powers of the Court since 2019.

(x) I addressed the South Carolina Appellate Judges Conference in 2018 on the topic of "A View from the Circuit Court Bench."

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

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

The Commission's investigation of Judge Verdin did not indicate any evidence of disqualifying financial issues.

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

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

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

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

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

(8) Experience:
Judge Verdin was admitted to the South Carolina Bar in 1997.

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

(a) Office of the Thirteenth Circuit Solicitor, Assistant Solicitor, 1997-1998

Prosecuted cases in the Traffic Unit and General Crimes Unit

(b) Office of the Eighth Circuit Solicitor, Assistant Solicitor, 1998

Prosecuted all juvenile cases in Family Court and prosecuted all General Sessions child abuse and neglect cases in Greenwood, Abbeville, Newberry, and Laurens Counties

(c) Office of the Thirteenth Circuit Solicitor, Assistant Solicitor, 1999-2000

Prosecuted violent crimes, criminal domestic violence cases, and criminal child abuse and neglect cases; served as the Family Court Unit Head

(d) Clarkson, Walsh, Rheney & Turner, P.A., Associate Attorney, 2000-2005

Litigated cases in areas of government liability defense, insurance defense, and commercial litigation, criminal defense, and family law

(e) Office of the Thirteenth Circuit Solicitor, Assistant Solicitor, 2005-2008

Prosecuted violent crimes, criminal domestic violence cases, and criminal child abuse and neglect cases

Judge Verdin reported the frequency of her court appearances prior to her service on the bench:

(a) Federal: Occasionally
(b) State: 1-2 times per week.

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

(a) Civil: 35%;
(b) Criminal: 50%;
(c) Domestic: 10%;
(d) Other: 5%.

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

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

Judge Verdin provided that prior to her service on the bench she most often served as sole counsel.

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

(a) State of South Carolina v. Patel and the companion divorce action, Patel v. Patel -This was a criminal defense matter in which I was involved while in private practice and its companion divorce action. The wife was charged with Arson and Assault and Battery with Intent to Kill for setting fire to her husband's hotel room while he was inside. I assisted in the criminal defense of the wife and represented her in the divorce action. She was sued for divorce on the ground of a single act of extreme physical cruelty. It was necessary that I protect her rights in the divorce action while ensuring that she did not jeopardize her criminal defense.

(b) State of South Carolina v. Ricky Sanders – This defendant was charged with Criminal Sexual Conduct with a Minor 1st Degree for sexually abusing his girlfriend's daughter. This case was significant for me because it was the first time our office was successful in having a Forensic Interviewer qualified as an expert witness in the Court of General Sessions. The interviewer's testimony, coupled with the testimony of the child, was instrumental in securing a guilty plea from the defendant during trial.

(c) Barnes v. Kevin Matheson, Anderson County Sheriff's Department, the City of Clayton Police Department, and the Rabun County Sheriff's Department – This was a case while I was in private practice. The case involved allegations of excessive use of force and other Section 1983 claims against law enforcement officials. I represented Deputy Kevin Matheson and the Anderson County Sheriff's Department. The case involved an escapee, who when eventually surrounded by officers, attempted to run over an officer. Deputy Matheson shot and killed the woman in order to save the officer's life. The case involved numerous constitutional law issues, including that of extra-jurisdictional pursuits. Our motion for summary judgment was granted as to all

claims against Deputy Matheson and the Anderson County Sheriff's Department.

(d) In re: R.M. – This was a case in which a juvenile shot and killed her uncle with whom she resided. Our office had a policy at that time of petitioning the Family Court for waiver to General Sessions in every murder case in order for full evaluation by the court. The juvenile had been abandoned by her mother, her father was deceased, and defense experts testified that they believed the child was the victim of sexual abuse by the uncle, a fact much later confirmed. The judge in this matter applied the Kent factors and determined that the juvenile was not appropriate for waiver to General Sessions Court. This case is significant to me because it was at the beginning of my Family Court career and it illustrates the integrative and rehabilitative goals of juvenile justice. Though technically a loss for the prosecution, it was a win for the system. While the juvenile's crime was horrific, she spent the remainder of her adolescence and early adulthood in the Department of Juvenile Justice receiving intensive services, and after a transition period, it is my understanding that she has become a productive, law-abiding adult.

(e) State of South Carolina v. Shad Shepherd – This was a case that I prosecuted in which the young father shook his four month old baby violently causing permanent brain damage and partial blindness. This matter was not only significant because of its facts, but also because it was one of the earlier shaken baby syndrome cases successfully prosecuted by our office. The case also necessitated very sophisticated medical evidence and expert testimony in order to establish that the child had not been accidentally dropped thereby causing her injuries.

The following is Judge Verdin's account of three civil appeals she has personally handled:

(a) Cox and Rider v. City of Charleston, Rueben Greenberg, Joseph Riley, Captain Chin, Charleston Police Department, Officer Davis, City of Travelers Rest, Mann Batson, and

Timothy Christy, Fourth Circuit Court of Appeals, July 26, 2005, 416 F.3d 281.

(b) North Greenville Fitness v. Daimler Chrysler, South Carolina Court of Appeals, Jan. 2, 2004, 2003-UP-00737.

(c) State Auto Property v. Wild Turkey Holdings, South Carolina Court of Appeals, dismissed on June 3, 2004 after briefs were filed pursuant to settlement.

Judge Verdin reported that she has not personally handled any criminal appeals.

Judge Verdin reported that she has held the following judicial office(s):
(a) Elected to the Family Court, Thirteenth Judicial Circuit, 2008-2011
(b) Elected to the Circuit Court, Thirteenth Judicial Circuit, 2011-present

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

(a) Hidria, USA, Inc. v. Delo, d.d., d/b/a Slovenske Novice, 415 S.C. 533 (Ct. App. 2016). Hidria, U.S.A., Inc. filed suit against a Slovenian publisher of an online and print newspaper alleging that it maliciously published articles containing falsities concerning a Slovenian citizen associated with Hidria. The matter came before me on Delo's Motion to Dismiss. I granted the motion to dismiss for lack of personal jurisdiction. The Court of Appeals affirmed my decision.

(b) Precision Wall, Inc. v. Liberty Mutual Fire Insurance Co., 410 S.C. 170 (Ct. App. 2016). Precision Wall, Inc. brought an action against Liberty Mutual, its commercial general liability insurer for a declaratory judgement that its CGL policy covered liability for the cost to tear down and rebuild a brick veneer and seal joints. I entered judgment in favor of the insurer, and on appeal, the Court of Appeals affirmed my decision holding that the "your work" exclusion applied to bar coverage.

(c) Woodruff Road SC, LLC v. S.C. Greenville Hwy 146, LLC, 2017 WL 74856 (Ct. App. 2017). This matter was before me on a declaratory judgment action to determine the scope of an easement granted to S.C. Greenville Hwy 146, LLC. I determined that S.C. Greenville Hwy. 146, LLC could use the easement as part of a drive-thru for one of its tenants, Starbucks. Woodruff Road SC, LLC appealed my decision, and the Court of Appeals affirmed my decision in an unpublished opinion.

(d) Proctor v. Whitlark & Whitlark, Inc., 414 S.C 318 (2015). I sat as an Acting Justice with the South Carolina Supreme Court in this matter. We held that gambling statutes, and not the South Carolina Unfair Trade Practices Act, provide the exclusive remedy for a gambler seeking recovery of losses sustained by illegal gambling.

(e) In re: Campbell, 379 S.C. 593 (2008). I sat as an Acting Justice with the South Carolina Supreme Court in this matter. This was an appeal that originated in the Probate Court wherein a daughter challenged the dismissal of a petition she filed for appointment as conservator of her mother's assets. We held that the statute governing court appointment of a physician to examine a person subject to a conservatorship action does not require that the physician be disinterested, only unbiased. We further held that the Court-appointed physicians who acted as the mother's expert witnesses were not unbiased.

Judge Verdin reported the following regarding her employment while serving as a judge:
I taught a course at the Charleston School of Law each summer during the years 2013-2017. My employment as an Adjunct Professor was part-time and contractual. My supervisor was Andy Abrams, Dean of the Law School.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Judge Verdin 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. There were no summary or related statements.

Judge Verdin is married to Charles S. Verdin IV. She has two children.

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

(a) South Carolina Bar Association

(b) Greenville County Bar Association

(c) Haynsworth Inn of Court

(d) Liberty Fellowship

(e) Circuit Judges' Advisory Committee

(f) Advisory Committee on Standards of Judicial Conduct

Member, 2012-2021
Chairperson, 2019-2021

(g) Circuit Judges' Association

Vice-President, 2019-2022
President, 2022-present

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

(a) Trinity Presbyterian Church

1) Elder

2) Co-Chair of Personnel Committee

3) Interim Youth Director

(b) Green Valley Country Club
(c) Liberty Fellowship

Judge Verdin further reported:

I have thoroughly enjoyed serving as a Family Court Judge and Circuit Court Judge for the past 14 years. I have found both positions challenging and rewarding. I was honored to serve as the Chairperson of the Advisory Committee on Standards of Judicial Conduct, on the Circuit Judges Advisory Committee, and most recently, as President of the Circuit Judges' Association. I have also had the opportunity to sit as an Acting Associate Justice of the South Carolina Supreme Court on two occasions.

When I was elected to the Circuit Court, I had mixed emotions. I was honored and excited to serve on the Circuit Court, but I knew that I would miss the Family Court greatly. If I were elected to the Court of Appeals, I know I would miss the Circuit Court. However, I would hope to bring to that new position the experience I have gained in both trial courts. I would approach the Court of Appeals with the same enthusiasm I have had when serving on the Family Court and Circuit Court and would always be mindful of the enormous trust the Legislature had placed in me.

(11) Commission Members' Comments:
The Commission commented that Judge Verdin has an outstanding reputation as a jurist and her judicial temperament and demeanor is beyond reproach. The BallotBox survey responses were unanimous in this characterization as well. The Commission stated that Judge Verdin's work ethic, intellect and temperament would ably serve her should she be elected to the Court of Appeals.

(12) Conclusion:
The Commission found Judge Verdin qualified, and nominated her for election to Court of Appeals, Seat 2

CIRCUIT COURT
QUALIFIED AND NOMINATED

Amanda A. Bailey
Circuit Court, Fifteenth 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, Fifteenth Judicial Circuit, Seat 1, 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, Ms. Bailey meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Ms. Bailey was born in 1977. She is 45 years old and a resident of Myrtle Beach, South Carolina. Ms. Bailey provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2003. She was also admitted to the North Carolina Bar in 2004.

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

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

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

Ms. Bailey testified she has not:
(a) sought or received the pledge of any legislator prior to screening;
(b) sought or been offered a conditional pledge of support by a legislator;
(c) asked third persons to contact members of the General Assembly prior to screening.

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

(3) Professional and Academic Ability:
The Commission found Ms. Bailey to be intelligent and knowledgeable.

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

(a) I was a Class Instructor at Horry Georgetown Technical College teaching property law to paralegal students in 2005.

(b) I moderated the Civil Law Update for the 2017 Trial and Appellate Advocacy Section CLE, South Carolina Bar Convention;

(c) I was a panel member at the Diversity Committee & Young Lawyer Division CLE, 2018, South Carolina Bar Convention.

(d) I was a presenter at the YLD Leadership Academy, Community Leadership and Civic Engagement, 2022

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

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

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

(5) Reputation:
Ms. Bailey reported her ratings by legal rating organizations:

- Martindale-Hubbell: AV Preeminent .
- Super Lawyers: Top Rated.
- Chambers USA Ranking: Band 4; Litigation: Commercial.

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

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

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

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

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

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

(a) Judicial Law Clerk to the Honorable Kaye G. Hearn, August 2003 to May 2005: In my capacity as judicial law clerk to the Honorable Kaye G. Hearn, then Chief Judge of the South Carolina Court of Appeals, I prepared draft legal opinions, preliminary reports, and cases assessments regarding criminal, civil, family, workers compensation and administrative appellate cases. I read appellate briefs and records, researched legal issues, wrote bench memoranda, orally presented and fielded questions regarding cases from appellate judges, and assisted in drafting opinions.

(b) Burr & Forman, LLP f/k/a the McNair Law Firm, P.A., May 2005 to the present.

- May 2005 to December 2010, Associate, general litigation practice. During this time period, I primarily

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

- January 2011 to January 2017, Partner, general litigation practice. During this time period, I continued my primary practice in business litigation, representing both Plaintiffs and Defendants. I continued to handle other non-business related general litigation, including personal injury, probate court litigation, employment litigation, and general counsel representation. I primarily served as lead counsel in litigation matters. As a partner, I was involved in some administrative and financial management of the firm, and served on the associate development committee, strategic planning committee, and as co-chair of the litigation practice group.

- January 2017 to December 2018, Unit Manager and Partner, general litigation practice. During this time period, I continued my primary practice set forth above and served as lead counsel in litigation matters. As Unit Manager of the Grand Strand Unit, I was involved in administrative and financial management of the firm, and served on the compensation committee and as co-chair of the litigation practice group. In my role as Unit Manager, with the supervision of the firm managing shareholder, I was responsible for the Grand Stand Unit personnel, equipment, and facility matters; file opening and conflict approvals; recruiting; office budgeting and financials; timekeeper budgeting, productivity, assignments, and work performance; and, overseeing of local trust accounts. In addition, as a member of the firm compensation committee, I assisted in evaluating,

advising, and voting on firm shareholder and timekeeper compensation.

- January 2019 to January 2020, Office Managing Partner, general litigation practice. During this time period, I continued my primary practice as set forth above and served as lead counsel in litigation matters. As the Office Managing Shareholder for the Myrtle Beach office, I was involved in the administrative and financial management of the firm, in particular the Myrtle Beach office. In addition, I was involved in undertaking and supervising local firm combination efforts in the Myrtle Beach office as a result of the combination of the McNair Law Firm, P.A. with Burr & Forman, LLP effective January 1, 2019.

- January 2020 to present, Partner, commercial litigation. During this time period, I have continued my primary practice in litigation, representing both Plaintiffs and Defendants. I handle other non-business related general litigation, including personal injury, probate court litigation, employment litigation, and outside general counsel representation. I primarily serve as lead counsel in litigation matters. As a partner, I am involved in limited financial and administrative matters of the firm, and serve on the firm ethics and pro bono committees.

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

Criminal Experience: My experience in criminal matters began while working as a law clerk for then Chief Judge Kaye Hearn at the Court of Appeals. As a law clerk, I was involved in numerous criminal appeals, including guilty pleas, trials, post-conviction relief, and Anders appeals. My involvement included reviewing appellate briefs, guilty pleas, or trial transcripts, research and writing bench memoranda and opinions, and presenting cases to judges. Following my clerkship, I served on the Editorial Board for the South Carolina Post-Conviction Relief Manual, Second Edition, published in 2008. In private practice, I have been

involved in *pro bono* matters and as defense counsel in a few criminal matters at the magistrate level and federal level. I have also represented several criminal victims in their corresponding civil matters. In the context of such representation, I have closely followed the criminal proceedings in two murder trials in Horry County General Sessions and a guilty plea for conspiracy in the United States District Court, Florence Division.

Civil Experience: My experience in civil matters has included a broad general litigation practice based primarily out of Horry County, South Carolina, but appearing in Circuit Courts throughout South Carolina, federal courts in both South and North Carolina, and occasionally state courts in North Carolina. I especially enjoy complex business litigation matters, but I represent both Plaintiffs and Defendants in a variety of types of litigation, including personal injury, real property, contract, probate litigation, insurance coverage, construction, employment, shareholder/member, class actions, and municipal disputes. I have handled litigation as lead counsel, assuming the primary responsibility for preparing strategy, supervising associates and staff, preparing pleadings, preparing and arguing motions, serving and answering discovery, taking and defending depositions, and trial. In addition to serving as lead counsel, I also continue serve as sole counsel or co-counsel as the case or client may dictate.

Ms. Bailey reported the frequency of her court appearances during the past five years as follows:
(a) Federal: I regularly appear in federal court, typically with two to five cases pending in federal court per year. I have appeared in-person and tried one federal case in South Carolina, and appeared in-persons for motions and trial of one federal case in North Carolina. The remaining appearances in federal court have been by way of briefs and electronic filing.
(b) State: I regularly appear in state court, primarily in Horry and Georgetown Counties, but also throughout South Carolina and occasionally in North Carolina state court. I typically argue motions in state court at least once a month, and typically try cases in state court one to three times per year, jury and/or non-jury.

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

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

Ms. Bailey reported the percentage of her practice in trial court during the past five years as follows:
(a) Jury: 65%;
(b) Non-jury: 35%.

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

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

(a) Hill, et. al v. Deertrack Golf and Country Club, Inc., et. al, 2012-UP-219. This was a class action regarding the rights and obligations of a developer of real property to adjoining land owners and impacted the use of several hundred properties in Horry County, South Carolina.

(b) All Saints Parish Waccamaw v. Protestant Episcopal Church, 385 S.C. 428 (2009). This matter arose from an ecclesiastical dispute and real property dispute in Pawleys Island, South Carolina and involved significant historical and constitutional issues.

(c) East Cherry Grove Realty Co. v. Gore, et. al, 2016-CP-26-5392. This matter impacted the use of improved residential real property of multiple homeowners abutting canals in the Cherry Grove Section of North Myrtle Beach.

(d) SMIRF v. City of Georgetown and RSUI Indemnity Co., 2017-CP-22-0959. This matter determined the insurance coverage of tax payer funded municipal buildings damaged as a result of sinkholes.

(e) Robertus L.C. Engle, et. al v. Sherry Engel and Timothy Rogers, 2009-CP-26-2104. This matter involved protecting the rights of crime victims to estate and insurance proceeds claimed by perpetrator.

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

(a) Cribb v. Spatholt, 382 S.C. 490 (Ct. App. 2009)

(b) McLaughlin v. Williams, 379 S.C. 451 (Ct. App. 2008)

(c) Armstrong v. Atlantic Beach Mun. Election Com'n, 380 S.C. 47 (S.C. 2008)

(d) Wallace v. Day, 390 S.C. 69 (Ct. App. 2010)

(e) Rossi v. Intercoastal Village Resort Homeowners Ass'n, Inc., 2012-UP-221 (Ct. App., April 4, 2012)

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

Ms. Bailey further reported the following regarding unsuccessful candidacies:
Yes, in 2019/2020 I was a candidate for Circuit Court, At Large, Seat 13. I withdrew from consideration in January 2020.

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

(10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualifications found Ms. Bailey to be "Well-Qualified" as to 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.

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

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

(a) Coastal Inn of Court, Master, 2017 to present

(b) South Carolina Bar Torts and Insurance Practice Section, Council Member, 2020 to present

(c) South Carolina Bar Foundation Historical Society, Member, 2018 to present

(d) Chair, Vice-chair, Council Member, South Carolina Bar Trial and Appellate Advocacy Section, 2013-2018

(e) Section Delegate, South Carolina Bar House of Delegates, 2018-2019

(f) Member, Resolution of Fee Disputes Board, 2012-2017

(g) Member, American Bar Association

(h) Member, Horry County Bar Association

(i) Member, South Carolina Bar Association

(j) Volunteer, S.C. Bar Law Related Education Division, Middle and High School Mock Trial

(k) Certified Civil Mediator

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

(a) Carolina Forest Rotary Club, Treasurer/Secretary, eMember, Paul Harris Fellow

(b) Partnership Grand Strand Foundation Board, Member

(c) ExecuVision, now affiliated with the Myrtle Beach Area Chamber of Commerce, a founding member

(d) First Robotics, volunteer and First Lego League coach

Ms. Bailey further reported:

I am the only lawyer in my family and I strive to be the type of lawyer that I would recommend to my own parents, my brother, my in-laws, or my daughters.

I was a candidate for a circuit court seat in 2019 and withdrew just before the start of the COVID pandemic. I am excited now to be a candidate for a circuit court seat in 2022 at a pivotal time and during, what we all hope to be, the conclusion of the pandemic.

As with most everyone, I have grappled with growing socially and professionally during COVID operations. In the past three years, lawyers have continued to represent their clients during court shutdowns, outbreaks, remote operations, with masks, without masks, and with an unprecedented amount of flexibility. During this time, I tried jury and/or nonjury cases both inside the State of South Carolina and outside. I even served as a citizen in the first jury pool summoned for General Sessions in Horry County since COVID began.

I have learned more about what I find valuable in a person, a juror, a lawyer, and a judge in the last three years than I had prior to COVID. Among what I value the most are humanity, efficiency, procedure, and respect.

If I am elected to the circuit court bench, I will use the court's time and procedures sensibly to promote efficient and fair justice.

(11) Commission Members' Comments:
The Commission commented that Ms. Bailey is a rising star in the legal community. They noted her keen intellect and varied legal practice have well prepared her to become a circuit court judge.

(12) Conclusion:
The Commission found Ms. Bailey qualified, and nominated her for election to Circuit Court, Fifteenth Judicial Circuit, Seat 1.

B. Alex Hyman
Circuit Court, Fifteenth 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, Fifteenth Judicial Circuit, Seat 1, 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, Mr. Hyman meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Hyman was born in 1980. He is 43 years old and a resident of Conway, South Carolina. Mr. Hyman provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2006.

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

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

Mr. Hyman 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. Hyman 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. Hyman to be intelligent and knowledgeable.

Mr. Hyman reported that he has taught the following law-related courses:
(a) Intro to Criminal Justice, Horry Georgetown Technical College – adjunct professor
(b) Constitutional Rights, Charges affecting College students and the ramifications of a Conviction, Coastal Carolina University Seminar

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

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

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

The Commission also noted that Mr. Hyman 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. Hyman reported his rating by legal rating organizations:

- AVVO: 10
- American Academy of Trial Lawyers: Premier 100 Trial Attorney
- American Institute of DUI/DWI: 10 Best

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

Mr. Hyman reported that he has held the following public office:
I was elected to City Council for the City of Conway in January, 2020. I have timely filed my reports.

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

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

(8) Experience:
Mr. Hyman was admitted to the South Carolina Bar in 2006.

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

(a) Law Clerk to the Honorable Judge Edward B. Cottingham August 2006 – July 2007

(b) Associate Lawyer at The Law Office of Larry B. Hyman Jr. August 2007 – January 2008

(c) Owner B. Alex Hyman Attorney at Law, PA January 2008 – January 2014 (fully responsible for administrative and financial management)

(d) Owner Hyman Law Group, PA January 2014 – Present (fully responsible for administrative and financial management)

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

I began my legal career as a solo general practitioner. My practice was probably what you would expect from a smaller community general practitioner. I have handled everything from mechanic lien foreclosures, property disputes, auto accidents, real estate closings as well as a multitude of criminal cases ranging from drug offenses to murder. Additionally, I have served extensively as a mediator and arbitrator.

My criminal experience has allowed me to spend an extraordinary amount of time in the courtroom. Over the past 15 years I have defended clients in over forty murders or attempted murders and hundreds of other criminal matters in both State and Federal Courts. I have argued to a jury verdict numerous cases where my client could have received a punishment of life in prison. Generally, I appear before a Circuit Judge for criminal court 6-10 times a month.

My civil experience has ranged from all across the spectrum. In the majority of my civil cases, I have represented the plaintiff, but I have also, on occasion, defended local businesses. The bulk of my civil practice has generally been related to auto accidents, but I have also tried to a verdict cases arising out of property disputes, construction defects, breach of contract, as well as other causes of action. In the past six years I have been blessed enough to hire two associates, allowing me to concentrate more on my criminal litigation practice. I still handle ten to twenty civil cases a year, but the majority of my time is now spent on criminal matters.

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

(a) Federal: Depending on my case load it ranged from just a couple of times a year to monthly;
(b) State: Weekly.

Mr. Hyman 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: 75%;
(c) Domestic: 0%;
(d) Other: 5% (wills, real estate, etc.)

Mr. Hyman reported the percentage of his practice in trial court during the past five years as follows:
(a) Jury: 20%;
(b) Non-jury: 80%.

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

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

(a) State of South Carolina v. Bridgett Lamon Moore – Criminal – I served as sole counsel on this case, and my client was charged with murder, in the killing of a local drug dealer. The case was never a "who done it" but instead was a question of whether he acted in self-defense. Prior to trial he was offered to plea to Voluntary Manslaughter with a negotiated sentence of 25 years. After a four-day trial, the jury found him not guilty of Murder but guilty of Voluntary Manslaughter and he was sentenced to 12 years. He was recently released from the Department of Corrections and is doing well.

(b) State of South Carolina v. Heather Causey Sims – Criminal – I served as co-counsel on this case. Our client was charged with murdering her husband. After a four-day stand your ground hearing and a five-day trial the jury found her not guilty of Murder and guilty of Manslaughter. She was

sentenced to 10 years. The case was appealed, and the Court of Appeals overturned her conviction.

(c) State of South Carolina v. James Richard Rosenbaum – Criminal – I served as sole counsel on this case and my client was charged with the murder of a man, he believed to be an intruder in his home. It was discovered in trial that the victim was a guest of his girlfriend. We argued that he was unaware of this and that he was acting upon a reasonable belief and should be protected by not only the "castle doctrine" but also the theory of self defense. He was given a 25-year plea offer but turned it down. We tried a multi-day stand your ground hearing and then a five-day trial. The jury found him not guilty of Murder but guilty of Voluntary Manslaughter. He was sentenced to 15 years and his case has been appealed.

(d) Johnny Anderson, et al. v Southeastern Investors Associates Limited Partnership et al. 2008CP2601514 – Civil – I served as sole counsel on this case, and it was originally brought as a mechanics lien foreclosure. By the time the pleadings had been answered the case had morphed into an extremely technical construction litigation involving out of state experts and attorneys. Pursuant to the contract the case was transferred to an arbitrator and we spent four days arguing the case. My client was awarded a judgment in his favor.

(e) David Rankine v. Cox Equipment Repair LLC et al. 2013CP2606632 – Civil – I served as solo counsel on this case. My client bought a CNC machine, and had it shipped from Ohio to his home. He contracted with a man claiming to work for Cox Equipment Repair LLC to move the CNC machine from the shipping trailer into his shop. The defendant dropped the machine rendering it a total loss. The defendant, Cox Equipment Repair LLC then claimed that the defendant did not work for them. It was shown at trial that while the man did not in fact work for the company, they were aware of him and allowed him to use their equipment. A jury awarded my client judgments against both of the defendants.

The following is Mr. Hyman's account of the civil appeal he has personally handled:
I am currently handling Jimmy A. Richardson v. Travis Green Case No. 2017-CP-26-07411 Appellate Case No. 2020-000092

Mr. Hyman reported that has not personally handled any criminal appeals.

Mr. Hyman further reported the following regarding unsuccessful candidacies:
I previously ran for Circuit Court Judge at Large Seat 12 in 2020. I was found qualified and nominated by the Judicial Merit Selection Commission but lost the election.

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

(10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualifications found Mr. Hyman to be "Well-Qualified" as to 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 had no related or summary comment.

Mr. Hyman is married to Tammi Leigh Hyman. He has two children.

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

(a) SC Bar

(b) Horry County Bar

(c) SC Association for Justice

(d) SC Association for Criminal Defense Lawyers

(e) National College for DUI Defense

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

(a) Waccamaw Sertoma Club President 2014 and 2020 Sertoman of the Year 2015

(b) Trinity United Methodist Church – Church Council 2018-2021 Board of Trustees 2021-Present

(c) Coastal Carolina Chrysalis – Lay Director 2013

(d) City of Conway Board of Zoning Appeals 2009-2017 Chairman

(e) City of Conway Downtown Alive

(f) Conway Chamber of Commerce

(g) Conway Planning Commission 2017- 2019 Chairman

Mr. Hyman further reported:

I have been extremely blessed in my life to have parents and grandparents that pushed me to be the very best person that I can be. I was told that assets can come and go but the relationships that you cultivate are what lasts. Any positive character traits that I have developed are a direct result of the nurturing that I received. Patience, kindness, and the "golden rule" were instilled in me at a very early age, and I have always tried my best to treat my fellow man with respect and dignity.

I was taught that there is no substitution for hard work. I have built my practice and my life around that sentiment, and I try to raise my children with a similar work ethic. I often tell clients when they first meet me that "I can't promise you that I will always be the smartest guy in the room, but I can promise you that I will not be outworked." I will always go out of my way to be available to litigants, lawyers, court staff, and the law enforcement community in an effort to always keep cases moving. If elected I believe that I will be the kind of judge that goes the extra mile to ensure that our Judicial System is the best that it can be.

(11) Commission Members' Comments:

The Commission commented that Mr. Hyman has an abundance of experience and great judicial temperament. The Commission further commented that Mr. Hyman has extensive knowledge of the law.

(12) Conclusion:
The Commission found Mr. Hyman qualified, and nominated him for election to Circuit Court, Fifteenth Judicial Circuit, Seat 1.

Patrick C. Fant III
Circuit Court, At-Large, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

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

Mr. Fant was born in 1965. He is 57 years old and a resident of Greenville, South Carolina. Mr. Fant provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1991.

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

Mr. Fant 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. Fant reported that he has made $488.16 in campaign expenditures for nametags, stationary, and postage.

Mr. Fant 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. Fant 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. Fant to be intelligent and knowledgeable.

Mr. Fant reported that he has taught the following law-related course: CLE- Defective Machinery in Workplace (5/2000).

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

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

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

The Commission also noted that Mr. Fant 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. Fant reported his rating by the following legal rating organizations:

- Martin-Hubbell: AV.
- Greenville business Journal Workers' Compensation Defense: Legal Elite.

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

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

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

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

(8) Experience:
Mr. Fant was admitted to the South Carolina Bar in 1991.

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

(a) Law Clerk Honorable C. Victor Pyle
305 E. North St., Ste. 118
Greenville, SC 29602 1991-1992

(b) AssociateEllis Lawhorne & Sims, P.A.
P.O. Box 2285
Columbia, SC 29202 1992-1996

Practiced Workers' Compensation Law
Tried 3 Civil Jury Trials with Partner

(c) Associate Haynsworth, Baldwin, Johnson & Greaves
P.O. Box 2757
Greenville, SC 29602 1996-2000

Head of Workers' Compensation Law

(d) ShareholderFant Law Firm, P.A.
P.O. Box 5366
Greenville, SC 29606 2000-2002

Practiced Workers' Compensation Law

(e) Shareholder Fant & Gilbert Law Firm, P.A.
P.O. Box 5366
Greenville, SC 29606 2002-2009

Practiced Workers' Compensation Law
Certified Mediator

(f) Shareholder Fant Law, P.A.
P.O. Box 5366
Greenville, SC 29606 2009-Present

Practiced Workers' Compensation Law
Certified Mediator

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

When I was an associate with Ellis, Lawhorne & Sims (formerly Nauful & Ellis) I tried 3 separate jury trials with a partner. Two of those jury trials involved defending insurance carriers in a personal injury (MVA) case. The third trial was a bailment case. These cases were tried before Judge Gary Clary, Judge Stephens, and Judge Costa M. Pleicones, respectively. I also had the privilege of being a law clerk for the Honorable C. Victor Pyle and observed civil and criminal trials for one year. Workers' Compensation appeals have allowed me to argue non-jury appeals before the Circuit Court prior to July 1, 2007. I have also had the opportunity to try many Workers' Compensation cases. These are evidentiary hearings and involve direct and cross-examination of witnesses. Workers' Compensation also involves medical issues/causation which is an aspect of personal injury/medical malpractice claims in the civil court. I have also served as a mediator for both civil and workers' compensation matters

I read the Advanced Sheets to try and keep up with criminal and civil law. I recently attended the Criminal Law Breakout session for the Greenville County Bar "Year End" CLE, as I have in the past. I observed a criminal trial in Oconee County during 2020 and watched pleas and HIP violation hearings on several occasions. I have also assisted a local criminal attorney prepare for two criminal trials (DV 2nd Degree and Murder), and met with the Defendant in the DV 2nd Degree matter.

Mr. Fant reported the frequency of his court appearances during the past five years as follows:
(a) Federal: 0%;
(b) State: 0%.
Mr. Fant reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:
(a) Civil: 0%;
(b) Criminal: 0%;
(c) Domestic: 0%;
(d) Other: Workers' Compensation Defense (85%), Mediator-civil and workers' compensation matters (15%).

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

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

Mr. Fant provided that during the past five years he most often served as Workers' Compensation Defense - sole counsel.

The following is Mr. Fant's account of his most significant litigated matters:
Numerous cases before the Workers' Compensation Commission (state agency). These cases ranges from simple permanency cases to complex brain injury cases. I have argued numerous Workers' Compensation appeals before the Circuit Court prior to July 1, 2007. I have not appealed any cases, except one, to the Court of Appeals. This settled and was never briefed.

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

Mr. Fant further reported the following regarding unsuccessful candidacies:

Withdrew from Judicial (Resident Circuit Judge) 2008.

Withdrew from Judicial (13th Circuit Resident Judge) 2020-2021

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

(10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualifications found Mr. Fant 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, experience, reputation, and judicial temperament. There were no summary or related comments.

Mr. Fant is married to Jennifer Bray Fant. He has three children.

Mr. Fant reported that he was a member of the following Bar and professional associations:
(a) SCDTAA

(b) South Carolina Bar Association
(c) Workers' Compensation Committee Section Member (2006-2008)
(d) Professional Responsibility Committee (Previously served)
(e) Ethics Advisory Committee (Previously served)
(f) Greenville County Bar
(g) Stanford E. Lacy Workers' Compensation American Inn of Court

Mr. Fant provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
(a) Downtown Presbyterian Church (Elder)
(b) Commission on Judicial Conduct (Appointed 2018)
(c) Poinsett Club
(d) The Cottillion
(e) The Terrier Club (President)(2012-2014)
(f) Upstate Volunteer Mediation Center (Board 2013-2020)(and served as Volunteer Mediator)
(g) Stanford E. Lacy Workers' Compensation American Inn of Court
(h) Reformed University Fellowship (RUF) - Permanent Committee

Mr. Fant further reported:

I would love the opportunity to be a public servant. Serving in this capacity has been on my heart for a long time. I believe my life, and practice of law, have been characterized by adherence to high ethical principles. I have a solid work ethic, including the exercise of self-discipline in my practice of law. I hope that I am seen as a man of integrity who is trustworthy. I am patient, open minded, compassionate, and try my best to be humble. I would be objective and impartial, just as I am as a Certified Mediator. I think the members of the Bar with whom I practice would have no doubt that I have the temperament required to be a judicial officer. While my practice has been primarily focused on workers' compensation defense, and not before the Circuit Court (except for appeals), I have the utmost confidence that I would serve South Carolina well as a trial judge. This has provided me a wealth of experience involving discovery, litigation, constant interaction with other attorneys due to volume of workers' compensation cases, and the ability to negotiate.

(11) Commission Members' Comments:
The Commission commented that Mr. Fant has an excellent reputation and demonstrated an impressive demeanor exhibiting temperance, authority, and respect. They noted that he has an intellect and work ethic that will serve him well should he be elected to the circuit court.

(12) Conclusion:
The Commission found Mr. Fant qualified, and nominated him for election to Circuit Court. At-Large, Seat 3

Doward Keith Karvel Harvin
Circuit Court, At-Large, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

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

Mr. Harvin was born in 1983. He is 39 years old and a resident of Florence, South Carolina. Mr. Harvin 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 2009.

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

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

Mr. Harvin 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. Harvin 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. Harvin to be intelligent and knowledgeable.

Mr. Harvin reported that he has taught or lectured at the following bar association conferences, educational institutions, or continuing legal or judicial education programs:

(a) I have taught tort and criminal law classes for the SC Bar Association's Law School for Non-Lawyers seminars.

(b) I have taught constitutional law classes at local high schools for Constitution Day.

(c) I have also taught State and Local Government classes as an adjunct professor at Williamsburg Technical College.

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

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

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

The Commission also noted that Mr. Harvin 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. Harvin reported that his rating by a legal rating organization, National Black Lawyers, is Top 100.

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

Mr. Harvin reported that he has held the following public office:

I have served as a member of the South Carolina State University Board of Trustee from 2018 to 2021 and all my reports have been timely.

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

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

(8) Experience:
Mr. Harvin was admitted to the South Carolina Bar in 2009.

He gave the following account of his legal experience since graduation from law school:
1. 2008-2009 I worked as a Hearing Officer III for the State of South Carolina. This position required me to travel throughout the state and hold hearings. In these hearings, I would gather evidence, make evidentiary rulings, and write orders that articulated my decision.

2. 2009-2011 I worked as an Assistant Solicitor for the Third Judicial Circuit. I handled prosecuting cases in General Sessions Court and Juvenile Court. At the same time, I worked as a plaintiff's attorney for the Law Office of Ronnie A. Sabb. In this capacity, I handled civil litigation matters related to car accidents, slip and falls, and wrongful death cases.

3. 2011-2021 I worked as a Public Defender for the Third Judicial Circuit. I handled defending citizens in General Sessions, Magistrate, Municipal, and Juvenile Courts. In addition, I owned and operated the Law Office of Doward Keith Harvin. In this capacity, I handled civil litigation matters related to car accidents, wrongful arrests, and medical malpractice. I also handled divorce, child support, and child custody cases in Family Court. In 2016, I was certified as a Family Court Mediator.

4. 2021-2022 I worked as a plaintiff's attorney for the Sabb Law Group. I was responsible primarily for handling civil litigation related to wrongful arrests, car accidents, truck accidents, wrongful

deaths, slip and falls, civil rights violations, and workers compensation. I also handled criminal defense, family court, and probate court matters.

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

(a) Over the past five years, I have handled many criminal matters that include defending individuals charged with murder, sexual assault, and drug charges. These cases have required me to deal with issues related to suggestive identification, chain of custody regarding evidence, discovery regarding evidence, bolstering , voir dire examinations of expert witnesses, challenges to jury selections, witness competency, and defendant competency or insanity issues.

(b) Over the past five years, I have also handled many civil matters as mainly a plaintiff's attorney. In this capacity, I have dealt with issues regarding discovery, motions for summary judgment, motions to compel, wrongful death approvals, minor settlement approvals, expert witness issues, evidentiary matters, service of process, and collateral matters associated with civil litigation.

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

(a)	federal:	5%
(b)	state:	95%

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

(a)	civil:	40%
(b)	criminal:	40%
(c)	domestic:	10%
(d)	other:	10%

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

(a)	jury:	80%
(b)	non-jury:	20%

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

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

(a) Cooper vs. Mcleod Physicians, 2020-CP-21-00246

This case was significant because an African American mother was denied adequate healthcare by her treating physicians that led to her child dying at birth.

(b) Shaw vs. Freshstart, 2018-CP-45-00382

This was case significant because an African American man was severely injured when he slipped and fell down a flight of stairs at an apartment complex. The owners of the complex filed the claim with their insurance company, but the insurance company failed to respond to the claim.

(c) State vs. Robert Swinton, 2010-GS-45-00204

This case was significant because an African American man was wrongfully accused of committing a Burglary in the First Degree. He was found not guilty at trial.

(d) State vs. Kenya Priest, 2016-GS-45-0076

This case was significant because an African American man was wrongfully accused and he was found not guilty at trial.

(e) State vs. Satwaun Henryhand, 2019-GS-21-02335

This case was significant because an African American man was charged with Murder and three counts of Armed Robbery, and the police misplaced the video footage that allegedly showed the defendant committing the crime. Although I objected, the Court allowed police officers to testify as to what they saw on the video recording. This matter is currently being reviewed by the Court of Appeals under case 2022-000975.

The following is Mr. Harvin's account of a civil appeal he has personally handled:

- Civil appeal of an eviction from Magistrate Court to Common Pleas Court

The following is Mr. Harvin's account of a criminal appeal he has personally handled:

- State vs Rasheed Bell, appeal from Magistrate Court to Common Pleas Court, Pending

Mr. Harvin further reported the following regarding unsuccessful candidacies:
In 2020, I was an unsuccessful candidate for a Circuit Court judicial position. I withdrew because of personal reasons.

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

(10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualifications found Mr. Harvin "Qualified" as to the evaluative criteria of constitutional qualification, 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.

Mr. Harvin is married to Charlene Eugenia Harvin. He does not have any children.

Mr. Harvin reported that he was a member of the following Bar and professional associations:
(a) South Carolina Bar Association
(b) South Carolina Association of Justice
(c) South Carolina Black Trial Lawyers Association

Mr. Harvin provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
(a) Lions Club
(b) NAACP
Mr. Harvin further reported:

Over the past fourteen years, I have been proud to call myself a lawyer here in South Carolina. I have had the opportunity to help citizens during difficult times and volunteer in a myriad of capacity all around South Carolina. This would not have been possible without the great legal community that exist here. I love our legal profession and I humbly present myself to serve as a member of the judiciary.

I have served on the South Carolina Bar Association's Board of Governors, House of Delegates, Diversity Committee, Wellness Committee, and Civil Rights Committee.

I have volunteered for Mock Trial, Protect our Youth Summits, Boys and Girls Club Leadership Summits, Constitutional Law Day, and the USC Palmetto Leader Pro Bono Wills Clinic.

(11) Commission Members' Comments:
The Commission commented that Mr. Harvin exhibited a great temperament that, along with his experience handling civil and criminal matters, would serve him well should he be elected to the Circuit Court.

(12) Conclusion:
The Commission found Mr. Harvin qualified, and nominated him for election to Circuit Court, At-Large, Seat 3

S. Boyd Young
Circuit Court, At-Large, Seat 3

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 48 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.

(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 not made any campaign expenditures.

Mr. Young 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. 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.

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 gave the following account of his legal experience since graduation from law school:
(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 further reported regarding his experience with the Circuit Court practice area:

As the Deputy and Chief Attorney for the Capital Trial Division for the South Carolina Commission on Indigent Defense, I have been involved in every death penalty trial conducted in South Carolina in the past five years. I appeared before a Circuit Court Judge at least once a month during the past five years. Recently I was lead counsel on the longest capital trial ever held in South Carolina, State v. Timothy R. Jones, Jr. in Lexington County. This case involved numerous forensic and legal issues. It included everything from DNA to serious mental health claims, and Fourth, Fifth, Sixth, and Eighth Amendment Constitutional issues. In preparation for the trial there were over one hundred pretrial motions litigated and a multi-state investigation conducted over the course of several years. Witnesses from all over the country had to be coordinated and brought to Court by the State and Defense for the trial. The central issue was whether Mr. Jones suffered from a mental illness, and if so, was it to the extent that he could not form the criminal intent necessary to be found guilty of murder. It was an extraordinarily complicated case that involved hundreds of witnesses and lasted for almost eight weeks including several weeks of jury selection.

Throughout my 20 year career as a trial lawyer, I have handled every type of criminal case at all court levels, from parking tickets in Municipal Court to death penalty cases in General Sessions Court. I have also handled cases involving every possible defense, from mistaken identification to insanity. I have dealt with every type of forensic issue from multi-source DNA statistics to tire track comparisons.

My civil court experience is limited to quasi-civil matters such as PCR and appeals from Magistrate Court. While my direct experience with Common Pleas Court is limited, capital cases often involve ancillary matters that must be dealt with, both for clients and their family members. I have dealt with these matters throughout my legal career and I am always quick to review the rules of civil procedure and help guide people through the process. Putting together a mitigation case for a capital case is not all that different from a civil case in which you are seeking a "but – for" causation. I feel that my extensive capital trial background makes me well suited for constantly learning and staying up to date on the law and its many changes. I would bring this same dedication to civil matters. Being a good capital trial attorney means that you have to be knowledgeable and well-versed in all aspects of the law – civil, criminal, appellate, domestic, and administrative.

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.

(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.
In 2021 I was screened out as a candidate for Circuit Court, Fifth Circuit, Seat 2. I was submitted to the legislature as one of 3 well qualified candidates but withdrew prior to the election.

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

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Mr. Young 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, "Exceptionally Qualified!"

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 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 has an outstanding reputation and has had an impressive career. The Commission noted the respect he has earned among his colleagues, including opposing counsel, while discharging his duties.
(12) Conclusion:
The Commission found Mr. Young qualified, and nominated him for election to Circuit Court, At-Large, Seat 3.

FAMILY COURT
QUALIFIED AND NOMINATED

Mandy W. Kimmons
Family Court, First 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, First 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, Ms. Kimmons meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Kimmons was born in 1984. She is 38 years old and a resident of Ridgeville, South Carolina. Ms. Kimmons provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2008.

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

Ms. Kimmons 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. Kimmons reported that she has made $112.84 in campaign expenditures for postage and envelopes.

Ms. Kimmons 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. Kimmons 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. Kimmons to be intelligent and knowledgeable.

Ms. Kimmons reported that she has taught the following law-related course:
I taught Juvenile Justice during Law School for Non-Lawyers at Orangeburg Calhoun Technical College on February 23, 2016.

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

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

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

The Commission also noted that Ms. Kimmons 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. Kimmons reported that her rating by a legal rating organization, Avvo, is 8.2.

Ms. Kimmons reported that she has not served in the military.
Ms. Kimmons reported that she has held the following public office:
I was elected to South Carolina House of Representatives, District 97 in November 2018. I served until December 21, 2021. I timely filed all reports with the State Ethics Commission.

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

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

(8) Experience:
Ms. Kimmons was admitted to the South Carolina Bar in 2008.

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

(a) First Judicial Circuit Solicitor's Office, Assistant Solicitor 2008-2016. From 2008-2014, I prosecuted adult General Sessions cases. I mostly prosecuted drug cases, but I also prosecuted other cases including but not limited to domestic violence cases and cases involving child victims. From 2014 until 2016, I prosecuted all the juvenile cases for Orangeburg and Calhoun Counties.

(b) Mandy W. Kimmons, Attorney at Law, LLC, Member/Owner, 2015-present. The vast majority of my practice has been domestic cases, although I also defend criminal cases. I have been the person that manages the administration and financial management of the office. I exclusively manage the trust account. I run payroll and make the appropriate tax deposits.

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

(a) Divorce and equitable division of property: Since 2015, I have handled about two hundred domestic cases, a large portion of which involved divorce and equitable division of property. I have handled divorces filed based on one-year's continuous separation, adultery, physical cruelty, and habitual drunkenness/intoxication. I have handled cases involving issues including valuation of assets, division of assets, division of retirement accounts including military, railroad, state, and federal retirement, and cases contesting whether an asset is marital or nonmarital.

(b) Child Custody: Since 2016, I have handled about two hundred domestic cases, a large portion of which included child custody cases. I have dealt with cases involving the UCCJEA on several occasions. I have participated in a UCCJEA Conference with a judge from South Carolina and a judge from California. I have handled cases involving

psychological parents, de facto custodians, grandparent visitation, and parental alienation. I have served as guardian ad litem in multiple cases. I recently tried a custody case in which my client was an unwed father and was awarded sole custody of the child.

(c) Adoption: I have handled multiple private adoptions and termination of parental rights cases to include relative and nonrelative adoptions and adoption cases with and without a Consent and Relinquishment signed.

(d) Abuse and Neglect: I have represented several clients who had DSS involvement. I have handled multiple private actions in which a parent was alleged to have abused or neglected a child. I have also served as guardian ad litem in cases involving allegations of abuse and neglect.

(e) Juvenile Justice: From 2014 until 2016, I was the Assistant Solicitor that managed the juvenile docket for Orangeburg and Calhoun Counties. During that time, I prosecuted all juvenile cases in Orangeburg and Calhoun Counties and tried approximately twenty juvenile cases in Family Court. I have represented a small number of juveniles while in private practice. I participated as outside counsel in a remand to Family Court from General Sessions of a case involving a raise the age issue.

(f) Appearance before a Family Court judge within the past five years: With the exception of during the COVID-19 pandemic, I have appeared before a Family Court judge almost weekly or several times weekly for the past eight years. I have handled trials and other types of hearings including evidentiary hearings, UCCJEA hearings, temporary hearings, petitions for order of protection, emergency hearings, rules to show cause, and juvenile hearings.

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

(a) Federal: none;

(b) State: usually weekly or several times weekly with the exception of during the COVID-19 pandemic.

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

(a) Civil: 2%;
(b) Criminal: 15%;
(c) Domestic: 82%;
(d) Other: 1%.

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

For the past five years, 12% of my cases involved matters in which a jury trial was an option. None of the matters went to a jury, nor was a jury selected.

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

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

(a) Trotter Case (2020-DR-07-0166): My client, an unwed father initiated a custody action in 2019. The initial summons and complaint requested sole custody despite allegations of mother having substance abuse issues. I was substituted as counsel in 2020 and amended the summons and complaint to seek sole custody. I then deposed Mother. After a week of trial, testimony of sixteen witnesses, and the admission of sixty exhibits in evidence, my client was awarded sole custody, and Mother was ordered to pay a portion of Father's attorney's fees. Mother had historically been the child's primary caretaker and was alleged to be abusing a substance for which she had a prescription. I could not rely on a positive drug test as she had a legitimate prescription for the substance. Instead, I had to rely on prescription records, medical records, and testimony of several witnesses regarding Mother's conduct, and I requested the guardian ad litem do a pill audit which showed Mother was not taking the pills as prescribed. This case is significant to me because I know that my diligence and my clients devotion to his son has forever changed the child's life for the better.

(b) DSS v. [Redacted Name]. This was a case set for trial on the DSS docket in 2018. My client came to me after just having given birth

to a child. While she was pregnant, she had developed a condition which sometimes corrects itself during pregnancy. My client had extensively researched this condition and premature delivery and wanted to carry the child to term and have a natural delivery. When she had carried the child full term, her doctor wanted to do a caesarian section, but my client wanted to wait and try to deliver naturally. When my client was about one week overdue and still wanted to wait, law enforcement and DSS were notified, and my client was placed into emergency protective because she would not voluntarily have a caesarian section at approximately one week past her due date. My client was not informed she had been placed in emergency protective custody. After further discussion with her doctor and learning there was no benefit to waiting any longer, she voluntarily agreed to have a caesarian section. After her child was born, law enforcement placed my client's newborn baby in emergency protective custody. It was DSS's position that she had placed the minor child at substantial risk of harm for not having the caesarian section. DSS also alleged Mother had mental health issues occurring before the child was conceived. I prepared this case for trial, but after DSS stipulated to the facts, the judge dismissed the case. This case is significant to me because of the constitutional and parental autonomy issues involved.

(c) Brown Case (2017-DR-10-1410): This divorce action involved complex equitable distribution, alimony, custody, visitation, child support, and attorney's fees. I represented Defendant/Mother in this case which was initiated by Plaintiff/Father alleging Mother was habitually intoxicated which I was able to prove she was not. The parties had two children in common. This case was complex in several different aspects. As for equitable distribution, the parties owned a business which had to be valued. There was credit card debt which was a mixture of company and personal debt. After valuation, the parties sold the business and equitably divided the proceeds. The parties also had student loans which would ordinarily remain with the individual that incurred them. In this case, however, the parties had refinanced their individual student loans into one student loan. The one large student loan was equitably divided by determining the percentage of the loan attributable to each party. With regards to alimony, Mother had become a stay-at-home mother to care for the parties' disabled son. We settled with Father paying an amount of rehabilitative alimony for two years and paying an amount for permanent, periodic alimony. With regards to child-related issues, this case was also complex. Both children had been born healthy, but when the oldest son was about two years old, he contracted meningitis and

became severely disabled requiring extensive medical care. At the Temporary Hearing, different visitation arrangements had to be made for each child. During the pendency of the litigation, the oldest son unfortunately passed away. An issue then became funeral service and cremation costs and restraints regarding moving the child's ashes from the cemetery niche where he had been laid to rest. The significance of this case is not only the complex equitable distribution, alimony, and child related issues, but also the grief these parents went through and matters that had to be settled regarding their son's death.

(d) State v. Juvenile: I prosecuted and tried this case in which a juvenile (hereinafter referred to as "Juvenile") was charged with Burglary, 1st Degree. Juvenile and three other juveniles went into the victim's home while the victim's stepson was home. The stepson heard a noise and went to get a gun, but when he went to get the gun, it was gone as the juveniles had already stolen it. The victim returned home shortly after the burglary and saw a dog in the yard which he followed back to Juvenile's home. He saw the dog go in and out of the residence. The victim located one of his stolen long guns in the woods near his home. Several days later, law enforcement responded to another incident location in reference to two teenagers having guns. Those guns were some of the guns stolen from the victim's residence. One of the teenagers having possession of the guns gave a written statement that "the twins" were the ones that brought those guns over. Juvenile was a twin. During trial, I was able to tie the juvenile to the burglary through the distribution of the stolen guns and by mapping the victim's house and Juvenile's house, having the victim identify the home to which the dog returned, and having law enforcement identify that home as the home of Juvenile. This case is significant because it dealt with a juvenile committing a serious Burglary, 1st Degree while someone was in the home. That person went to look for a gun. This case could have ended very differently if the gun had been there.

(e) Leming v. Jenkins (2017-DR-10-3076): I served as the Guardian ad Litem in this custody modification action. The parties were previously married and had two children in common. After the divorce in 2011, the parties had joint custody with a 50/50 schedule. Father later married Mother's sister and had two other children. Father successfully sought a custody modification in 2015 due to Mother having mental health issues. Mother's time was reduced to every other weekend and one weekday overnight every other week. In 2016, Mother filed this action based on a material and substantial change in circumstance. I investigated approximately fourteen different allegations and interviewed

approximately twenty-five witnesses in this matter. During the pendency of this litigation, DSS also became involved. At trial, the Court found that Mother's mental status had improved, and the parties should return to the initial 50/50 schedule. The Court found exceptional circumstances existed not to award sole custody to one party because the reason the second order was in place was due to Mother's 2015 psychotic episode which was no longer an issue and absent the psychotic break, the children would still be on a 50/50 schedule with their parents. This case is significant in that I really had the opportunity to observe how the parents' actions, decisions, and disagreements impact children.

The following is Ms. Kimmons's account of the civil appeal she has personally handled:
Kathleen Fetters vs Dale Karg (2016-CP-18-2220), First Judicial Circuit Court of Common Pleas, Date of Decision: November 29, 2016 (appeal from Dorchester County Magistrate Court).

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

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

(10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Ms. Kimmons to be "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee stated in summary, "Good experience, bright, personable, dedicated, good ideas, well qualified."

Ms. Kimmons is married to Charles Edward Kimmons. She has one child.

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

(a) South Carolina Bar

(b) Dorchester Country Bar: Vice President 2016-2017; CLE Chair 2015-2016

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

(a) Phi Beta Kappa

(b) National Society of Collegiate Scholars

(c) Sigma Delta Pi (National Collegiate Hispanic Honor Society)

(d) Pi Sigma Alpha (National Political Science Honor Society)

(e) Frances R. Willis SPCA (now Dorchester Paws) Fundraising Committee

(f)

Ms. Kimmons further reported:
I grew up in Dorchester County, South Carolina. I served as an Assistant Solicitor and State Representative for Dorchester County. I have always put public service at the forefront of my career. I have extensive experience in different areas of family and criminal law. One of the things that has shaped my adult life more than anything was the birth of my son. When I was expecting my son, I had life-threatening medical issues resulting in a premature delivery and requiring extensive medical care for us both. Thankfully, we both made a full recovery. Now as I reflect on that experience, I am grateful. I was 27 years old when that happened, and now I realize how fleeting life can be. Since that experience, I have learned the importance of letting the small things go. I have made it my goal in life to try to leave people in a better place than I found them. I believe so many situations in Family Court need peace and equity more than anything. I hope to be the kind of Family Court Judge that makes everyone feel heard and respected even if they do not prevail on an issue. I hope to set juveniles up to be successful adults. Most of all, I want to serve my community and make a difference. It would be the honor of my lifetime to serve as a Family Court Judge.

(11) Commission Members' Comments:
The Commission noted that Ms. Kimmons's experience and her commitment to making a difference for juveniles are commendable.

(12) Conclusion:
The Commission found Ms. Kimmons qualified, and nominated her for election to Family Court, First Judicial Circuit, Seat 3.

Margie A. Pizarro
Family Court, First 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, First 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, Ms. Pizarro meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Pizarro was born in 1969. She is 53 years old and a resident of Summerville, South Carolina. Ms. Pizarro provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2008.

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

Ms. Pizarro 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. Pizarro reported that she has made $824.77 in campaign expenditures for an announcement video sent by email, business cards, 5 x 7 cards, postage for mailing cards, postage for mailing copies of her autobiography, and postage for notecards.

Ms. Pizarro 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. Pizarro 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. Pizarro to be intelligent and knowledgeable.

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

(a) "Temporary Hearings: Sample Hearing and Q & A Session"; "Sample Approval Hearing"; and Contempt Hearings: Sample Hearing Q &A Session" at Family Law Essentials, July 26, 2019.

(b) "Pleadings and Motion Practice in Family Court" at Family Law Essentials, July 31, 2020.

(c) "Subpoena: What You Need to Know and Things that People Forget" at 2018 Hot Tips from the Coolest Domestic Law Practitioners, September 21, 2018.

(d) "How to Craft an Effective Theme for Your Case & Use it Effectively in Court" at 2019 Hot Tips from the Coolest Domestic Law Practitioners, September 20, 2019.

(e) "De Facto Parent and Psychological Parent" at 2020 Hot Tips from the Coolest Domestic Law Practitioners, September 25, 2020.

(f) "Temporary Hearing Bloopers and Blunders" at What Works for Me sponsored by the Charleston County Bar Association, January 31, 2020.

(g) "Interview with Mayor Joe Riley for Possible CLE Credit" for the SC Bar on October 15, 2020.

(h) "The Temporary Hearing" at What Works for Me sponsored by the Charleston County Bar Association, February 2, 2021.

(i) "Charleston's History and Why Focus, Understanding, and Inclusion Matter in Our Community and in Our Justice System" at the Petigru Inn of Court, February 3, 2021.

(j) "Top 3 Things for Consult and Top 3 Closing Matters" scheduled for 2021 Hot Tips from the Coolest Domestic Law Practitioners, September 24, 2021.

(k) "Pleadings and Motion Practice" scheduled for Family Law Essentials, August 20, 2021.

(l) "What Say Ye, Madam/Mister Guardian *ad Litem*? How to Ensure that the Guardian *ad Litem* Says What You Want to Hear," scheduled for 2022 Hot Tips from the Coolest Domestic Law Practitioners, September 2022."

(m) "Family Feud: An Overview of Family Court and Probate Court and the Intersection of Same," scheduled for 2022 South Carolina Black Lawyers Conference, September 22-23, 2022.

Ms. Pizarro reported that she has published the following:

(a) *How I Got from There to Here*, a memoir, date of publication 2017.

(b) I have been asked by the Honorable C. Vance Stricklin, Jr., Editor of *Marital Litigation in South Carolina* to assist in the revisions to the child support section of the manual for 2022.

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

The Commission noted that the federal tax liens for individual income taxes filed against Ms. Pizarro for the years of 2010-2015, 2016, and 2018-2019 have been satisfied, released, and withdrawn by the Internal Revenue Service. The Commission further noted that the state tax liens filed for 2017, 2018, and 2019 have been satisfied and expunged. The Commission further found that, outside of a brief period of default on her undergraduate student loans while she was attending law school, Ms. Pizarro's loans are all currently paid as agreed.

The Commission also noted that Ms. Pizarro 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. Pizarro reported that her rating by a legal rating organization, Black Lawyers, is Top 100 for the years of 2020, 2021, and 2022

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

Ms. Pizarro reported that she has held the following public office:
Planning Commissioner Town of Summerville—2015-2018; Appointed position; I was not required to file a report with the State Ethics Commission.

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

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

(8) Experience:
Ms. Pizarro was admitted to the South Carolina Bar in 2008.

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

(a) Savage & Savage, P.A. (currently Savage Law Firm), Associate Attorney, 2007-2008: The general character of my practice was representing criminal defendants in South Carolina State and Federal Courts. I was not involved in any administrative and/or financial management of the firm.

(b) The Pizarro Law Firm, LLC, Attorney/Owner, 2008-present: The general character of my practice is that I am a sole practitioner in a general litigation law firm focusing on Family Law and Criminal Defense. I manage day-to-day operations of the law firm including supervision of employees. I am solely involved in the administrative and financial management of the office including the management of trust accounts.

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

Divorce and Equitable Division of Property:

I have been representing clients as Plaintiff or Defendant in domestic actions involving divorce and equitable division since 2008. I represent clients in marriages involving parties of the opposite sex as well as marriages involving parties of the same sex. My representation of clients includes actions based on the fault-based divorce grounds of adultery, physical cruelty, and habitual drunkenness as well as the no-fault ground of one year's continuous separation. I have not represented any parties in an action for divorce on the ground of abandonment. Over the years, I have become well-versed in the evidence needed to prove each ground for divorce, and I take great care in articulating the facts that prove the ground in my pleadings. With regard to equitable division of property, I have represented parties in long-term marriages who owned many assets and/or have incurred many liabilities as well as those in short-term marriages where no real assets or debts were accumulated. In each case, I have learned how to identify each asset or debt as marital or non-marital property. I have also learned how to determine the value of assets by doing my own research and by contracting with experts such as CPAs and property appraisers to assist with the valuation of property for

purposes of equitable division. I regularly appear before Family Court judges in matters involving divorce and equitable division of property.

Child Custody:

I have represented both Plaintiffs and Defendants in actions where child custody was one of many issues, and I have represented Plaintiffs and Defendants in actions where child custody was the only issue. During the course of my practice, I have represented single parents seeking an initial custody determination as well as married parents who were seeking custody as a part of divorce proceedings. I have also represented parties seeking modifications of custody orders. I have had experience representing families with parents of the opposite sex as well as parents of the same sex. I have advocated for parties who are characterized as psychological parents and/or de facto custodians. I am well-versed in the requirements of the Uniform Child Custody Jurisdiction and Enforcement Act as the first step in child custody actions. I apply the best interest considerations when advocating for my clients in child custody actions where allegations of abuse, neglect, and alienation are made. I have utilized experts such as therapists, counselors, forensic and psychological evaluators, and the like in articulating client concerns in child custody matters. I regularly appear before Family Court judges in matters involving child custody.

Adoption:

I have represented clients in adoption actions involving blood-relatives, step-parents, and unrelated parties who seek to become a parent(s) to a child. I believe adoption is one of the most important roles in our family court system as it gives a new life to a child. I have only represented parties in uncontested adoptions as lead attorney, but I have served as guardian ad Litem on at least one contested adoption. I have also assisted *pro se* litigants in uncontested adoptions by explaining and witnessing acknowledgements for termination of parental rights. I have appeared before Family Court judges on several occasions to handle adoptions.

Abuse and Neglect:

I have experience representing Defendants in DSS Abuse and Neglect cases in which the party was accused of perpetrating abuse and neglect

of a child and in cases in which the party was only named as a Defendant due to his/her relation to the child and/or the other party. I have also been involved in private cases in which the judge has ordered that DSS commence an investigation due to allegations of abuse and neglect of minor children. I have made appearances during merits hearing, review hearings, settlement conferences, and in final hearings which were the result of negotiations. I have not had an opportunity to try a contested abuse and neglect action, but I am familiar with the relevant statues, regulations, and procedures related to abuse and neglect. I regularly appear before Family Court judges to handle matters involving abuse and neglect.

Juvenile Justice:

I have experience representing juveniles in family court actions. My clients have been accused of crimes ranging from possession of a weapon on school property to truancy to simple assault to grand larceny to burglary to sex crimes. I have made appearances at initial and ten-day detention hearings, adjudications, and disposition hearings. I have visited my clients while being housed at various facilities, and I have worked with outside agencies to ensure that my clients received counseling and treatment necessary to effectuate an appropriate resolution of their charges. I regularly appear before Family Court judges to handle matters involving juvenile justice.

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

(a) Federal: 1%;
(b) State: 99%.

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

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

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

(a) Jury: 0%;

(b) Non-jury: 100%.

Ms. Pizarro provided that during the past five years she most often served as sole counsel but has also served periodically as co-counsel on other matters.

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

(a) *State of South Carolina v. Sametta Heyward; Charleston County Sessions*—For a week after I took the South Carolina Bar Exam in July 2007, I volunteered with Savage & Savage, P.A., on this case. Sametta Heyward was charged with two counts of Homicide by Child Abuse and two counts of Unlawful Conduct Towards a Child for allegedly leaving her two minor children in a hot car for hours while she worked inside of a home for adults with special needs. I volunteered on this case because during that time in my life, I had experienced homelessness with three children. When I heard about the story, I wanted to help because I believed that there were mitigating circumstances that were important for the court and the community to consider. After my week of volunteering ended, I was offered a position as an Associate Attorney with the firm. This case was one of my main priorities.

My assignments in the case included but were not limited to visiting the Defendant while she was in jail awaiting trial, requesting and reviewing Discovery, working with private investigators as they interviewed witnesses, researching the law, speaking with experts about the defense position, and learning all about the Defendant's past life experiences to determine how those experiences contributed to her actions.

After one year in custody, I assisted in preparing a Motion for Bond and in coordinating living and work arrangements for the Defendant in anticipation of her release from custody. We were successful on the Motion for Bond, and the Defendant was released to a relative's home where she would wait for her case to be called for trial.

I left the firm in September 2008, but I returned in March 2010 to assist in the bench trial of the Defendant. I worked along the lead counsel and other associates in the firm to formulate questions for witnesses and the Defendant testified at trial. After a four-day bench trial, the Defendant was found guilty of all charges. She was sentenced to nine years in prison, and she was given credit for the year she spent in pre-trial custody. The case is significant to me as it showed me the desperate actions that people will take when they lack the most basic of necessities. In this instance, the Defendant did not consistent, reliable childcare so she left her children in a car that she had set up like a "daycare sitter." She had snacks, water, toys, even a fan in the car for the children. She was forced to choose between missing her shift at work and possibly losing her job or taking her children to work with her and leaving them in the car until she would be able to bring them inside. Her choice of the latter resulted in a horrible tragedy that no one involved in the case would ever forget. This was also my first experience with a criminal defendant choosing a bench trial instead of a jury trial. I believe that choice was a brilliant strategy in allowing the Court to make the determination of guilt and also allowing him to consider the mitigation for purposes of sentencing.

(b) *State v. J. S., a minor under the age of 17 years old; Charleston County Family Court*—I served as co-counsel on a case in which the juvenile defendant was accused of a sexual battery on a minor relative. The victim made the disclosure about the alleged occurrence, and he also stated that the juvenile had recorded the alleged encounter on his cell phone and/or computer.

After the juvenile was taken into custody, we immediately began to investigate the allegations through interviews with our client and his mother. We provided the investigating agency with the juvenile's cell phone and computer. In the meantime, we made appearances at the juvenile's detention hearing. Each time we appeared at a detention hearing, we provided the Court with information concerning the veracity of the allegations and the fact that the juvenile appeared to be caught in the midst of an ongoing dispute between the mother of the victim and the juvenile's brother who was the father of the victim. Again, there was no independent corroboration of the victim's story, and there was no evidence of the event on the juvenile's electronics as the victim had

indicated. We provided the Court with information about our client who, prior to these allegations, was an Honor Roll Student and well-respected among his teachers and peers. Nevertheless, I believe that out of an abundance of caution, the Court denied our requests for release on three (3) separate occasions.

The Assistant Solicitor assigned to the case offered our client a negotiated plea to ABHAN with a detained evaluation. We discussed the offer with our client and his mother, and it was rejected. As we were unable to negotiate a resolution with the Assistant Solicitor on the case, we scheduled a contested trial on the allegations. Prior to the date for the trial, we met with the Assistant Solicitor and with the Solicitor to discuss our view of the case, the lack of evidence, and the fact that the victim had made prior accusations that were unsubstantiated.

After our meetings, we were heading to our car when I got a call on my cell phone from the Assistant Solicitor. She wanted to let us know that the charges against our client would be dropped. Talk about a moment of elation! This case was a rare moment when we felt that it was necessary to advocate outside of the courtroom for a resolution. I believe that the Assistant Solicitor understood the weaknesses in her case, but due to the allegations, she was unable to consider our requests for a dismissal. When we brought our concerns to the attention of the Solicitor, I believe she consulted with the Assistant Solicitor about the allegations. This case is significant to me because I feel that if we had not chosen this unconventional route to resolve this case, this young man would have very likely been adjudicated delinquent. I am happy to say that this young man put this incident behind him. He graduated high school and joined the military. To my knowledge, he has ha further contact with law enforcement.

(c) *K.A. v. K.M; Beaufort County Family Court*—I represented the Plaintiff in this action which was commenced as an initial custody determination by psychological parent. My client was the maternal step-grandmother of the minor child, and the Defendant was the paternal aunt. The father of the child died one year prior to the filing of the action, and the mother died about five months before I filed the action. Both causes of death were due to drug and alcohol abuse. Prior to the death of the mother, my client had physical custody of

the minor child for long stretches of time as the mother was in the throes of her addiction. My client and her family tended to all the needs of the minor child; they had a room in their home for the minor child; they took the minor child on vacations; and they had a strong, bonded relationship with the minor child. All of this occurred with the permission of the mother.

My client and the mother had a "falling out" after my client voiced concerns about the mother driving with the minor child while intoxicated. As such, the mother stopped allowing my client to visit with the minor child. A few months later, the mother was dead, and the minor child was living with the paternal aunt. Prior to commencing this action, the Plaintiff attempted to restart the visitation with the paternal aunt, but her efforts were consistently rebuffed. We filed this action a few months later.

We served the pleadings, and the Defendant retained counsel. I attempted to negotiate a temporary resolution of the issues, but I was unsuccessful as my clients were unwilling to agree to the time-sharing offer. They opted to "roll the dice" and take their chances with the judge. That choice proved to be fatal in this instance as the judge did not make a custody determination at the initial hearing. Instead, a guardian *ad litem* was appointed, and he was ordered to perform an investigation after which either party could seek relief. The court's failure to determine custody collaterally gave the Defendant custody, to the detriment of the Plaintiff and our position. As such, we remained behind the eight ball throughout the litigation which eroded the relationship between the minor child and the Plaintiff and her family.

We participated in mediation, and the case was resolved with Defendant being given sole custody, and my client being given periods of visitation. I will add that the resolution was less than the offer made prior to the temporary hearing. This case was significant to me as it was another reminder of the importance and power of the temporary hearing in family court. In all honesty, I wished that the parties had accepted the initial offer for visitation, but I am immediately reminded that I am required to follow my clients wishes as it relates to offers of settlement.

(d) *Carillo v. Michael Pierano; Dorchester County Family Court*—I served as co-counsel in this matter involving

divorce, custody/visitation, and equitable distribution. My colleague and I represented the Plaintiff, a native of Spain who relocated to Dorchester County after getting married to her husband who was an American citizen. The parties began a courtship while Plaintiff was living in Spain and Defendant was working there. Shortly before the parties were married, they purchased a home in Spain. The home was solely titled in the name of the Plaintiff. The parties got married and had two children in Spain. After the birth of the second child, Plaintiff did not work outside of the home, with the advice and permission of the Defendant. The parties moved to South Carolina in order for the Defendant to obtain a better job opportunity. The parties purchased real property in Houston, Texas, for residual income and Summerville, South Carolina, as the marital residence. The Plaintiff contended that a house that the Defendant purchased in Virginia for residual income was marital property. The matters before the Court at trial were divorce, alimony, custody/visitation/child support, and equitable distribution.

Prior to the trial of the matter, the parties agreed to resolve the issues related to child custody, visitation, and support. The parties agreed to share custody with Plaintiff as primary custodial parent and with Defendant receiving Standard Visitation. Defendant was ordered to pay child support and to contribute to the uncovered medical expenses for the minor children. As these were the only issues that the parties were able to resolve, the other issues were addressed as trial.

In support of Plaintiff's request for permanent, periodic alimony, we attempted to show the Court that the future earning potential of the Plaintiff was greatly limited. She had worked in the computer field while in Spain, but her absence from the workforce for at least 10 years without any intervening skill-building and education prevented her from returning to the field. Further, Plaintiff sustained and injury to her back which also limited her options. Lastly, Plaintiff spoke English as a second language, and her advanced age would be a deterrent to her being able to contribute in any meaningful way to her expenses. We retained

an employment expert who provided the Court with information concerning these factors.

Plaintiff offered that all real property was marital property, and we attempted to show the Court that the properties in Spain and Virginia had transmuted. Defendant did not contest the designation of the home in Spain as marital property, but he vehemently argued that the home in Virginia was his separate property. We attempted to show that the Plaintiff was instrumental in identifying the property and helping the Defendant make it suitable for tenants. Plaintiff frequently qualified and communicated with tenants about the property, and she did so at the direction of and with the permission of the Defendant. Defendant offered that the Virginia home was separate property, and his mother testified as such. Defendant noted that he never intended for the home to be marital property and that Plaintiff did not engage in efforts to increase the value of the property to even grant her a special equity interest.

After 3 ½ days of trial, the Court ordered that the Virginia property was the separate property of the Defendant, and the other assets were divided 50% to Plaintiff and 50% to Defendant. The Court only awarded Plaintiff alimony for 3 years despite the evidence that I believed supported an award of permanent periodic alimony. This case was significant to me as I tried to put myself in the shoes of the Court to try to see what he saw in the case. I viewed my client as having developed a standard of living based on the contributions of the Defendant, but the Court saw her a woman who should be able to get back on her feet in a very short period of time.

(e) *Miller v. Prasch; Berkeley County Family Court*—I was hired by the Defendant/Father in this action to modify custody. The parties were formerly married, and they had joint custody of their minor daughters with Plaintiff/Mother being primary custodial parent.

At some point after the original case ended, Defendant/Father married a man. He continued to exercise his custodial time with the minor children until Plaintiff/Mother learned of the courtship and remarriage of Defendant/Father. She then stopped his visitation using the excuse that the minor children did not want to visit with Defendant/Father. She also filed a criminal complaint against the husband of Defendant/Father alleging that he had assaulted one of the minor children.

Prior to a new action or enforcement action being filed, the parties were required to participate in mediation. I attended mediation with Defendant/Father, and his primary goal was to maintain the visitation that had previously been ordered. We were unable to resolve the matter through mediation so Plaintiff/Mother filed an action for a modification of custody. She posited that change in circumstance as the fact that Defendant/Father was now married to a man and that his husband had a pending criminal charge related to the minor children.

I prepared and appeared for a hearing on Plaintiff/Mother's Motion for Temporary Relief and my client's Return to Motion. I am always open to discussing a possible resolution before going in front of the Court so I briefly chatted with opposing counsel before the case was called. Opposing counsel used those precious moments to try to remind me of the conservative nature of the venue and to convince me that the Court was going to give his client sole custody because my client was married to a man. I believe that he had so little faith in the system that he was certain that the Court would overlook the evidence that his client had filed false affidavits with law enforcement about my client's husband; that the children were tardy and/or absent from school on numerous occasions while in the care of his client; and that his client was destroying the bond between the minor children and their father, to the detriment of the children.

We put the case up, and the Court took the matter under advisement. A few days later, the Court ruled in my favor for Defendant/Father. My client was given sole custody; his child support obligation to Plaintiff/Mother was terminated; she was ordered to pay child support to him; and we were also awarded attorney's fees.

A guardian *ad litem* was appointed, and the children participated in counseling during the pendency of the case. We exchanged Discovery and worked towards a resolution of the case based on the observations of both the guardian *ad litem* and the children's counselor.

The case was resolved the weekend before trial. The parties agreed that they would have joint custody of the minor children with my client, Defendant/Father being the primary custodial parent. Plaintiff/Mother agreed to a graduated visitation schedule wherein she would be given more time with the children so long as she ensured that the children

attended school on time and regularly and that she did not disparage my client and/or his husband in the presence.

This case was significant to me as it showed that the Court is a place where a party can receive justice despite what one might perceive to be the personal feelings and beliefs of a judge. The law governs, and a good judge follows the law. This case was about the best interests of the children and the detriment that the actions of the mother was causing to the children. It was a proud moment for me as I was able to successfully articulate the best interests of the children despite the potential for distractions based on life choices of the parties.

Ms. Pizarro reported she has not personally handled any civil or criminal appeals.

Ms. Pizarro further reported the following regarding unsuccessful candidacies:
I was a judicial candidate in 2021 for Family Court First Circuit Seat #3. I withdrew from the race prior to the JMSC screening vote.

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

(10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications reported Ms. Pizarro 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 Citizens Committee further commented: "Well spoken, good experience, caring, energetic, hard working, vibrant, smart."

Ms. Pizarro is married to Laurentiis Milton Gaines, Sr. She has four children.

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

(a) Charleston County Bar Association—Member since 2008; Executive Committee Member, 2016-2020.

(b) Dorchester County Bar Association—Member since 2008.

(c) James L. Petigru Inn of Court—Member since 2010.

(d) South Carolina Women Lawyers Association—Member since 2016; Board of Directors, 2017-2020.

(e) South Carolina Black Lawyers Association—Member since 2020.

(f) South Carolina Family Law Inn of Court—Member since 2022.

(g) The National Black Lawyers—Member since 2020.

Ms. Pizarro provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations and was recognized with the following awards:

(a) Member, South Carolina Family Law Inn of Court

(b) Member, James L. Petigru Inn of Court

(c) Member, Board of Directors, Dorchester Children's Center

(d) Member, The National Black Lawyers—Top 100

(e) Member, Charleston (SC) Chapter of the Links, Inc.

(f) Member, Alpha Kappa Alpha Sorority, Inc.

(g) Former Member, Board of Directors, South Carolina Women Lawyers Association

(h) Former Member, Executive Committee, Charleston County Bar Association

(i) Former Member, Board of Directors, Dorchester County Habitat for Humanity

(j) Former Planning Commissioner, Town of Summerville

(k) Former Member, Board of Directors, Summerville Family YMCA

(l) Former Member, Board of Directors, YESCarolina, youth entrepreneurship program

(m) Former Member, Board of Director Children's Museum of the Lowcountry

(n) Former Member, Board of Trustees, Columbia College (SC)

(o) Former Member, Board of Visitors, Columbia College (SC)

(p) Former Host, *Lowcountry Spotlight*, original local television show on WCLN-HD

(q) Charleston Regional Business Journal, *40 Under 40* Winner 2007

(r) Summerville Journal Scene, *Women to Watch,* Winner 2013

(s) Recipient, Councilman Aaron Brown Award 2019

(t) Participant, South Texas College of Law Family Court Trial School 2011 and 2012

(u) South Carolina Bar Leadership Class of 2019

(v) Recognized February 2021 by the South Carolina Bar during Black History Month

(w) Member, Lord of the Harvest Christian Faith Center

Ms. Pizarro further reported:

As I researched my background and looked over my life while considering applying for this judgeship, I posed the question, "Would YOU even pick YOU to be a judge? Are you smart enough? Will you be able to make a difference?" Whenever I considered pursuing a higher calling in the past, I always stopped myself as I let my mind defeat me when I wondered about those possibilities. The Bible says that the fear of the Lord is the beginning of wisdom. I can paraphrase that and say that the fear of or uncertainty about what lies ahead can be the beginning of charting a positive path forward towards success and even miracles. It is with that mantra that I put my fears aside. I stop being defeated before I even started. I take a leap of faith, and I boldly and proudly stand as a Judicial Candidate for the Family Court First Judicial Circuit Seat #3.

In alphabetical order, I am an attorney, author, bonus mom, daughter, educator, friend, grandmother, mother, motivational speaker, sister, and

wife. I was born to a single mother in Walterboro, and I was raised by my mother and grandmother, both domestic workers. I grew up in poverty. My family never owned a car so we walked everywhere! We depended on food stamps to buy groceries, and Medicaid for healthcare. My mother made the best sandwiches with government cheese, and on many Christmases, social workers brought gifts to our home. What we might have missed in material possessions was made up in the faith, hope, and love that was abounding in our home.

I was always a smart girl, and I did really well in high school. I graduated near the top of my class, and I got several scholarships to attend college. Clemson was my one and only choice. After my first year at Clemson, I got pregnant. I went back home to Walterboro and started working in Winn Dixie again. I felt so defeated as I went from being a college freshman to being a college dropout in one year!

I licked my wounds and started working on a plan to get back into college. My mom agreed to keep my son while I went back to college and that was indeed a blessing. I reenrolled at Clemson, and I did not miss a beat, graduating in December 1991, only one semester late!

I began my career as a teacher in the Greenville County School District in 1992. I spent 12 years as a classroom teacher before enrolling in law school in 2004. After graduating from law school in 2007, I spent my first year in practice as an associate attorney at a criminal defense firm in Charleston. In September 2008, I started my own firm, and my practice focuses on Family Court cases. I am proud to be able to use my personal experiences as well as those I gained as a classroom teacher to assist my clients in navigating domestic and juvenile matters and to help them forge new paths forward in life. I believe that those skills will transfer greatly as a member of the Family Court Bench.

Having been raised in poverty, I appreciate the opportunities afforded to me. As such, I have used my practice and my law degree to give back. In addition to serving on numerous boards and commissions, I have put "boots on the ground," providing assistance in real-time to those in need. From turkey drives to coat drives to supplying groceries to the needy, I believe in paying it forward, and that "to whom much is given, much is required." My motto is, "act justly, love mercy, and walk humbly in every interaction." I believe that everything we do should begin with the realization that we are dealing with human beings whose lives we have

the power to affect. To that end, I am committed to upholding the mandates of the law while helping my clients move to the next phase of their lives in the best way possible. I plan to carry that same level of commitment to the judiciary where I would be dedicated to ensuring that litigants are treated fairly in the eyes of the law and that justice is obtained by those seeking it.

I believe that my personal experiences will allow me to be provide a broader perspective on the bench. The record of my life will show that I made mistakes as all humans do, but I put in the hard work to learn from my mistakes such that they would not be repeated. I understand that the standards that members of the judiciary are held to are necessarily high. The love, respect, and honor that I have for the law and for the Court cannot be understated. I also understand, though, that the lessons from second chances and overcoming obstacles are also necessary if we are to ever be able to encourage the least among us that they, too, can make it. I am more than happy to share those personal experiences from the bench with juvenile defendants and other litigants who need to know that mistakes can be "blips" on their radar of lives if they learn from them and do better!

I want the world to see that there is a place in the judiciary for someone who can use their past experiences, good, bad, and ugly, as a testimony to others who come to the Court that it doesn't matter how you start, it's how you progress and how you finish! I believe that my knowledge of the law and my legal experiences coupled with the real-world experiences that I have faced, stared down, and overcame will make me a relatable, inspiring, and effective jurist.

(11) Commission Members' Comments:

The Commission found Ms. Pizarro's energy to be well suited to the family court bench and commented on her impressive diligence and work ethic.

(12) Conclusion:

The Commission found Ms. Pizarro qualified, and nominated her for election to Family Court, First Judicial Circuit, Seat 3.

THURSDAY, JANUARY 12, 2023

Philip B. Atkinson
Family Court, Twelfth 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 Family Court, Twelfth Judicial Circuit, Seat 1, 4 candidates applied for this vacancy, and 2 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, Mr. Atkinson meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Atkinson was born in 1974. He is 48 years old and a resident of Marion, South Carolina. Mr. Atkinson 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.

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

Mr. Atkinson 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. Atkinson reported that he has made less than $47 in campaign expenditures for organizational binders and a magnetic name tag. Mr. Atkinson reported he anticipated the use of mail-out brochures of which he would keep the Committee informed.

Mr. Atkinson 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. Atkinson 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. Atkinson to be intelligent and knowledgeable.

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

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

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

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

The Commission also noted that Mr. Atkinson 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. Atkinson reported that his rating by a legal rating organization, Matindale-Hubbell, is 4.8 out of 5 rating with only peer reviews and no client reviews). He was awarded 5s in the categories of Legal Knowledge, Analytical Capability and Legal Experience.

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

Mr. Atkinson reported that he has not held an elected public office, but that he currently serves as the Chair for the City Of Marion's Zoning

Board. He was appointed by the City Council and would resign if elected to avoid conflicts.

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

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

(8) Experience:
Mr. Atkinson was admitted to the South Carolina Bar in 1999.

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

(a) Geoly at Law in Greenwood, SC.

Associate Attorney from February 2000 through July 1, 2001
I litigated and managed the entire civil caseload in a two lawyer firm with the owner practicing primarily criminal law. My practice areas were Family Court cases, Personal Injury Actions, Worker's Compensation filings and even some Trademark and Entertainment Law projects. During this time, I contracted to perform the Public Defender Attorney Services in the Family Court for the Department of Juvenile Justice with cases against prosecutor Libby Smithdeal. I had extensive weekly court appearances in Newberry, Greenwood, Laurens and Abbeville. I also instituted a new data-base file management system with the firm and directly supervised the paralegal in implementing it. I was heavily involved in the community and served as the stadium announcer for Greenwood High School for two straight State Championship Football Seasons. I only left this position for a great opportunity to move back to my cherished hometown of Marion, SC- purchasing my grandfather's homestead and joining the highly respected Folkens Law Firm (f/k/a Folkens and Jernigan, P.A.).

(b) Folkens Law Firm, P.A. in Florence, SC

Associate Attorney from July 2001 through May 31st, 2019

Having the opportunity to join one of the preeminent firms in the Pee Dee region for matrimonial litigation and mediation practice (mentored and guided by the owner, Karl Folkens), I began to devote the heart of my practice over the next 18 years to Family Court actions and Domestic Law practice. My other practice areas expanded as well to include: probate actions, larger civil litigation and injury cases, copyright filings, interstate adoption domestication, and a Criminal practice when my Worker's Compensation work began to diminish. During this time, I completed 16 annual trainings and certification renewals as a Guardian Ad Litem (litigating and protecting the interests of minor children from South Carolina to Texas, Virginia, Alabama, New York and Ontario). I trained at the National Institute for Trial Advocacy (NITA) in their Southeastern Regional Office in Chapel Hill, NC to receive my diploma in Trial Advocacy Skills. I attended a week-long seminar with nightly immersion studies to become certified by The South Carolina Board of Arbitrator and Mediator Certification as a Family Court Mediator. I have renewed my training to remain licensed to this day- conducting over 429 mediations. I lead the firm's staff in the early adoption and teaching of many administrative, organizational programs like: TimeMatters, Many Moon, Trello, LawPay, and Harvest Billing software.

(c) The Atkinson Law Firm, LLC

Owner and Attorney from June 1, 2019 to present date.
In May 2019, the Folkens Law Firm's owner made the business decision to switch to a single member practice for mediation services only. I was invited by Mr. Folkens to stay in the same building, open my own firm, and become a tenant. Thirty days' notice was not long to prepare for such a gargantuan task and I am very proud of the efforts I undertook (along with a former intern I hired as my office manager) to grow a successful and thriving practice over the last three years. It has been nothing short of amazing and professionally rewarding in my desire to serve the great people and families of the State of South Carolina.

After 19 years as the trusted associate attorney, I had an even greater respect for my former boss as I now became the one to order supplies, cut paychecks, plan advertising strategies, order software and furniture, and manage the Trust and General bank accounts.

My practice is now heavily devoted to Family Court cases with the occasional overlapping Probate, Civil, or General Sessions issue stemming from former clients that trust me to handle all of their legal

needs. I have continued my streak of 19 yearly certification and training renewals as a Guardian Ad Litem to protect the interests of children. My mediation practice volume increased as well. In addition, I have developed valuable insight and experience as a contract attorney in all Dillon County DSS cases for the volunteer lay guardian program. This contract has added even more court experiences to my historical repertoire as I am now in a Family Court of some sort almost weekly while using other times to intake new clients, work on pleadings, perform Guardian home studies, and manage the firm finances through Quickbooks. I now have twenty two years of substantial experience in all areas of Family Law: from mediations to Guardian ad Litem work, divorces, custody, DJJ trials for children, DSS trials with complicated abuse issues, and adoptions.

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

As mentioned, my current practice over the last twenty years has been primarily devoted to Family Court cases. My initial passion for all of the practice areas inquired of above was ignited in my first job when I was asked to serve as a guardian ad litem prior to any statutory training mandates. Since the mandatory training statute was passed, I have completed 19 straight yearly certification and training renewals as a guardian Ad Litem to protect the interests of children. This has required and resulted in substantial "boots on the ground" experience in interviewing every litigant and child in over 370 Guardian cases in the areas of abuse and neglect, child custody factors, relocation cases, and adoptions.

Of course, I also have served as an attorney for my own clients with 22 years of experience in filing complaints for divorce actions and the equitable division of marital property (now under our guiding statute of SC Code § 20-3-620 for Equitable Apportionment factors). Between my own practice with over 392 cases in the last five years where I personally either filed or worked the cases to conclusion. Added to over 429 mediation sessions throughout my career, I have also had to counsel my own clients on difficult issues like child custody factors, grounds for divorce, and equitable apportionment of the marital assets. Admittedly, many of these cases in my area do not reach marital property sums higher than one million dollars though there have been some exceptions.

Early in my career, I was often appointed as counsel to parents facing abuse and neglect charges in DSS cases in Marion, Florence, Dillon and Darlington counties. However, in addition, I have added valuable insight and experience in this area over the last 2 years as the contract attorney in all Dillon County DSS cases for the volunteer lay guardian program. This contract has added even more court experiences to my historical repertoire as I am now in a Family Court in some county almost weekly while using other times to intake new clients, work on pleadings, perform Guardian home studies, and manage my firm's finances.

My earliest experiences in the family court were also in fulfilling a contract for the criminal defense of juveniles on a bi-weekly basis in Greenwood, South Carolina while working at the Geoly Law Firm. I practiced against worthy prosecutors and attorneys like Libby Smithdeal, Adam Bacote, and William Townes Jones IV. I continued these types of cases when I moved back home to Marion for a brief time in support of counties like Marlboro and Darlington under the urging and appointment of Judges like the Honorable Roger E. Henderson, and Jamie Murdock, Jr.

In summary, I have now accumulated twenty two years of substantial experience in all these areas of Family Law. I appear in family court almost weekly in some capacity whether it is: a motion, a DSS hearing, an agreement approval, testifying as a guardian ad litem, trying a divorce action, or initiating such actions with a temporary hearing.

Satisfying the request for a brief history of some of these cases I offer the following sampler from 22 years of family practice. I have had the pleasure of defending a juvenile accused of breaking into a Circuit Judge's home and watched the tearful reconciliation in the hallway as victim and the accused talked about rehabilitation and forgiveness. I have tried a tense SCDSS case where a mother stood accused of shooting her own infant child because she was scared to death to testify against her violent boyfriend who had actually committed the crime. I have fought for an aging wife to keep her alimony benefits (both at trial and returning to solidify this issue after an appeal). The husband alleged he retired but not before taking on lucrative consulting contracts. I have traveled as far as Wheeler, Texas to ensure proper placement of a child after his mother murdered his father and flew to Mississauga, Ontario, Canada on a few days' notice to protect the interests of a child who was being improperly withheld from his father. I have represented several spouses against the

evils of their own partner's drug addiction to secure emergency and restrictive custodies in their children's best interest.

I am so thankful my chosen profession has given me these and many other experiences that have rewarded me far beyond any fee I may have received. I thoroughly believe they have given me the needed insight, wisdom and training to serve as the next Family Court Judge of the Twelfth Judicial Circuit.

Mr. Atkinson reported the frequency of his court appearances during the past five years as follows:
(a) Federal: no appearances.
(b) State: I have appeared in the State's Family Courts almost weekly in some capacity over the last five years.

Mr. Atkinson reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:
(a) Civil: 5%;
(b) Criminal: 5%;
(c) Domestic: 80% with trials, hearings, guardian work, and mediations.
(d) Other: 10% comprised of Probate estate work, wills, and powers of attorney.

Mr. Atkinson reported the percentage of his practice in trial court during the past five years as follows:
(a) Jury: 5%
(b) Non-jury: 95%

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

The following is Mr. Atkinson's account of his five most significant litigated matters:
(a) State of South Carolina vs. James Johnson,
2001-GS-21-1394; Charge Code 0139 (Armed Robbery and Related Charges).
I discussed this case in Question One of my Judicial Merit Selection Sworn Statement. It was the first high stakes criminal case I had ever handled. All four co-conspirators testified against my client. Against

overwhelming odds, I began to develop and elicit testimony that helped exonerate my client and even showed his complete innocence. I won the case and was offered a job by the Solicitor's office just a week later. This case had been passed along to me as a Junior Associate and it sent notice to my employer that I was a competent and dedicated litigator. This was a serious endeavor as my client was still a teenager facing the rest of his life in jail. Because of my dedication, his life improved drastically and my new local colleagues began to recognize my skill and reliability.

(b) Rolfe v. Rolfe,
Op. No. 2008-UP-197 (S.C. App. filed March 20, 2008)

I likewise discussed this case in my Sworn Statement. I tried this case to a complete conclusion in the Darlington County Family Courts against a very worthy adversary in Attorney Rob Gardner. Mr. Gardener's client, the husband, alleged that his health conditions had changed and he was no longer able to pay alimony to my client, the wife. I was able to expose some discovery delays on the part of the husband alone. Mr. Gardner had difficulty with his client in that area and was not to blame. I still managed to introduce enough evidence regarding his higher rate of pay as a contractor doing the same job he had previously performed. I lost at the trial level and worked with Attorney Missy Nettles to appeal the matter to the Court of Appeals as referenced above. There, the justices found ample evidence in the record from my hard work to show the error of the lower court decision. The matter was returned to the lower court for reinstatement of alimony and to decide the issue of my attorney's fees and costs. Once again, the life of a South Carolina citizen was improved when justice was finally done even though it took three different arenas to make her whole again. I offer this as proof of my trial skills to prepare for unfavorable outcomes by laying a foundation for relief and also of my unrelenting spirit to find justice.

(c) Chastain v. Chastain,
381 S.C. 295, 672 S.E.2d 108 (S.C. App. 2009)

I offer this next case as an example of my thorough service to the children of the state of South Carolina in my Guardian ad litem work. This was a matter wherein the judge made a decision based on flagrant promiscuity in removing custody of the children from the mother. She appealed the decision. While the court disagreed with the judge as to the application of that standard (since the children had not been directly exposed to the paramours), there was still ample evidence gathered by me as the guardian to sustain the overall ruling of the court that was in the best

interests of the children. I was honored to attend the arguments before the court and specific questions were asked of me by Justice Konduras. The court then extended their thanks to me and compliments on the content and thoroughness of my report.

(d) Randall W. Goodrich and Samantha Goodrich vs Texas Department of Family and Protective Services
Docket No. 2019-DR-21-944, Florence SC

Nothing can be more satisfying for a lawyer than to have a lifelong business relationship with a client because they trust you with all of the legal matters in their life. I don't believe this fine gentleman will mind me sharing that, when I first met him, it was under very negative circumstances. He had been accused of an abusive relationship and was going through a divorce. In his personal life, he had lost a very young child. That is reason enough for any of us to be angry with the world and begin experiencing problems in our other relationships. However, after assisting him with that divorce and becoming his friend, he underwent a major change in his life. He became a born again Christian and he married again. When his own brother failed to get off of the path he had been on, this gentleman decided to adopt his nephew. That took place over the course of many proceedings (both in Texas and here in South Carolina). I offer this case as an example of my skills applied in the area of adoptions and in the rare area of domestication of foreign adoption decrees. Moreover, this client represents many others that came to me with simple initial problems and continue to trust me to this day with all of their legal needs. I am extremely blessed and honored by people like Randy.

(e) Zachery A. Quick v. Angela M. Quick
Docket No. 2017-DR-16-0936

I offer this final example as indication of evidentiary and cost issues our modern courts are being faced with each day in the pursuit of justice. To begin with, the young man I represented did not believe that he could find a lawyer to fight against the perceived notion in our communities that there is a “tender years” doctrine for young children which favors mothers over fathers. I restored his faith in our judicial system and assured him that the Court would stand solid against this fallacy. I strongly believed in his claim for custody.

However, the mother in this case was ultimately caught by me in providing false information to the court. She was so savvy with technical

advancements that she had even fabricated a website that looked like her Women's Care Center. She produced falsified records to the court and even convinced the father that she was again pregnant with his child. All of these tactics were being used to delay the cause of justice and to cripple my client financially in fighting against them. She had even taken out student loans in his name.

It was a sacrifice to work the painstaking hours needed to stay ahead of such a vicious litigant while trying to be cognizant of my client's budget as well. I reduced my billing rate, worked even harder to protect him, and earned his trust throughout this process. He remains a good friend to this day. Of course, he ultimately received custody of the child and an Order was put in place to have her reimburse him for the economic damage caused. I'm informed and believe through local attorneys that her behavior has continued and that she fabricated an email from an attorney in an attempt to avoid contempt fines and punishment.

I offer this to say I will always be cognizant of the need for swift and economical justice for all that come before me. I now have substantial experience in this area to spot such problems and handle them efficiently from the bench. The record is clear that Judge Baker-Brigman did a fantastic job in this case of spotting the forgeries and I learned so much from her keen example.

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

(1) Johnell Richardson vs. State of South Carolina

South Carolina Supreme Court
Filed May 5th, 2022
Habeas Corpus relief denied
Appellate Case Number: 2021-000905 (not reported)
Florence County Docket No: 2020CP2101467

(2) In the Matter of the Care and Treatment of Timothy Farmer, Op. No. 2005-UP-438

(S.C. Ct. App. filed July 14, 2005)
Sexually Violent Predator finding affirmed
Unpublished

Mr. Atkinson reported he has not personally handled any civil appeals.

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

(10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualifications found Mr. Atkinson "Qualified" in the evaluative criteria of constitutional qualification, physical health, mental stability, and "Well-Qualified" in the evaluative criteria of ethical fitness, character, professional and academic ability, reputation, experience, and judicial temperament. There were no summary or related comments.

Mr. Atkinson is married to Allison Marie Atkinson. He has one child.

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

(a) South Carolina Bar Association

1) Member of the House of Delegates, Twelfth Judicial Circuit 2010-2012

2) The Office of Disciplinary Counsel, Attorney to Protect Client Interests, 2003 to present

3) Mock Trial Program, Scoring Judge 2008 to present

(b) Marion County Bar Association
(c) Florence County Bar Association
(d) National Institute for Trial Advocacy Graduate, May 14, 2003
(e) South Carolina Board of Arbitrator and Mediator certified member, October 1, 2010
(f) Commission on Alternative Dispute Resolution certified member
(g) Rotary International (2002-2012) Paul Harris Fellowship participant
(h) United Fund of Marion County (2007–2011) Board Member

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

(a) Marion High School Booster Club (Since 2001. President, Vice President, Treasurer)

(b) Marion Baptist Church (Since 1986. Deacon, Vice Chairman, and Chairman of Deacons)

(c) American Legion Baseball (Since 2005. Junior Legion Finance Officer)

(d) United Service Organizations [USO] (Since 2016. Funding for morale, welfare and recreation-type services to US uniformed military personnel)

(e) The Gamecock Club (Since 1999. Athletic Booster and Contributor)

(f) The Ridgecrest Foundation (Since 2021. Funding conference centers and camps for youth leadership, pastor renewal events, and marriage retreats in Black Mountain, North Carolina).

(g) The Grand Old Post Office Concert Venue, Darlington, SC. (Member since inception. Providing funding to restore and preserve the historic Post Office now used for community arts events).

I am also a regular yearly contributor to the following charities because I strongly believe in their missions: St Jude's Hospital, The Disabled American Veterans, Boys Town, Veterans' of Foreign Wars, and The Cooperative Program through the Baptist Convention with gifts to the Annie Armstrong Easter Offering, The Connie Maxwell Children's Home, and The Lottie Moon Christmas Offering.

Mr. Atkinson further reported:
In the interest of brevity, I believe the questions above and my responses to the JMSC Sworn Statement have thoroughly allowed me to share my life experiences and studies that have culminated in my aspiration to become a Family Court Judge based on the devotion of my daily practice and continuing education requirements to these areas exclusively over the past 18 years. I would ask to incorporate the Sworn Statement mentioned herein by reference and would call attention to my specific answers for questions 1 (my desire to serve), 11 (my charitable pursuits) and 17 (my desire for service to the Bar). I thank the Committee and affiliated decision makers for taking time to explore my candidacy.

(11) Commission Members' Comments:
The Commission commented Mr. Atkinson has a long career practicing in the family court. Mr. Atkinson also demonstrated to the Commission a calm, respectful temperament. The Commission commented that these two attributes would serve Mr. Atkinson well should he be elected to the SC Family Court.

(12) Conclusion:
The Commission found Mr. Atkinson qualified, and nominated him for election to Family Court, Twelfth Judicial Circuit, Seat 1.

Alicia A. Richardson
Family Court, Twelfth 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 Family Court, Twelfth Judicial Circuit, Seat 1, 4 candidates applied for this vacancy, and 2 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, Ms. Richardson meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Richardson was born in 1970. She is 52 years old and a resident of Britton's Neck, South Carolina. Ms. Richardson 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 Ms. Richardson.

Ms. Richardson 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. Richardson reported that she has made $233.82 in campaign expenditures for postage, stationary, printing cards, and a name tag.

Ms. Richardson 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. Richardson 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. Richardson to be intelligent and knowledgeable.

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

(a) I have taught numerous law enforcement in-service training classes on juvenile and Family Court issues from 2001 – 2011 when I was the Senior Assistant Solicitor in the Family Court division. I do not have an accurate list of the dates and courses, but I did participate in the following: Horry County Police In-service training on multiple occasions, Loris Police Department, Myrtle Beach Police Department on multiple occasions.

(b) I taught and presented for multiple years at the Juvenile Officers Association Annual meeting held each year in Myrtle Beach, including as recently as 2018-19. Topics include juvenile crime, mandated reporting of abuse and neglect, issues related to sexual abuse, changes in legislations, and guidelines for juvenile detention

(c) I participated in a presentation for principals, assistant principals, and attendance clerks with the Horry County School District (year unknown)

(d) I participated in a Juvenile Fire Setters Program with the Horry County Fire Department (year unknown)

(e) 2014 Prosecution Boot Camp for new prosecutors. I presented on victim issues and judged and gave constructive feedback on opening statements and closing arguments

(f) August 19, 2011 Prosecuting Cases in Family Court, South Carolina Solicitor's Association

(g) December 5, 2007 and December 3, 2008, Fifteenth Circuit Solicitors Office Annual Law Enforcement Training Program. I taught a section on Juvenile Issues and Family Court and prepared materials which were included in a binder provided to all participants.

(h) Presented and participated in round-table discussions in Family Court continuing education courses presented at the South Carolina Solicitors' Association Annual Conference on multiple occasions prior to 2011

(i) In service training with the Georgetown Police Department and Georgetown Sheriff's Office as Deputy Solicitor

(j) I have presented a section on juvenile issues at the Horry County Family Court CLE, (year unknown)

(k) Participated in training for Volunteers with the Juvenile Diversion Program, Youth Mentor Program, and Juvenile Arbitration Program on multiple occasions (years unknown)

(l) Taught some classes for Project Lead at McDonald Elementary School, Georgetown, SC. This is a program providing law related education to elementary school students.

(m) I have spoken on topics of law related education and career days at multiple elementary, middle, and high schools throughout my legal career.

Ms. Richardson reported that she has not published any books or articles; however, she has prepared materials for Continuing Legal Education Trainings and Law Enforcement training.

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

The Commission noted that the state tax lien for individual income taxes filed against Ms. Richardson for environmental service fees has been satisfied. The Commission also noted that the lien for employment taxes in 2001 has been satisfied.

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

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

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

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

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

(8) Experience:

Ms. Richardson was admitted to the South Carolina Bar in 1995.

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

(a) Law Office of Edward Whittington, Mullins, South Carolina 1995-1995. Worked as an associate in the primary areas of family law and real estate. I had my own trust account.

(b) Marion County Public Defender, Juvenile contract attorney, 1995-2000. I served as public defender for juvenile offenders in Marion County. This was a part-time contract position with the Marion County Public Defender.

(c) Law Office of Alicia A. Richardson, Marion, South Carolina 1999-2000. Sole practitioner in the primary areas of family law and real estate. I handled the financial management of the practice including bank accounts and trust accounts.

(d) Assistant Solicitor, Family Court. Fifteenth Circuit Solicitor's Office. January-March 2001. Worked with two other attorneys prosecuting juvenile cases in Family Court and then was promoted to Senior Assistant Solicitor.

(e) Senior Assistant Solicitor, Family Court, Fifteenth Judicial Circuit Solicitor's Office, Horry County, March 2001 – 2012. I was Senior Assistant Solicitor for the Family Court division of the Solicitor's Office in Horry County. I supervised the division and was responsible for the prosecution of juvenile cases in Family Court. I also occasionally handled child support extradition cases for the Solicitor's Office.

(f) Senior Assistant Solicitor, General Sessions, Sexual Assault and child abuse cases, Horry County, Fifteenth Judicial Circuit. I was one of two attorneys prosecuting sexual assault and child abuse cases.

(g) Deputy Solicitor Georgetown County, Fifteenth Judicial Circuit Solicitor's Office, January 2013 – present. I prosecute cases in the Georgetown County Solicitor's office

in General Sessions Court. I also supervise the Georgetown office including General Sessions, Family Court, and Magistrates Court attorneys.

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

(a) **Divorce and equitable division of property:** I represented clients in divorce and equitable division cases in my first five years as an attorney from 1995-2000. My practice included uncontested divorces and contested cases. I handled both fault and no-fault divorces and handled at least cases on every statutory ground, except desertion. I represented clients in temporary hearings, emergency hearings, contempt hearings, settlement negotiations, alimony modification, and in trials. I had cases with some unusual issues such as annulment, allegations of bigamy, common law marriages, and second divorce or separate support and maintenance from the same spouse. I practiced primarily in Marion County but also represented clients in Horry, Florence, Dillon, and Darlington counties. Additionally, I was certified as a mediator in 1999-2000, and mediated a few cases.

(b) **Child custody:** When in private practice from 1995-2000, I represented parents and other parties in child custody cases, visitation, determination of paternity, modification of custody, and child support actions. I served as guardian ad litem in cases as well. As guardian ad litem, I prepared reports, met with parents, children, and other relatives, I made home visits, and in contested matters testified to my findings. Additionally, I was certified as a mediator in 1999-2000, and mediated a few cases.

In over twenty years at the Solicitor's office, I have dealt with issues regarding child custody and visitation. In cases involving domestic violence or crimes against children, bond issues regarding custody and visitation of the minor children often need to be addressed. I have also provided legal advice to law enforcement regarding child custody and visitation disputes, including cases with out of state orders.

(c) **Adoption:** When I was in private practice, I did not handle any adoption cases for the adoptive parents. However, I was appointed as guardian ad litem in some adoption cases, and I represented some biological parents in relinquishing parental rights for adoption. On one such occasion, the attorneys asked that I appear at the hospital to assist in releasing the newborn to the parents which was an amazing experience. Also, I have had personal experience with adoption as I have an adopted sibling.

(d) **Abuse and Neglect:** When I first began practicing law in Marion County the County Bar was small and there was not a limit on the number of appointments. I was routinely and regularly appointed to abuse and neglect cases. I was usually in DSS hearings about once a months during that period of time. While I have not represented a party in a DSS action since joining the Solicitor's office, prosecution of juvenile and some General Sessions criminal cases, often have an abuse and neglect component. A DSS case worker attended all juvenile hearings in Horry County, and juvenile truancy cases often resulted in DSS investigations. Also, since prosecuting in General Sessions Court, there are cases involving abuse and neglect proceedings, including sexual abuse, child abuse, unlawful conduct toward a child, domestic violence with children present, prenatal substance abuse, exposure to parental substance abuse, and even the murder of one parent by the other. I often confer with DSS on these cases. I have also attended DSS hearings to give the status of the criminal case to the Family Court.

On a more personal level, my parents were foster parents for many years, and we had foster children in our home from the time I was in elementary school until I married. We welcomed children as a family, and often siblings were placed together in our home. I have witnessed the frightened look on a child's face when they are brought to live with people who are strangers to them. I have watched children flourish with love and support, and others who have struggled with all of the changes. I witnessed families that were reunified with success, and unfortunately children who ended up in the revolving door of the system and then repeated the cycle with their own children.

(e) **Juvenile Justice:** I have handled thousands of juvenile cases in Family Court. I represented juveniles in Family Court as public defender from 1996 to 2000 in Marion County. In 2001, I joined the Solicitor's office in Horry County as a juvenile prosecutor and served there from 2001 to 2012. I have handled every sort of juvenile prosecution from truancy, runaway, criminal sexual conduct, attempted murder, and murder. Because Horry County is a tourist area, we had a pretty significant number of out of state juveniles charged with crimes or located as runaways. I became very familiar with the Interstate Compact on Juveniles. During my time in Horry County, our office began assisting the Department of Juvenile Justice in prosecuting violations of probation. We also handled cases against parents for truancy of their children. I have toured several of the Department of Juvenile Justice secure facilities. I handled several Waiver hearings in Family Court where the State sought to transfer jurisdiction of serious crimes to General Sessions Court. Since 2013, I have not actively appeared in Family Court in the prosecution of juvenile cases but have supervised our Family Court attorney and attended some hearings that were connected to General Sessions cases. As a General Sessions prosecutor, I find that my background in juvenile prosecution is invaluable. I often pull juvenile records and files when making prosecutorial decisions on a case. It is often helpful for the court and defense attorneys to have juvenile evaluation records. Additionally, there are cases where General Sessions Defendants have juvenile co-defendants or where a young defendant in General Sessions court may have a pending juvenile case or be on probation with the Department of Juvenile Justice.

(f) **Appearances in Family Court:** I have not appeared as an attorney for a party participant in a Family Court case in the past 5 years. However, I have supervised our juvenile court prosecutor. I have also attended hearings as needed to advise the court of the status of a General Sessions matter including abuse and neglect proceedings, juvenile proceedings, and a grandparent visitation action where there was a pending

General Sessions case against the parent. I am currently prosecuting a juvenile case involving a violent crime in Family Court.

Ms. Richardson reported the frequency of her court appearances during the past five years as follows:
(a) Federal: None except as observer in a case with a Defendant that also had state charges;
(b) State: I average about two weeks per month in General Sessions Court. I am occasionally in Magistrate's court for preliminary hearings and bond hearings.

Ms. Richardson 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: 100%;
(c) Domestic: 0%;
(d) Other: 0%.

Ms. Richardson reported the percentage of her practice in trial court during the past five years as follows:
(a) Jury: In nearly 100% of my cases in the past 5 years, the defendant had the right to a jury trial. The majority of cases resolve without a jury trial. I have tried approximately 11 jury trials to a jury decision in General Sessions Court in the past five years and have prepared for jury trials in numerous cases which were resolved prior to trial.
(b) Non-jury:

Ms. Richardson provided that during the past five years she most often served as sole counsel and/chief counsel.

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

(a) **In re Christian H. and State v. Christian Helms** – I prosecuted this case in both Horry County Family Court and Horry County General Sessions Court. I was the Senior Assistant Solicitor in Family Court and represented the State in a waiver hearing on the charge of Attempted Murder, Weapons charges, and

Possession of an Incendiary Device. The case involved a 14-year-old student who brought a loaded handgun to school and attempted to take the School Resource Officers service weapon at gunpoint. The officer tackled the defendant, and the Defendant fired a shot at the officer, grazing the officer's head. The Defendant had functional pipe bombs in his backpack as well as a video recording prepared for this family detailing his plans to take the Officers gun for additional firepower, to kill multiple students at random, and then killing himself. The Defendant also had a journal detailing plans for a mass school shooting, including a list of intended targets. The writings demonstrated that he idolized past school shooters particularly from Columbine. I represented the State in the waiver hearing where I called between twenty and thirty witnesses, including students, teachers, administrators, DJJ employees, psychologist, firearms experts, an expert in explosives, and law enforcement officers. The Defendant was waived to General Sessions Court. I then assisted in the prosecution of the case in General Sessions Court. The Defendant pleaded guilty after a jury was selected for his General Sessions trial. This case garnered significant media attention not just because of the nature of the case but also because the defendant's family gave media interviews portraying him as a victim of bullying. The case involved issues with school safety, mental health, confidentiality of records of minor, the Freedom of Information Act, and media coverage of juvenile proceedings. Many of the proceedings were recorded by media outlets. Mr. Helms has completed his sentence, including probation and parole. Since completing his sentence, he has attempted to contact some of the participants.

(b) **State v. Alexander Rhue, Sr., Alexander Rhue, Jr., and Tiesh Rhue.** - I along with an Assistant Solicitor prosecuted this case in Georgetown General Sessions Court. The three co-defendants were tried together in a

week and a half long trial in October, 2021. The case involved the murder of Leon Harrison, Jr. Mr. Harrison's partially decomposed body was discovered in the river with his hands and feet bound. It was estimated that his death occurred two weeks prior, and a cause of death could not be determined. Mr. Harrison's wife, her father, and her brother were charged in his murder, and the motive was believed to be domestic in nature. This was a circumstantial evidence case with multiple expert witnesses including serology, DNA, cell phone data, cell site tower location and mapping, as well as the emerging technology of Google geo-fencing and location data. The admissibility of evidence collected by search warrants was a crucial issue in the prosecution of the case. Tiesh Rhue and Alexander Rhue, Jr. were convicted of Murder and related charges, and have appealed their convictions. Their father Alexander Rhue, Sr. was acquitted of murder but convicted of Obstruction of Justice. This case was significant not just because of the seriousness of the charges but also because of the logistical challenges of conducting a three co-defendant trial while following COVID protocols. Additionally, because of the family relationship of the victim and defendants, emotions ran high both in and out of the courtroom. There were significant concerns regarding reported threats of violence at the courthouse, particularly with the verdict being reached late in the evening. This case demonstrated how the Judge, attorneys, courthouse staff, and law enforcement all worked together to maintain public access to judicial proceedings and successfully ensuring the safety of all participants.

(c) **State v. Marissa Cohen and State v. Randy Collins, (State v. Collins, 435 S.C. 31, 864 S.E.2d 914 (Ct. App. 2021), cert granted), State v. Devon Coombs. -** These Georgetown County General Sessions cases involve co-defendants charged in the tragic arson death

of a 12-year-old child and the subsequent shooting death of one of the arson defendants by the deceased child's brother.

Firefighters discovered the body of a 12-year-old boy after extinguishing a fire in what was believed to be a vacant mobile home. The child's mother, Marissa Cohen, and Randy Collins and his nephew James Miller were charged with Arson First Degree after Randy Collins gave statements that Ms. Cohen had enlisted Collins and Miller to burn the mobile home for insurance proceeds. He declined to cooperate with the state without the assurance of leniency. His case was tried in November 2018. I prosecuted the case along with an Assistant Solicitor. The primary issues were his competency to stand trial and the voluntariness of his confession. The Defendant was found competent after a contested hearing, and the statements were found to be admissible in pre-trial hearings Mr. Collins was convicted by a jury and sentenced to 30 years in prison. His conviction was overturned by the Court of Appeals in 2021. The Court held that his confession was not voluntary. The State has appealed to the Supreme Court and the appeal is pending. While his appeal was pending, Mr. Collins testified in the trial of co-defendant Marissa Cohen. I along with another Assistant Solicitor tried Ms. Cohen's case in January 2020 prior to the COVID pandemic. Ms. Cohen had a protracted process to determine competency but was found competent to stand trial after a contested hearing. Ms. Cohen was convicted and sentenced to thirty-five years in prison.

The tragedy of this case was compounded when James Miller was shot and killed by Devon Coombs, the 17-year-old brother of the deceased child and the son of Defendant Marissa Cohen. Evidence gathered in the investigation of Mr. Millers death was used in the Arson trials. I was the prosecuting attorney in Mr. Coombs trial in August, 2017. Mr. Coombs pleaded guilty to Voluntary Manslaughter midway through his trial.

(d) **State v. Frederick Willaims** – I along with an Assistant Solicitor tried this Criminal Sexual Conduct with a Minor case in Georgetown County Sessions Court. The participants were related which made prosecution even more difficult for the family. In this case the minor victim and another minor witness testified, and I had to prepare them to testify not just with the perpetrator present but also with a room full of strangers. The victim and victim's family expressed significant fear of the Defendant during the trial of the case. This was

exacerbated by the Defendant's use of "roots." This case demonstrates the conflicting emotions when family members are on opposing sides of a courtroom. It also demonstrates the importance of understanding how cultural and religious beliefs can impact the parties.

(e) **State v. Damonte Rivera Georgetown General Sessions court.** - I was the prosecuting attorney for the trial of this case in 2015. It involved a home invasion, burglary, and armed robbery of a family in the city of Georgetown with five co-defendants involved. Later in the night after the home invasion, one of the co-defendants was shot and killed by two other co-defendants. Because much of the same evidence was needed to prove both crimes, the charges were joined. Mr. Rivera was tried for both the home invasion and the murder of the co-defendant. The case involved testimony of a minor victim, multiple out of state witnesses with Interstate Compact proceedings to secure witness attendance, a Federal Writ to secure the attendance of a federal cooperating inmate, DNA evidence, co-defendant testimony, cell phone data and mapping involving multiple cellular devices and multiple cellular providers, lost evidence, and Giglio issues. Mr. Rivera was convicted of all charges and sentenced to life in prison with, consecutive sentences for each additional charge. The Defendant actually asked the Judge to sentence him to consecutive maximum penalties. The Defendant died in prison during the riot at Lee Correctional Institute and the appeal was dismissed. This case was significant because it was actually two crimes, with two crime scenes, and with separate victims. There was a massive amount of discovery and multiple attorneys involved between all the co-defendants and witnesses with pending charges.

Ms. Richardson reported she has not personally handled any civil appeals.

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

Sate v. Diquan Johnson – This was an appeal to Circuit Court of a Family Court Order denying the State's Motion to transfer/waive jurisdiction to General Sessions Court of a Murder charge against the 15-year-old defendant. I was not involved in the Family Court waiver hearing but was asked by the Solicitor to handle the appeal and assist the juvenile court prosecutor. This was the first time I was aware of our office appealing a Family Court order to Circuit Court. I prepared a "Record on Appeal" and was able to introduce it as an exhibit in the Circuit Court hearing, I argued the case in Circuit Court. The appeal was successful, and jurisdiction was transferred to General Sessions Court. He later pleaded guilty to Voluntary Manslaughter in General Sessions Court.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications reported Ms. Richardson to be "Well-Qualified" as to 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.

Ms. Richardson is married to Charles Thomas Richardson. She has three children.

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

(a) South Carolina Bar Association 1995-present

(b) Georgetown County Bar Association, approximately 2014 - present

(c) former member, Horry County Bar Association

(d) former member, Marion County Bar, Secretary-Treasurer for a few years approximately 1996-2000

Ms. Richardson provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations, and was involved in the following professional activities:

(a) Ernest F. Hollings Award for Excellence in State Prosecution, Family Court 2009

(b) South Carolina Supreme Court Docket Management Task Force, Family Court 2011-12

(c) Completed Leadership Challenge Workshop, 2021

(d) Completed, What You Do Matters Lessons from the Holocaust 2021

(e) Completed, South Carolina Coalition Against Domestic Violence and Sexual Assault "Helping Juries Understand Sexual Assault," 2012

(f) Attended, Public Agency Training Council, "Rape and Sex Crimes Investigation," 2005

(g) Completed, American Prosecutors Research Institute Prosecutorial Leadership Course, 2003

(h) Completed, South Carolina Council for Conflict Resolution Family/Divorce Mediation Training, March 8, 1999

(i) Attended, Twelfth International Conference of Shaken Baby Syndrome/Abusive Head Trauma, Boston, MA, September 29 – October 1, 2012

Ms. Richardson further reported:

In preparing this application packet, I miraculously found drafts of my law school application essay I wrote over half of my lifetime ago. It was a humbling reminder of why I became a lawyer, why I have spent the majority of my career in public service, and why I am applying for the position of Family Court Judge. It is who I am and who I have always been.

This is some of what I wrote over 30 years ago:

The unique circumstances and experiences of my life have instilled in me the qualities that I feel are necessary for a legal career. Much of who I am is derived from my family. I am the daughter of a Southern Baptist Minister. My mother suffered from severe rheumatoid arthritis since her teens, but she never let her physical disabilities stop her from helping others. At the age of fifteen, I lost my older brother in an automobile

accident. From that moment on, I realized that life itself is the most precious gift we have, and that family should never be taken for granted.

My parents were foster parents from the time I was eight years old. I have witnessed firsthand how the wrongdoings of one individual can nearly destroy the life of another. I have also witnessed the power of rehabilitation. I have seen frightened and withdrawn children become happy and outgoing once they were placed in a safe and loving environment. I have watched families that faced insurmountable odds become whole again.

I sincerely feel that I can make a difference. Some may feel that I am idealistic and not realistic, but I am determined to use my abilities to help others and our State. I have high goals that I am determined to reach. I want to work in the Family Court and with the Department of Social Services. I am aspiring to one day be Solicitor of my county and eventually to be a Judge.

I felt that way then and feel even stronger now. Since drafting that essay in hopes of beginning a legal career, I have added a vast array of personal and professional experience and life lessons that have prepared me for this position. I have been married for twenty-eight years and have three wonderful children. I have balanced a demanding legal career with the demands of motherhood.

While my legal career has not just been in Family Court, I feel that the experience I gained in prosecuting General Sessions Cases would be a benefit if I became a Family Court Judge. I want to be the type of Judge who is fair, honest, decisive, and sees the big picture. Safety, security, happiness, and being a productive citizen begin in the home. When disputes and problems arise with families and children, when children are abused or neglected, and when juveniles begin down the wrong path, there must be clear, fair, and decisive resolutions and guidance to ensure to help individuals become whole again.

(11) Commission Members' Comments:

The Commission commented that Ms. Richardson appears to be well liked by her peers and has an excellent temperament that would serve her well should she be elected to the Family Court.

(12) Conclusion:
The Commission found Ms. Richardson qualified, and nominated her for election to the Family Court, Twelfth Judicial Circuit, Seat 1.

The Honorable Thomas T. Hodges
Family Court, At-Large, Seat 7

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Hodges was born in 1959. He is 63 years old and a resident of Greenville, South Carolina. Judge Hodges provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1987.

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

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

Judge Hodges 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 Hodges 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 Hodges to be intelligent and knowledgeable.

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

(a) I moderated a CLE in 2011 titled "What Family Court Judges Want You to Know". This seminar involved a panel of eight Family Court judges speaking on a variety of topics.

(b) I have spoken at several Greenville Bar Association Year End CLEs since becoming a judge. These covered common Family Court issues such as evidence, trial preparation, dos and don'ts in Family Court.

(c) I have spoken at several CLE seminars for the Upstate Mediation center. These also covered common Family Court issues, such as trial preparation and evidence, as well as provided open forums for questions and answers.

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

(4) Character:

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

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

The Commission also noted that Judge Hodges 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 Hodges reported his last available rating by legal rating organizations:

- from Martindale-Hubbell, AV Rating.
- from Super Lawyers, Super Lawyer in Family Law.

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

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

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

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

(8) Experience:
Judge Hodges was admitted to the South Carolina Bar in 1987.

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

(a) I graduated from law school in May 1987

(b) Haynsworth, Baldwin, Miles, Johnson, Greaves and Edwards. Associate from August 1987 to December 1994. Partner from 1994 to May 2003. The firm was a labor and employment firm representing employers exclusively. The scope of my work ranged from legal research in the early years to appearing before various State and Federal agencies and courts representing clients in labor disputes in later years. I was not involved in any financial management of the firm.

(c) Robertson Hodges and Coleman. Partner from October 2003 to 2005. In October 2003 Marsh Robertson (now Judge Robertson), Anne Coleman and I formed Robertson Hodges and Coleman. Our practice was limited to Family Court matters exclusively. Coleman left the practice in 2005. Each of us maintained separate trust and operating accounts. We

had one combined operating account that was used to pay joint expenses.

(d) Robertson and Hodges 2005 to February 2010. After Anne Coleman's departure, Marsh Robertson and I formed Robertson and Hodges, LLC. We continued to practice exclusively in Family Court and continued our same financial arrangement of having separate operating and trust accounts. This partnership was dissolved when Robertson was elected to the Family Court bench in 2010.

(e) Thomas T. Hodges, P.A. February 2010 to May 2017. During this period, I was a solo practitioner. I continued to limit my practice to Family Court matters. I practiced until my election to the Family Court bench. I was solely responsible for administrative and financial matters.

Judge Hodges reported that he has held the following judicial office(s): I was elected to the Family Court bench in February 2017. I took office on July 3, 2017 and continue in that position today. The Family Court has exclusive jurisdiction in all matters concerning family or domestic relationships, including, divorce, separation, alimony, equitable distribution, custody, child support, adoptions, abuse and neglect, termination of parental rights, and juvenile delinquency.

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

(a) State v. A.W., 2016-JU-23-503 and 504; 2017-JU-23-978 and 979. This matter involved a motion to waive a juvenile's charges for murder, armed robbery and possession of a weapon during the commission of a violent crime to the Court of General Sessions so that the juvenile could be tried as an adult. In summary the State alleged that the defendant, along with another juvenile, chased an innocent man into a cemetery and shot him four times in the mistaken belief that he was someone else. After a full day of testimony from various witnesses, including psychologists and other professionals, I found that it was appropriate that the case be transferred to General Sessions.

(b) DSS v. Savannah Ann Spoon and Earl Wayne Hitt, 2016-DR-39-0897, Appellate Case Number: 2017-002484. This matter was a multi-day termination of parental rights case. There were numerous allegations against both parents. After careful consideration I found that the best interests of the children would be served by terminating the parents' parental rights. My decision was affirmed on appeal by the Court of Appeals.

(c) Kravets v. Kravets, 2016-DR-39-0904. This was a divorce case that included issues of alimony, equitable division and attorney fees. Complicating this case was the existence of a closely held business, the value of which was highly disputed. The case included testimony from expert witnesses concerning the value the business and the existence of undisclosed income.

(d) Nunn v. Nunn, 2019-DR-23-2215. This case involved a request to modify an alimony award based on the subsequent retirement of the supporting spouse. After considering all testimony and exhibits, I found that while the plaintiff had retired and had less income, his retirement was voluntary; he had not proven that his former spouse needed less support and, most importantly, he still had the ability to pay since he had amassed an estate in excess of one million dollars since the prior order was issued.

(e) Kearns v. Odom, 2017-DR-23-2201, 2022-UP-191. This was a multi-day trial involving a father's attempt to modify a preexisting custody order granting the parents equal time with their child. After considering all the evidence and testimony, I found that he had not proven a change of circumstances warranting a modification. This finding was affirmed by the Court of Appeals. I also ordered the plaintiff to pay a significant amount of attorney fees. This was also affirmed on appeal. Additionally, I ordered the plaintiff to pay a substantial increase in child support. This issue was not appealed.

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

Judge Hodges further reported the following regarding unsuccessful candidacies:

(a) I was a candidate for Judge of the Family Court, At-Large Seat 6 in the fall of 2012. I was found qualified and nominated but withdrew my name from consideration prior to the election.

(b) I was a candidate for Judge of the Family Court, Thirteenth Judicial Circuit, Seat 5 in the fall of 2013. I was found qualified but not nominated.

(c) I was a candidate for Judge of the Family Court, Thirteenth Judicial Circuit, Seat 3 in the Spring of 2016. I was found qualified and nominated but withdrew my name from consideration prior to the election.

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

(10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualifications found Judge Hodges to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

Judge Hodges is married to Erroll Anne Yarbrough. He has two children.

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

(a) Greenville County Bar

(b) SC Bar

(c) SC Family Law Inn of Court

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

(a) I am a member of the Greenville Country Club and have served on the Nominating Committee.

(b) I am a member of Hogskin Hunt Club and have served as the Vice President.

(c) I am a member of the Greenville Gun Club.

Judge Hodges further reported:
I have been a lawyer for almost 35 years. In my career I have seen and dealt with people from every financial, educational and social background. What I have learned is that almost everyone, regardless of their educational, financial or social background, will at one time or another enter a Family Court courtroom and when they do, they hope to be treated respectfully and fairly regardless of their status. I believe that my time on the bench has shown that I am capable of providing that respect and giving each person a fair hearing while honorably representing the State of South Carolina. Each day I try to improve my job performance so that each person leaves the courthouse feeling like they were important enough for me to care about them and their circumstances.

(11) Commission Members' Comments:

The Commission is impressed with Judge Hodges's intellect as well as his sense of humor. Further, the Commission noted how impressive the BallotBox comments are and that his judicial temperament is well suited for service on the family court bench.

(12) Conclusion:

The Commission found Judge Hodges qualified, and nominated him for re-election to Family Court, At-Large, Seat 7.

The Honorable Rosalyn Frierson-Smith
Family Court, At-Large, Seat 8

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Frierson-Smith was born in 1958. She is 64 years old and a resident of Columbia, South Carolina. Judge Frierson-Smith provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1992.

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

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

Judge Frierson-Smith reported that she has not made any campaign expenditures.

Judge Frierson-Smith 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 Frierson-Smith 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 Frierson-Smith to be intelligent and knowledgeable.

Judge Frierson-Smith reported that she has taught the following law-related courses:
(a) I have served on a panel of judges for the Statewide Guardian ad Litem CLE Training, January 31, 2020.

(b) I have served as a panelist on the Access to Justice in Civil Cases, for the S.C. Legal Services 50th Anniversary Celebration representing Family Court, February 15, 2018.

(c) I was the Honors Day Convocation Speaker at Morris College, February 10, 2022.

(d) I served on a Roundtable Panel at the Probate Bench Bar CLE – Intersection of Family Court and Probate Court, September 7, 2018.

(e) I made a presentation to the Clerks of Court and Register of Deeds Conference on the perspective from the administrative and judicial sides of the court system, April 30, 2018.

(f) I have served as a panelist on the 2021 ABA Judicial Panel-Demystifying the Judicial Election and Selection Process: State and Federal Courts, January 19, 2021.

(g) I have made presentations at the S.C. Bar "Bridge the Gap" Program for new lawyers giving an overview of the State Court System. I have presented at almost all programs since becoming State Court Administrator in 1998 until 2012 when the program format changed.

(h) I have provided opening remarks and overview to Summary Court judges during the Orientation School for Summary Court judges twice a year for at least 14 years.

(i) I was a panelist at the University of Kentucky Law Journal Symposium on Court Funding, 9/23/2011. The topic was 18th Century Courts – 21st Century Expectations. The audience included State Chief Justices, State Court Administrators, attorneys and law professors from across the U.S. and territories.

(j) I was a presenter at the 2008 Annual Meeting of the Conference of Chief Justices and State Court Administrators during an educational session. The educational session was a mock trial where I presented oral argument on behalf of the state in a hypothetical case related to ethical misconduct. The audience was State Chief Justices and State Court Administrators and other guests.

(k) I have made numerous presentations at the annual Clerks of Court Association conferences related to court related procedural issues, legislation affecting the courts and other pressing concerns affecting clerks of court and the operation of the courts.

(l) I was a presenter at the ABA Task Force on Preservation of the Justice System - General Counsel Summit May 2, 2012. The summit included chief legal counsel from America's leading corporations, Chief Justices and other attorneys.

(m) I was a presenter at the ABA Symposium titled Justice is the Business of Government: The Critical Role of Fair & Impartial State

Courts, 5/7-9/2009. The invitation only national conference was hosted by the ABA Presidential Commission on Fair and Impartial State Courts and the National Center for State Courts. The discussion centered around best practices for improving inter-branch cooperation towards the goal of making the justice system more effective and efficient to meet the needs of the public.

(n) I was a panelist at the ABA Tort Trial & Insurance Practice Section CLE 5/18/2012, discussing continuity of operations for state courts in the event of a disaster. The audience consisted of attorneys from various states.

(o) I was a presenter at the Master in Equity CLE discussing background leading to the mortgage foreclosure administrative order issued by the Supreme Court in May 2011 and provided information on recent court procedural changes.

(p) I was a presenter at a Bench Bar Hot Tips CLE December 7, 2012, discussing the requirements of the recently enacted Parenting Plan. The audience included the family court bench and attorneys.

(q) I was a presenter at the 2016 Annual Meeting of the Conference of Chief Justices and State Court Administrators during an educational session. I served as moderator July 26, 2016, for the Session titled Third Party Evaluators in Child Custody Proceedings: Who Are They and What Are the Standards of Practice. The audience was State Chief Justices, State Court Administrators and other guests.

Judge Frierson-Smith reported that she has not published any books or articles.

(4) Character:

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

The Commission's investigation of Judge Frierson-Smith did not indicate any evidence of disqualifying financial issues. The Commission noted the state and federal tax liens jointly filed against her and her former spouse, which related to her former spouse's self-employment taxes, have been satisfied.

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

Judge Frierson-Smith reported that she has not served in the military.

Judge Frierson-Smith reported that she has never held public office other than judicial office.

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

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

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

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

(a) Summer Associate**,** Nelson, Mullins, Riley & Scarborough,

Columbia, South Carolina, May 1990 - August 1990; May 1991 - August 1991
Researched legal issues and drafted memoranda with emphasis in Workers' Compensation, Bankruptcy and Commercial Law.

(b) Staff Attorney: South Carolina Supreme Court, August 1992 - July 1993

I researched legal issues; prepared screening memoranda and reviewed appellate motions for the Supreme Court Justices.

(c) Legal Writing Instructor University of South Carolina School of Law 1998-1999

I taught legal writing to first year law students and was responsible for providing instruction on legal research and legal writing, graded assignments and provided course grades.

(d) Law Clerk to the Honorable Ernest A. Finney, Jr., Chief Justice

South Carolina Supreme Court, July 1993 - November 1998
As a Supreme Court law clerk, I researched complex legal issues on appeal to the Supreme Court. I wrote bench memoranda for the court providing legal case analysis and proposed recommendations and opinions in the areas of domestic, civil and criminal law. Because of my earlier experience as a Budget Research Analyst for the House of Representatives, Ways and Means Committee, I assumed the additional duty of monitoring legislative bills that affected the Judicial Branch, as well as the Appropriations Act.

(e) State Court Administrator, S.C. Judicial Department; November 1998 – June 2017

As State Court Administrator, I am responsible for administering the state court system under the direction of the Chief Justice of the S.C. Supreme Court. My Responsibilities include developing procedures to implement Supreme Court rules, policies and state and federal law affecting state courts. Additional responsibilities include coordinating state judicial functions with county court officials; serving as State contact with the National Center for State Courts; serving as a conduit for information for the management of personnel and operations in support of the functions of the state courts at all levels. Duties include serving as liaison between the Legislative and Judicial Branch relating to the annual appropriation act and legislation affecting the courts. My duties involve managing Court Administration staff including five staff attorneys and over 100 Judicial Department Court Reporters. As State Court Administrator, my responsibilities include responding to legislative, governmental, media and citizen inquiries. Duties require frequent interaction with governmental agencies such as the Department of Social Services, Department of Juvenile Justice, Probation Parole and Pardon, Department of Corrections, Guardian ad Litem and Foster Care Review Board regarding state court policies and procedures. I assist the media with requests for court related information promoting public accountability and transparency. Duties include making recommendations to the Supreme Court to implement changes in state

law and court rules. My office is responsible for providing education and direction to judges, clerks of court and the bar to implement new policies and procedures. This position involves identifying emerging issues that may impact the courts statewide or that may have precedent setting impact and making recommendations to the Supreme Court to address the challenges. On a regular basis, I am required to exercise judgment and problem resolution skills particularly related to the interpretation of state law and court rules.

(f) Substitute Municipal Court Judge – City of Columbia; August 2013 – June 2017

I was appointed by Columbia City Council to serve as Substitute Municipal Court Judge. As a substitute judge, I held court an average of two to five days per month. Municipal Court, with some exceptions, has jurisdiction over criminal offenses that are subject to fines of not more than $500.00 and/or imprisonment of not more than 30 days. As Municipal Court judge I presided over preliminary hearings, bond court, non-jury criminal, domestic violence, and traffic cases.

(g) Family Court Judge – At-Large, Seat 8, July 2017 – present

Family Court is a court of limited jurisdiction and has exclusive jurisdiction over all matters involving domestic or family relationships. It is the sole forum for the hearing of all cases concerning marriage, divorce, separate maintenance, child custody and visitation, termination of parental rights, adoption, child abuse and neglect, protection of vulnerable adults and juvenile delinquency and other matters as provided by law.

Judge Frierson-Smith reported that she has held the following judicial office(s):
(a) Family Court Judge elected by the General Assembly February 2017
(b) Substitute Municipal Court Judge, appointed by Columbia City Council; August 2013–June 2017. Municipal Court, with some exceptions, has jurisdiction over criminal offenses that are subject to fines of not more than $500.00 and/or imprisonment of not more than 30 days. Municipal judges preside over traffic court, criminal court, quality of life court, domestic violence court, and bond court.

Judge Frierson-Smith provided the following list of her most significant orders or opinions:

(a) Gwendolyn Stanley v. James Gardner, 2016-DR-28-317

(b) Gregory Charles v. Sherilyn Charles, 2015-DR-40-2978

(c) SCDSS v. Edward Larsen, Karen Larsen, 2017-DR-40-0259, Op. No. 2019-UP-372 & 2019-UP-373, (S.C. Ct. App. filed Dec. 3, 2019)

(d) Malinda Sullivan-Carter v. Sammy Joe Carter, 2017-DR-28-112

(e) Joshua Crowell v. Samantha Brown, 2019-DR-40-0974

Judge Frierson-Smith reported no other employment while serving as a judge.

Judge Frierson-Smith further reported the following regarding unsuccessful candidacies:
I ran for Family Court At-Large seat #1, Jan. 2013. I was found qualified and nominated. The first ballot was tied and I lost on the second ballot by one vote.

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

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications reported Judge Frierson-Smith to be "Well Qualified" as to 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: "Has been a great asset to the family court bench."

Judge Frierson-Smith is married to Leroy Smith Jr. She has two children and one stepchild.

Judge Frierson-Smith reported that she was a member of the following Bar and professional associations:

(a) S.C. Women Lawyers Association, President 2007

(b) S.C. Bar House of Delegates, 2010 - 2017

(c) ABA State Delegate representing SC Bar, 2010 - 2014

(d) Richland County Bar Association member, 2000 – present

(e) Richland County Bar Association Civic Star Award, 2002

(f) American Bar Association member, 2008- present

(g) ABA Family Law Section

(h) S.C. Black Lawyers Association

(i) S.C. Supreme Court Commission on Judicial Conduct

(j) Family Court Bench Bar Committee

(k) S.C. Children's Justice Act Task Force

(l) Supreme Court Committee on Private Guardian ad Litem Issues

(m) Pro Bono Board of the South Carolina Bar

(n) One Judge One Case Committee Meeting

(o) S.C. Family Law American Inn of Court

(p) President Conference of State Court Administrators, 7/2011 -8/2012

(q) Vice Chair, National Center for State Courts, 7/2011– 8/2012

(r) S.C. Lawyer Magazine Articles Editorial Board, 2006 – 2017- Editor 2014-2016

(s) Executive Session for State Court Leaders in the 21st Century

Harvard Kennedy School of Government (participation by invitation), 2009 -2011

(t) Inductee, National Center for State Courts Warren E. Burger Society, 2014

(u) S.C. Lawyers Weekly Leadership in Law Award Honoree, 2015

(v) Gold Compleat Lawyer Awardee, USC School of Law Alumni Council, 2016

(w) National Task Force on Fines, Fees, & Bail Practices, Advisory Board, 2015-2021

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

(a) Columbia Alumnae Chapter of Delta Sigma Theta Sorority, Inc.,

President, 2007 – 2011
Parliamentarian, 2003 – 2007

(b) St. Martin de Porres Catholic Church, Member and Lector (Lay Reader)

(c) St. Martin de Porres Rosary Altar Society, Parliamentarian, 2011 - 2012

(d) Rosary Altar Society Vice President, 2018 – present

(e) Columbia Deanery Council of Catholic Women, Parliamentarian, 2020- 2022

(f) Columbia Deanery, Catholic Woman of the Year, 2020

(g) Diocese of Charleston, Catholic Woman of the Year, 2020

(h) Columbia Chapter of The Links, Incorporated

(i) Delta House Inc., Board of Directors, 2021-present

(j) Columbia Alumni Chapter Silhouettes member (Kappa Alpha Psi Fraternity)

Judge Frierson-Smith further reported:

By all measures I am grateful for and humbled by the public trust to serve as a Family Court Judge. Early in my appointment to the bench, I was cautioned to exemplify the type of judgeship that offers each litigant due respect and objective fairness. I accepted this challenge as a core principle of how I interact with all parties, irrespective of their position taken in a case. I am forever mindful that my deliberations and decisions carry far reaching consequences, which I pledge to give my full attention.

(11) Commission Members' Comments:
One affidavit was filed against Judge Frierson-Smith by Ms. Rhonda Meisner. The Commission thoroughly reviewed all documents while carefully considering the allegations and the nine evaluative criteria provided in statute. At the public hearing, the Commission heard testimony and questioned the complainant, and allowed Judge Frierson-Smith to reply to the allegations.

After thoroughly reviewing the complaint and hearing testimony at the public hearing, the Commission does not find a failing on the part of Judge Frierson Smith in the nine evaluative criteria.

The Commission noted Judge Frierson-Smith enjoys a reputation among attorneys as a hard-working, respected, and fair family court jurist.

(12) Conclusion:
The Commission found Judge Frierson-Smith qualified, and nominated her for re-election to Family Court, At-Large. Seat 8.

ADMINISTRATIVE LAW COURT
QUALIFIED AND NOMINATED

Stephanie N. Lawrence
Administrative Law Court, 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.

For the vacancy for Administrative Law Court, Seat 5, 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, Ms. Lawrence meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Ms. Lawrence was born in 1974. She is 48 years old and a resident of Columbia, South Carolina. Ms. Lawrence provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2006.

(2) Ethical Fitness:

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

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

Ms. Lawrence 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. Lawrence 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. Lawrence to be intelligent and knowledgeable.

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

(a) I have made presentations on the topic of South Carolina Workers' Compensation for insurance representatives, third-party administrators, and employers. These were client driven for annual updates, team training, and/or to

satisfy continuing education requirements for insurance adjusters. The presentations generally included on overview of SC Workers' Compensation law, management of cases from inception to closure, forms training, best practices, case law updates and question/answer sessions.

(b) I have provided training on Education Law related issues to South Carolina public school entities.

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

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

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

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

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

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

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

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

(8) Experience:

Ms. Lawrence was admitted to the South Carolina Bar in 2006.

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

(a) BOYKIN & DAVIS, L.L.C., Columbia, SC
Associate (Aug 2006 – July 2008) Senior Associate (August 2008 – February 2011)

- Practiced in the areas of Employment and Education Law with a client base consisting mainly of public entities. These include public school districts, public colleges and technical colleges, small towns, and municipalities.
- Advised clients on responsibilities under Title VII, Americans with Disabilities Act, Age Discrimination in Employment Act, Family Medical Leave Act, and other federal and state employment statutes.
- Responded to various federal and state agencies in connection with discrimination-based investigations, including preparation of position statements to the EEOC, S.C. Human Affairs Commission, and the U.S. Department of Justice.
- Conducted training for school districts regarding various personnel and student-related issues including teacher dismissal proceedings.

(b) MCANGUS, GOUDELOCK & COURIE
Senior Associate (February 2011 – February 2012)

- Practiced in the area of South Carolina Workers' Compensation law.
- Managed litigation of cases before the South Carolina Workers' Compensation Commission and the South Carolina Court System.
- Advised employers, insurance providers and Third-Party Administrators on responsibilities under the SC Workers' Compensation Act.

(c) MILLER LAWRENCE, L.L.C.
Owner/Partner (February 2012 –August 2013)

- Operated a boutique style litigation defense firm that provided legal representation in the areas of South Carolina Workers' Compensation law and liability defense to employers, insurance providers and Third-Party Administrators.

- Managed and litigated cases before the South Carolina Workers' Compensation Commission and the South Carolina Court System.

- Advised employers, insurance providers and Third-Party Administrators on responsibilities under the SC Workers' Compensation Act.

- Direct and daily involvement with the administrative and financial management of this firm, including management of its trust account.

(d) DICKIE, MCCAMEY & CHILCOTE, P.C.
Of Counsel (August 2013 – December 2017) Shareholder (January 2018 – January 2020)

- Practiced primarily in the area of South Carolina Workers' Compensation law, with some Employment law and Insurance Defense.

- Managed and litigated cases before the South Carolina Workers' Compensation Commission and the South Carolina Court System.

- Advised employers, insurance providers and Third-Party Administrators on responsibilities under the SC Workers' Compensation Act as well as some state and federal employment statutes.

- Direct and daily involvement with the administrative and financial management of the South Carolina office, with no involvement in any of the firm's trust accounts.

(e) AFR HEARING SERVICES, LLC
Owner (January 2020 – Present)

- Provide service as an attorney hearing officer to state and local entities in various due process/grievance proceedings.
- Analyze pre-hearing submissions to include Pre-hearing statements and proposed exhibits.
- Preside over full evidentiary hearings in accordance with South Carolina Rules of Civil Procedure and Evidence.
- Prepare Report and Recommendation(s) for final decision by authorizing agency.
- Direct and daily involvement with the administrative and financial management of the business.

(f) SOUTH CAROLINA SCHOOL BOARDS ASSOCIATION (SCSBA)
Director of Policy and Legal Services (July 2021 – July 2022)
General Counsel (July 2022 – Present)

- Coordinate the operation of SCSBA's policy and legal services division to ensure local school boards receive the necessary assistance in the governance of their school districts through policy.
- Ensure that districts are kept informed of legal developments in school law and its impact on their board and district policies.
- Provide ongoing training to local school boards on topics relating to effective governance of school districts.
- Coordinate and direct the continuing legal education programming for school law attorneys in the state through the South Carolina Council of School Attorneys (COSA).
- Provide legal oversight concerning South Carolina School Board Association matters.

Ms. Lawrence further reported regarding her experience with the Administrative Law Court practice area:

I was second chair in a couple of matters before the Administrative Law Court while employed with Boykin & Davis LLC. These entailed prosecuting OSHA citations on behalf of the South Carolina Department of Labor Licensing and Regulation. The issues discussed were analysis of serious versus other than serious violations relating to excavation and proper slope calculations. I have had no appearances within the last five years as my practice was focused solely before the South Carolina Workers' Compensation Commission and then presiding over matters as a hearing officer for the State Department of Education.

Ms. Lawrence reported the frequency of her court appearances during the past five years as follows:
(a) Federal: None;
(b) State: 149 matters before the South Carolina Workers' Compensation Commission; Presiding over 15 matters serving as a hearing officer with the State Department of Education.

Ms. Lawrence 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: 0%;
(d) Other: 96% Workers' Compensation Matters; 4% Education Law Matters.

Ms. Lawrence reported the percentage of her practice in trial court during the past five years as follows:
(a) Jury: 0%;
(b) Non-jury: 100% before a South Carolina Workers' Compensation Commissioner or Panel.

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

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

(a) Karen Wilson, individually and as Personal Representative of the Estate of John Paul Taylor v. Horry Georgetown Technical College, et al.

This was a wrongful death and survival action involving a 14-year-old student who drowned in a hotel swimming pool during a field trip to Ashville, North Carolina. The issues were many, but the most salient I recall was identification of the proper beneficiaries, recoverable damages, negligence standards in student supervision (Tort Claims Act), and evidence supporting conscious pain and suffering. There were also informal parenting designations and relationships that considerably impacted the case dynamics.

This case was significant for me because it was my first death case and because of the decedent's age. Also, the impact of the application of the Tort Claims Act on limitation of liability, evidentiary requirements, and damages.

(b) Strickland v. J. Frank Baker, et. al

This was an employment discrimination action filed under Title VII of the Civil Rights Act of 1964. The claim was brought against multiple defendants including two school districts, and several named employees. The matter was initially filed with the South Carolina Human Affairs Commission and the Equal Employment Opportunity Commission. After the EEOC issued a Dismissal and Notice of Rights, the Plaintiff filed suit in the United States District Court for the District of South Carolina

The case hinged on timeliness of the claim. The merits, though many, were never really addressed by the Courts. This case was significant for me because of the experience in litigating a claim beginning at a state level agency up to the United State Supreme Court.

(c) Donte Riddick v. Carolina Canners

This was a denied, then later admitted back claim which ultimately morphed into a denied death claim before the Workers' Compensation Commission. The Claimant received some initial conservative treatment and was returned to work light duty, while awaiting a pending orthopedic evaluation. The Claimant engaged in light duty activities for half a day before complaints, which resulted in his return to out of work status the same day. The next day he died. The cause of death listed on the death certificate was diabetes mellitus. The issue was whether the half day of light duty work activities aggravated the Claimant's diabetic condition thereby causing or contributing to his death.

This case hinged on the medical evidence and expert endocrinologist testimony, which ultimately supported long-term noncompliance with diabetic treatment and a completely different non-work-related cause of death – cardiac arrest with hypercholesterolemia. The case was

significant for me because of the details involved in establishing whether a death is related or unrelated under the Workers' Compensation Statute. It was also a great lesson in medical expert strategy.

(d) Travis L. Severson v. Pactiv Corporation

This matter started out as what seemed like a standard admitted back claim where the Claimant sustained a T-spine fracture when he was using a pry bar to remove a gear box to repair a seal. The Claimant received orthopedic treatment and was eventually referred for oncological evaluation in response to his delayed healing and oncological history. He was ultimately diagnosed with multiple myeloma (bone cancer) and a tumor was identified in the fracture. The issue became one of obligation for continued medical treatment as the Claimant required pain management for his back but was pending a stem cell transplant for the cancer. The case turned on the medical reports and testimony of the oncologist and orthopedic specialists. They were unable to opine to a reasonable degree of medical certainty that the Claimant's continued pain management needs were caused by the work injury versus the underlying cancer condition, which causes bone pain.

Unfortunately, the Claimant's condition progressed rather quickly forcing him and his family to make difficult choices concerning the continued litigation of his claim. The case was ultimately worked out through an agreement of the parties concerning continued treatment obligation and permanency for back injury. This case was significant to me because of the underlying cancer issues which permeated the case. This required more robust discovery, substantial research on the subject matter, and a good amount of coordination across medical specialties in different states. That said, most noteworthy was witnessing the impact of life changing health conditions on litigation.

(e) Joseph Black v. Miles Road Paint & Body, Inc.

This was initially a right knee injury with a later included back claim that was straight forward in terms of acceptance and causally related medical care. The Claimant ultimately required surgery for his knee and physical therapy for the back. The prevalent issue concerned temporary disability payments. Defendants issued required weekly payments, but later requested a credit covering a four-month period when it was discovered the Claimant was also receiving wages from his employer.

The Claimant alleged he never received the temporary disability checks. After Defendants produced evidence showing the checks were cashed, then Claimant maintained the checks were stolen from his mailbox by his ex-wife who suffered a drug addiction. Ultimately, the credit issue

was determined in favor of Defendants as there was no evidence to support the Claimant's allegations outside of his own testimony. The Commissioner also concluded the allegation of the Claimant's stolen checks should be pursued in a criminal court setting as the Commission lacked subject matter jurisdiction over such matters. This case is significant to me because it was the first time in a hearing where I had to actively work to manage my frustration with a witness in the midst of the hearing testimony.

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

(a) Sheila Hogan v. Culp, Inc. D/B/A Culp Woven Velvets, Inc., and Farming Casualty Company C/O Travelers (W.C. C. File No: 1021103)

South Carolina Workers' Compensation Commission Appellate Panel, October 24, 2011

(b) Strickland v. J. Frank Baker, et. al

United States Court of Appeals for the Fourth Circuit, April 27, 2010

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

Ms. Lawrence further reported the following regarding unsuccessful candidacies:
I was a candidate for the Administrative Law Court, Seat 3 during the July 2020 – February 2021 judicial cycle. I was found "Well Qualified" and screened out of committee as one of three final candidates. I ultimately withdrew from the race a day or two before election as I lacked enough support in our House of Representatives to win the seat.

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

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Ms. Lawrence 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 Citizens Committee noted: "Very well versed in admin law. Would make a great asset to the bench!"

Ms. Lawrence is married to Anthony T. Lawrence. She has two children.

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

(a) South Carolina Bar Association;

(b) Richland County Bar Association;

(c) South Carolina Counsel of School Attorneys;

(d) South Carolina Black Lawyers Association;

(e) South Carolina Women Lawyers Association.

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

(a) Gamma Nu Omega Chapter of Alpha Kappa Alpha Sorority, Inc.

(Parliamentarian 2016 – 2018)

(b) Ridgeview High School Improve Council

(Vice Chair 2018 -2019)

(c) 2022 South Carolina Education Policy Fellow

Ms. Lawrence further reported:
It would be my honor and privilege to serve on the South Carolina Administrative Law Court. I see my service as a member of our judiciary to be the pinnacle of my legal career and how I wish to continue my contributions to our community until retirement. I feel my personality and temperament is well suited to the bench. My legal background evidences my ability to transition across practice areas, which will be necessary to successfully maneuver the learning curve of the Administrative Law Court given the scope of its jurisdiction. I am also confident I have the drive and work ethic to efficiently manage a docket and return decisions in a timely manner.

(11) Commission Members' Comments:
The Commission commented that Ms. Lawrence is well qualified to be an Administrative Law Court judge and that her wealth of experience would serve her well on the bench.

(12) Conclusion:
The Commission found Ms. Lawrence qualified, and nominated her for election to Administrative Law Court, Seat 5.

The Honorable Crystal Rookard
Administrative Law Court, 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.

For the vacancy for Administrative Law Court, Seat 5, 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 Rookard meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Judge Rookard was born in 1967. She is 55 years old and a resident of Columbia, South Carolina. Judge Rookard 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 Rookard.

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

Judge Rookard 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 Rookard 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 Rookard to be intelligent and knowledgeable.

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

(a) Spring 2020 - present, I have taught a course for the University of South Carolina School of Law.

(b) I have conducted seminars regarding contract review and the relationship between external and internal counsel at college financial officer's conferences.

(c) I have conducted numerous seminars, conference presentations and employee/supervisory training programs regarding civility & sensitivity in the workplace, contract review, employment law/employee relations, discrimination, harassment, human resources, leadership/management, methods to reduce legal exposure, sexual harassment, Campus Save Act, Violence Against Women Act, higher education related legal issues and Title IX.

(d) I have been employed as an adjunct instructor since 2005 until present at local colleges/university. I have taught healthcare law, business law, criminal justice and in-house counsel/externship course.

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

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

The Commission's investigation of Judge Rookard did not indicate any evidence of disqualifying financial issues.

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

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

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

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

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

(8) Experience:
Judge Rookard was admitted to the South Carolina Bar in 2000.

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

(a) From 1997 – 1999, I was a law clerk at the Johnson, Toal & Battiste law firm. This law firm handled family law, personal injury, social security, worker's compensation,

probate, and criminal law matters. I primarily assisted with the personal injury and worker's compensation matters.

(b) From 2000 – 2005, I was Deputy General Counsel for the SC Department of Corrections (SCDC). I defended the Department against inmate litigation. The inmate litigation was appealed to the Administrative Law Court. I drafted and filed briefs, prepared documents to be submitted into the record and interacted with staff members of the Administrative Law Court. I handled inmate cases involving prison disciplinary appeals, sentence calculations, custody, and liberty interests. Handled appeals under the Administrative Procedures Act as needed. I represented SCDC against inmate litigation filed in circuit court in Richland County, SC.

(c) Additional duties included:

- Prepared, drafted, reviewed, approved, and negotiated SCDC contracts with executives in private industries, local, state, and federal governments.
- Conducted employee grievance investigations, represented SCDC in employee mediation/arbitration proceedings included preparation of settlement agreements if necessary and represented the agency in hearings before the State Employee Grievance Committee, included hearing preparation: oral arguments, preparation of legal documents, witness preparation, opening/closing arguments, questioning the witnesses on direct/cross-examination.
- Extensive knowledge of relevant state and federal law.
- Investigated and responded to complaints filed with the South Carolina Human Affairs Commission and the Equal Employment Opportunity Commission.
- Worked with outside counsel on cases as required, providing background information, case analysis and relevant law.

- Provide legal advice to Department of Correction (SCDC) senior executives, attorneys, court officials and other state agencies in the interpretation of state and federal law, SCDC policies.
- Reviewed and recommended revisions to policies and state law, as necessary.
- Conducted legal training courses for SCDC employees in both classroom setting and on camera.
- Conducted independent legal research using Lexis & Westlaw.
- Drafted legal memoranda including briefs, motions, and other pleadings, as necessary.
- Conducted investigations and responded to allegations of sexual harassment.
- Decisive and organized with strong capacity to think quickly and present facts rationally.
- Successfully entrusted with responsibility under limited supervision with proven results.

(d) From 2006 - 2011, selected as the Human Resources Director/Legal Counsel, Midlands Technical College, Columbia, South Carolina. Duties included:

- Provided legal advice and assistance to the Commission and the Executive Council on complex legal matters, policy questions and operational procedures.
- Analyzed, interpreted, advised, and informed the President, Senior Vice President for Business Affairs and other Executive Council members on employment law matters, various legal issues, and regarding local, state, and federal laws and regulations.

- Participated in executive level decisions as requested, coordinated, and represented the college in legal matters.

- Provided legal advice to the Office of Student Development services concerning student complaints, disciplinary actions, and grievances.

- Directed, supervised human resource department to include: responsible for and managed the HR budget, recruiting and hiring, retention keeping, employee benefits, leave and time attendance, temporary employment, employee training, promotions and transfers, terminations, employee disciplinary matters, employee relations, and class & compensation matters for over 1,000 employees.

- Conducted informal and formal stages of employee grievances and internal complaint investigations based on employee race, sex, age, color, religion, national origin, disability, and veteran status, and monitoring resolution and compliance.

- Provided advice and counsel to employees, managers and supervisors regarding human resources practices, policy, and employee relations and employment laws. Conducted investigations and fact finding as required to formulate recommendations as to necessary actions.

- Coordinated Human Resource matters with the State Technical Board and State Office of Human Resources as required.

- Managed the college's Equal Employment Opportunity and affirmative action goals in compliance with the South Carolina Human Affairs Commission.

- Ensured appropriate communication of resources and training programs for all college administrators, faculty, and staff.

- Reviewed, drafted, and advised college on contractual matters, review and draft policies, procedures and legislation as needed.

- Conducted legal research as required and coordinated legal matters with external legal counsel. Handled all responses to discovery requests and deposition preparation as needed.

- Monitored the completion of all required reports with established guidelines.

- Responsible for the departmental budget and approved expenditures.

(e) From 2012 – 2017, General Counsel, Midlands Technical College, Columbia, South Carolina. Duties included the following:

- Provided legal advice and assistance to the Commission and the Executive Council on complex legal matters, policy questions and operational procedures.

- Analyzed, interpreted, advised, and inform the President, Senior Vice President for Business Affairs and other Executive Council members on employment law and various legal matters, local, state, and federal laws, and regulations.

- Participated in executive level decisions as requested, coordinated, and represented the college in legal matters.

- Provided legal advice to the Office of Student Development services concerning student complaints, disciplinary action, and grievances.

- Served as the college chief compliance officer for employment related laws and regulations. As the chief compliance officer, in cooperation with the appropriate Human Resource Management employees and/or other employees conducted informal and formal stages of

employee grievances and internal complaint investigations based on employee race, sex, age, color, religion, national origin, disability, pregnancy and veteran status, and monitoring resolution and compliance.

- Investigated and responded to complaints filed with the South Carolina Human Affairs Commission and the Equal Employment Opportunity Commission.
- Directed and/or executed governmental/external affairs, special events, executive level projects/assignments, strategic planning & analysis, or investigations which may be particularly sensitive and/or confidential or which involve multiple divisions within the college.
- Served as legal training coordinator for the college and works closely with various departments to assess training needs. Developed and delivered an array of legal and employment training to ensure compliance with Federal, state, and local regulations and to reduce litigation.
- Provided advice and counsel to employees, managers and supervisors regarding human resources practices, policy, and employee relations and employment laws. Conducted investigations and fact finding as required to formulate recommendations as to necessary actions.
- Ensured appropriate communication of resources and training programs for all college administrators, faculty, and staff.
- Reviewed, drafted, and advised college on contractual matters, review and draft policies, procedures and legislation as needed.
- Conducted legal research as required and coordinated legal matter with external legal counsel includes responding to all discovery requests and deposition preparation as needed.

- Monitored the completion of all required reports with established guidelines.
- Responded to Freedom of Information Act requests.

(f) From 2015 – present Associate (Substitute) Municipal Court Judge

- Conduct hearings and adjudicate cases in criminal and traffic court; presides over bond court; rules on motions and draft orders; conducts legal research, as necessary.
- Files reports with the SC Court Administration and other officials, as necessary.
- Perform duties as of Administrative Judge and other Associate Judges as required in their absences.
- Attend training, seminars & workshops as required to maintain job knowledge and skills.
- Perform related administrative and judicial work as required.

(g) From 2017 – present, General Counsel and Vice-President for Lander University, Greenwood, SC

- Reports directly to the President and serves as general counsel for the university by providing legal advice and guidance to the Lander Board of Trustees, Cabinet, and other college officials regarding complex legal matters, policies and procedures and help ensure college operations are consistent with local, state, and federal laws and regulations.
- Coordinates and represents the college in legal matters. Represents college before courts, administrative and governmental entities.
- Member of the Cabinet and attend various meetings involving the Cabinet, the Board of Trustees, Board Committee meetings, and the Lander Foundation.

- Review, draft and advise university on contractual matters, review/draft legislation, policies and procedures, processes, and publications as needed. Conduct research on legal matters as required. Recommend, develop, and implement policy and procedure.

- Direct and/or execute governmental/external affairs, special events, executive level projects/assignments, strategic planning & analysis, or investigations which may be particularly sensitive and/or confidential or which involve multiple divisions within the college.

- Oversight of human resource department to include: recruitment/talent acquisition, hiring, onboarding and orientation processes, retention keeping, employee benefits, leave and time attendance, temporary employment, employee training, promotions and transfers, terminations, employee disciplinary matters, employee relations, and class & compensation matters, compliance with applicable state and federal employment laws.

- Oversight of the University's Diversity Advisory Council and the Lander Leadership Institute.

- Develops and delivers an array of legal and employment training to ensure compliance with Federal, state, and local regulations and to reduce litigation. Conduct legal research as required.

- Investigate and respond to complaints filed with the South Carolina Human Affairs Commission and the Equal Employment Opportunity Commission.

- Responsible for and manage the budgets for the Office of General Counsel, the Diversity Advisory Council, and the Lander Leadership Institute.

Judge Rookard further reported regarding her experience with the Administrative Law Court practice area:

For over twenty-three years, I have served as a state government attorney in South Carolina. In this capacity, I have handled a variety of legal issues such as but not limited to: review of policy and procedures, business transactions, easements, complex employment matters and civil lawsuits including investigation, case preparation, and appeals before state personal grievance committee, defended inmate litigation before the Administrative Law Court and in circuit court, higher education law, privacy and records management, student conduct, transactional matters involving copyright and technology transfer, contributor to strategic administrative and management initiatives, drafting, reviewing, and negotiating complex agreements for the procurement of goods and services, drafted, reviewed and negotiated agreements with local hospitals and healthcare facilities, regulatory compliance, review of criminal background checks, developed and presented training and development programs to employees on various areas of the law affecting the organization. I believe my extensive legal experience in state government has uniquely prepared me to be an Administrative Law Judge.

During my tenure at the Department of Corrections, I appeared in court numerous times to defend the Department in litigation filed by inmates. In addition, I argued and defended SCDC in employee grievance hearings before the South Carolina Office of Human Resources. Throughout my legal career, I have written numerous legal memoranda defending my client before the South Carolina Human Affairs Commission and the Equal Employment Opportunity Commission involving allegations of discrimination and harassment. I humbly state that I have prevailed on behalf of my client in every SHAC/EEOC complaint that I handled.

I believe that my experiences as an associate municipal court judge, my human resources and legal background have prepared me to preside over matters that come before an Administrative Law Judge. For over ten years, I have served as a Human Resource Director and a Chief Human Resources. Thus, I possess extensive experience and knowledge of state human resources' regulations and laws. Also, I have working knowledge of the state employee grievance process.

Throughout my legal career, I have had to quickly learn new areas of law and I have become adept at applying legal principles and procedures to legal matters. I would compare being an in-house counsel for a large government agency to being a sole practitioner in private practice. Almost daily or weekly a novel issue has been brought to my attention that required that I research and provide legal advice. In addition, as in-house counsel there is an intense amount of people contact. My "client" does not have to make an appointment to see me they simply drop by my office if they have an issue that needs attention.

As in-house counsel I learned the art of negotiation and resolving issues. Many times, I addressed matters before litigation was filed against my client. My years of experience as a Human Resources Director taught me the ability to intervene and negotiate a solution.

While I have not appeared before the Administrative Law Court within the past five years, since 2015 I have served as an associate municipal court judge. In this capacity I conduct hearings and adjudicate cases in criminal, domestic violence, quality of life and traffic court, preside over bond court, rule on motions, draft orders and conduct legal research, as necessary. In municipal court, there are bench trials in which I listen to testimony and review evidence presented by both parties, then make the decision. I have interacted extensively with pro se litigants and those represented by legal counsel.

Judge Rookard reported the frequency of her court appearances during the past five years as follows:
I have served as an associate municipal court judge since 2015. From 2015--beginning of 2020, I presided over hundreds of contested cases in criminal, traffic, domestic violence, and quality of life court, bond court and preliminary hearings. Since 2021--present, I primarily preside over bond court and preliminary hearings.

From 2000--2017, I handled various employee grievances pursuant to the State Employee Grievance Procedures.

From 2000--2005, I handled inmate litigation including appeals, before the Richland County Circuit Court and the Administrative Law Court. **The conservative estimate is that I handled around 1,000 inmate appeals before the Administrative Law Court.**
(a) Federal: 0%

(b) State: 0%
(c) From 2015 -- present, preside as a part-time judge in municipal court

Judge Rookard reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:
(a) Civil: 60%;
(b) Criminal: 35%;
(c) Domestic: 5%;
(d) Other: 0%.

Judge Rookard reported the percentage of her practice in trial court during the past five years as follows:
(a) Jury: 20%;
(b) Non-jury: 40%*.

*Since 2015 I have served as an associate (substitute) municipal court judge. In this capacity I conduct hearings and adjudicate cases in criminal court, domestic violence court, homeless court, quality of life court and traffic court, preside over bond court, rule on motions, draft orders and conduct legal research, as necessary. In municipal court, there are bench trials in which I listen to testimony and review evidence presented by both parties, then make the decision. I have interacted extensively with attorneys, law enforcement, pro se litigants, those represented by legal counsel and victims.

Since 2000--present, I have served as legal counsel for three state government agencies. I possess extensive state government legal experience applicable to the SC Administrative Procedures Act to include: auditing issues, contract review, drafted and negotiated agreements with local hospitals and healthcare facilities, employee grievances, including arbitrations, mediations and hearings before the State Employee Grievance Committee, budget issues, law enforcement issues, easements/real estate issues, ethics/compliance, freedom of information, governance, healthcare/nursing issues, review/draft legislation, privacy and records management, transactional matters involving copyright and technology transfer, policies and procedures, and publications as needed, higher education law, human resource management: benefits, class/compensation, criminal background checks, disability, leave, payroll, recruitment, retirement, temporary

employment, unemployment issues, and providing legal advice to supervisors, board members, and executive-level management.

*From 2000--2005, 50% of my practice involved serving as the Deputy General Counsel for the SC Department of Corrections (SCDC). I defended the Department against inmate litigation. The inmate litigation was appealed to the Administrative Law Court. I drafted and filed briefs, prepared documents to be submitted into the record and interacted with staff members of the Administrative Law Court. **The conservative estimate is that handled around 1,000 inmate appeals before the Administrative Law Court**. I handled inmate cases involving prison disciplinary appeals, sentence calculations, custody, and liberty interests. Handled appeals pursuant to the Administrative Procedures Act as needed. Also, I represented SCDC against inmate litigation filed in circuit court in Richland County, SC.

Also, I have working knowledge of the state employee grievance process. I have handled employee grievance hearings before the state employee grievance committee. I conducted employee grievance investigations, handled employee mediations/arbitration and hearings this included hearing preparation: oral arguments, legal document prep, witness preparation, opening/closing arguments, and questioning witnesses on direct/cross-examination.

Throughout my legal career in state government, I have handled legal matters involving the SC Department of Employment and Workforce, SC Procurement Services, State Accident Fund, Worker's Compensation Commission, Division State of Human Resources, Office of Insurance Reserve Fund, Public Employee Benefit Authority. Additionally, I have handled legal matters involving the South Carolina Human Affairs Commission, the SC Technical College System, State Board of Education, Commission on Higher Education, the Department of Probation Parole and Pardon, DSS, DHEC, LLR, etc.

Judge Rookard provided that during the past five years she most often served as chief counsel in her role as General Counsel for Lander University and Midlands Technical College.

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

(a) Ralph Porcher v. SCDC, I handled the initial grievance, the investigation, and the subsequent hearing before the SC Office of Human Resource. This case involved a former employee testing positive for drugs. The primary issues of the case involved the use of a urine analysis vs. a hair analysis and the chain of custody of the urine analysis.

(b) I handled employee cases in which I was responsible for the initial grievance, the investigation, and the subsequent hearing before the State Employee Grievance Committee. However, I do not recall the specific names of the cases.

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

From 2000-2005, I handled inmate litigation including appeals, before the Richland County Circuit Court and the Administrative Law Court. **The conservative estimate is that I handled around 1,000 inmate appeals before the Administrative Law Court**. The inmate appeals to the Administrative Law Court involved civil related matters. However, I do not recall the specific names of the cases.

The following is Judge Rookard's account of criminal appeals she has personally handled:

From 2000-2005, I handled inmate litigation including appeals, before the Richland County Circuit Court and the Administrative Law Court. **The conservative estimate is that I handled around 1,000 inmate appeals before the Administrative Law Court.** These inmate appeals involved criminal related matters. However, I do not recall the specific names of the cases.

Judge Rookard further reported the following regarding unsuccessful candidacies:

(a) In 2012, I submitted an application for an Administrative Law Judge vacancy however, I withdrew my application before it was considered by the Judicial Merit Selection Commission.

(b) In 2016, I submitted an application for an Administrative Law Judge vacancy however, I withdrew my application after the public hearing.

(c) In 2017 and 2019, I requested an application, but I did not proceed with the process.

(d) In 2020, I was found qualified but not nominated for election to the Administrative Law Court.

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

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Judge Rookard to be "Well-Qualified" as to the evaluative criteria of ethical fitness, character, reputation, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, professional and academic ability, physical health, mental stability, and experience. There were no related comments by the Committee.

Judge Rookard is not married. She does not have any children.

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

(a) SC Summary Court Judges' Association, Inc

(b) SC Bar Association

(c) SC Bar Association Diversity Committee

(d) SC Bar Association Education Committee

(e) SC Bar Association Fee Dispute Committee

(f) SC Bar Association In-House Counsel Committee

(g) SC Women Lawyers Association

(h) Women in Higher Education, Midlands Technical College's Institutional Representative

(i) Society of Human Resource Management

(j) College and University Professional Association

(k) South Carolina Correctional Association

(l) American Correctional Association

(m) Federal Bar Association (SC Chapter)

(n) Richland County Bar Association

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

(a) Five Points Rotary Club, board member (2013-2014)

(b) SC Women in Higher Education, institutional representative (2008-2012)

Judge Rookard further reported:

(a) For over twenty-three years, I have served as a state government defense attorney. In this capacity, I have handled a variety of legal issues such as but not limited to: review of policy and procedures, business transactions, easements, complex employment matters and civil lawsuits including investigation, case preparation, and appeals before state personal grievance committee, defended inmate litigation before the Administrative Law Court and in circuit court, higher education law, privacy and records management, student conduct, transactional matters involving copyright and technology transfer, contributor to strategic administrative and management initiatives, drafting, reviewing, and negotiating complex agreements for the procurement of goods and services, drafted, reviewed and negotiated agreements with local hospitals and healthcare facilities, regulatory compliance, review of criminal background checks, developed and presented training and development programs to employees on various areas of the law affecting the organization. I believe my extensive legal experience in state government has uniquely prepared me to be an Administrative Law Judge.

(b) Please note the following highlights from my legal career:

- Currently, I serve as an Associate (Substitute) Municipal Judge since October 2015 for the City of Columbia, South Carolina. Note: this is a part time position.
- Conduct hearings and adjudicate cases in criminal, domestic violence, quality of life and traffic court; presides over bond court; rules on motions and draft orders; conducts legal research, as necessary.
- Files reports with the SC Court Administration and other officials, as necessary.
- Performs duties as Administrative Judge and other Associate Judges as required in their absences.
- Attend training, seminars & workshops as required to maintain job knowledge and skills.
- Perform related administrative and judicial work as required.
- South Carolina Circuit Court Arbitrator & Mediator.
- Served as Human Resources Director/Chief Human Resources Officer for over ten years.
- Adjunct instructor for various colleges from 2005 – Present.
- Nominated for the SC Chamber of Commerce's 2011 Award of Professional Excellence in Human Resource Management.
- Over nineteen years of experience in drafting, reviewing, and negotiating contracts.
- Extensive experience conducting employee investigations, mediations, arbitrations, employment related hearings before the South Carolina Office of Human Resources and responding to discrimination

complaints to the South Carolina Human Affairs Commission and the Equal Employment Opportunity Commission.

- Over nineteen years of experience in employment law and employee relations.
- Extensive experience conducting training courses on employee relations, higher education law (e.g. Clery Act, Campus SaVE Act, Violence Against Women Act & Title IX, human resource management & legal issues, anti-discrimination, sexual harassment, supervisory training and workplace laws in both classroom settings and on camera.
- Versatile and skilled professional with experience managing people and processes.
- Outstanding verbal and written communication skills.
- Exceptional interpersonal, leadership and negotiation skills.
- Recognized for my excellent ability to manage heavy workloads, time, and multi-task in fast-pace environment.
- Decisive and organized with strong capacity to think quickly and present facts rationally.
- Ability to exercise sound judgment and discretion in applying and interpreting laws.
- Successfully entrusted with responsibility under limited supervision with proven results.

(11) Commission Members' Comments:

The Commission commented that Judge Rookard has a variety of experience and excellent temperament that would ably serve her should she be elected to the Administrative Law Court.

(12) Conclusion:
The Commission found Judge Rookard qualified, and nominated her for election to Administrative Law Court, Seat 5.

QUALIFIED, BUT NOT NOMINATED

The Honorable Ralph K. Anderson III
Supreme Court, Seat 4

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

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

Judge Anderson was born in 1959. He is 63 years old and a resident of Columbia, South Carolina. Judge Anderson provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1984.

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

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

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

Judge Anderson testified he has not:
(a) sought or received the pledge of any legislator prior to screening;
(b) sought or been offered a conditional pledge of support by a legislator;
(c) asked third persons to contact members of the General Assembly prior to screening.

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

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

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

Recently, I spoke or lectured at the following classes, programs or seminars:

(a) USC School of Law Class (Law Practice Workshop) on February 7, 2022.

(b) Recorded CLE for SC Bar & SCAARLA (How to Craft an Order) on December 13, 2021.

(c) Seminar sponsored by the ABA Judicial Division & Commission on Disability Rights as a panelist concerning "Living with a Disability in the Profession on October 27, 2021

(d) SC Administrative Law Court (How to Craft an Order) on October 8, 2021.

(e) How to Craft an Order (Pub. Serv. Comm'n) on June 8, 2021.

(f) Recorded SC Judicial CLE (The Administrative Law Court: Overview and Judicial Considerations) on March 29, 2021.

(g) USC School of Law Class (Jurisdiction before the ALC) on March 17, 2021.

(h) USC School of Law Class (Law Practice Workshop) on February 8, 2021.

(i) SC Bar Convention - Virtual CLE (Tales from Emails) on January 22, 2021.

(j) Recorded CLE for SCAARLA (Appellate Jurisdiction before the ALC) on October 8, 2020.

(k) SCAARLA (Tales from Emails) on February 21, 2020.

(l) USC School of Law Class (Law Practice Workshop) on February 10, 2020.

(m) SC Bar Convention (Case Law Update: Administrative Law) on January 24, 2020.

(n) SC Bar Diversity Committee (Panel: How ____ can I be?) on January 7, 2020.

(o) Central Panel Directors Conference (Asheville NC) - Report of the South Carolina ALC on November 1, 2019.

(p) USC School of Law Class (Law Practice Workshop) on February 25, 2019.

(q) SC Bar Convention (Case Law Update: Recent Supreme Court and Court of Appeals Cases from the ALC and Recent ALC Cases) on January 17-18, 2019.

(r) USC School of Law Class (Law Practice Workshop) on February 26, 2018.

(s) SCAAO Conference on October 6, 2017, concerning tax law cases and statutory construction.

(t) USC School of Law Class (Law Practice Workshop) on April 3, 2017.

(u) DHEC (What is Effective Regulation?) on October 28, 2016.

(v) Fifth Circuit's Spring Courthouse Keys event on April 1, 2016.

(w) USC School of Law Class (Law Practice Workshop) on February 8, 2016.

(x) SC Bar Convention for the Regulatory and Administrative Law Section on January 22, 2016.

(y) SC Bar (Fifth Circuit Tips from the Bench) on January 8, 2016.

(z) USC School of Law Class (Law Practice Workshop) on February 9, 2015.

(aa) A seminar for SC HHS Hearing Officers on April 13, 2015.

(bb) An Administrative Law & Practice in S.C. Seminar on January 31, 2014.

(cc) USC School of Law Class (Law Practice Workshop) on March 3, 2014.

(dd) S.C. Bar Convention (Panel Discussion on Administrative Law) on January 25, 2013.

(ee) A seminar for the Public Service Commission. (APA, Agenc0y Decision & Ethics) on March 20, 2013.

(ff) Two separate CLEs on Administrative Law on February 21 & 22, 2013.

(gg) S.C. Bar CLE (Hot Topics in Administrative Law) on October 30, 2009.

(hh) A panel discussion for the Judicial Merit Selection Commission CLE on July 31, 2009.

Judge Anderson reported that he has published the following:

(a) "A Survey on Attributes Considered Important for Presidential Candidates," Carolina Undergraduate Sociology Symposium, April 17, 1980.

(b) "An Overview of Practice and Procedure Before the Administrative Law Judge Division," South Carolina Trial Lawyer, Summer 1996.

(c) The Majesty of the Lord's Prayer: An Analytical Review of Its Meaning and Implications (Murrels Inlet: Covenant Books, Inc., 2020).

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

The Commission's investigation of Judge Anderson did not indicate any evidence of a troubled financial status. Judge Anderson has handled his financial affairs responsibly.
The Commission also noted that Judge Anderson was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:
Judge Anderson reported that his last available rating by a legal rating organization, Martindale-Hubbell, was AV Preeminent.

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

Judge Anderson reported that he has held the following public office:
He was appointed and served as an Assistant Attorney General 1985 to January 1995. He was not required to file with the State Ethics Commission in that capacity.

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

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

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

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

I began my legal career at the South Carolina Attorney General's Office in September 1984. During my career at the AG's office, I prosecuted numerous criminal cases of all types and handled a wide variety of civil litigation. My duties included:

(a) Statewide criminal prosecutor

(b) Assisted in the implementation of the Statewide Grand Jury

(c) Extradition hearing officer on behalf of the Governor of South Carolina

(d) Counsel to the State Ethics Commission

(e) Represented the State in a variety of civil litigation matters

(f) Represented the State in post-conviction relief matters

(g) Committee Attorney for the State Employee Grievance Committee

(h) Prosecutor for the Engineering and Land Surveyor's Board

I also prosecuted Medical Board cases, wrote Attorney General Opinions and handled Criminal Appeals.

On May 25, 1994, I was elected to Administrative Law Judge Seat No. 6 and re-elected to that position in 1996, 2001 and 2006. Administrative Law Judges hear appellate, injunctive and trial cases in a broad range of administrative matters involving governmental agencies and private parties.

On May 13, 2009, I was elected Chief Administrative Law Judge and re-elected to this position February 5, 2014 and February 6, 2019.

As an Assistant Attorney General, I did not have any significant administrative and financial management. As an Administrative Law Judge, I did not have any legal obligation regarding administrative and financial management but was occasionally assigned those duties by the Chief Judge. As Chief Administrative Law Judge, I am responsible for the administration of the court, including budgetary matters, assignment of cases, and the administrative duties and responsibilities of the support staff. See S.C. Code Ann. § 1-23-570. Also, section 1-23-660 of the South Carolina Code (Supp. 2017) provides "The chief judge is solely responsible for the administration of the [Office of Motor Vehicle Hearings], the assignment of cases, and the administrative duties and responsibilities of the hearing officers and staff.

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

(a) Federal Infrequently

(b) State: At least 100 times during a five-year period.

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

(a) Civil: 70%
(b) Criminal: 30%;
(c) Domestic: 0%;
(d) Other: 0%.

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

(a) Jury: 30%
(b) Non-jury: 70%.

Judge Anderson 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 Anderson's account of his five most significant litigated matters:

(a) State v. Dwight L. Bennett - This was a felony DUI case in which the victim lost the baby she was carrying and suffered horrible injuries. Although the defendant was convicted, this case was used as a legislative example as the need to increase the maximum felony DUI punishment.

(b) Georgia v. Richard Daniel Starrett, aff'd., Richard Daniel Starrett v. William C. Wallace, - Starrett was convicted of several crimes in South Carolina. Afterwards, Georgia sought his extradition in an attempt to convict him under the death penalty. Starrett's challenge to the Attorney General's Office authority to hold extradition hearings was denied.

(c) State v. Michael Goings - Goings was a notorious City of Cayce police officer charged with assault and battery of a high and aggravated nature.

(d) State v. Herbert Pearson and Terrance Singleton - The Defendants in this case were accomplices in the armed robbery, attempted murder and murder of attendants at a gas station in Sumter, S.C.

(e) State v. William Keith Victor - After the Defendant was convicted of murder and kidnapping, he was given the death

penalty. His case was later reversed on appeal and I assumed the prosecution. The prosecution, under difficult circumstances, resulted in the Defendant's plea to murder, and the aggravating circumstance of kidnapping.

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

(a) Bergin Moses Mosteller v. James R. Metts, S.C. Supreme Court, Not known when this case was decided.

(b) Dennis G. Mitchell v. State of S.C., S.C. Supreme Court, Not known when this case was decided.

(c) Ex Parte, Bobby M. Stichert v. Carroll Heath, S.C. Supreme Court, Decided August 29, 1985 (286 S.C. 456, 334 S.E. 2d 282).

(d) Patrick C. Lynn, et al. State of S.C., Supreme Court, Not known when this case was decided.

(e) Paul David Tasker v. M.L. Brown, Jr., S.C. Supreme Court, Not known when this case was decided.

The following is Judge Anderson's account of criminal appeals he has personally handled:

I handled several criminal appeals while serving as an Assistant Attorney General. However, my service with the Attorney General's Office ended in February 1995, when I began serving as an Administrative Law Judge. As a result of the passage of time since that date, the briefs and specific case captions are no longer available.

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

I was elected by the General Assembly to serve as an Administrative Law Judge beginning February 1, 1995. On May 13, 2009, I was elected Chief Administrative Law Judge and have been serving continuously since that date.

Administrative Law Judges hear appellate, injunctive, and trial cases in a broad range of administrative matters involving governmental agencies and private parties.

The Administrative Law Court's appellate jurisdiction includes appeals involving Medicaid; driver's license revocations and suspensions; licensing decisions from boards/commissions under the Department of Labor, Licensing and Regulation; Budget and Control Board's Employee Insurance Program; AFDC benefits; operation of day care facilities and foster home licensing; food stamps; and revocations or suspensions of teachers' certificates. The Administrative Law Court also hears appeals from final decisions of the Department of Employment and Workforce; the Department of Corrections in "non-collateral" matters; and appeals from final decisions of the South Carolina Department of Probation, Parole and Pardon Services permanently denying parole eligibility.

The contested case litigation includes hearings involving environmental and health permitting; Certificates of Need; State Retirement Systems' disability determinations; Disadvantaged Business Enterprises; state and county tax matters; alcoholic beverage issues; and wage disputes.

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

(a) Travelscape, LLC v. S.C. Dep't of Revenue, Docket No. 08-ALJ-17-0076-CC. Holding affirmed in Travelscape, LLC v. S. C. Dept. of Revenue, 391 S.C. 89, 705 S.E.2d 28 (2011)

(b) Duke Energy Corp. v. S. C. Dep't of Revenue, Docket No. 10-ALJ-17-0270-CC. Holding affirmed in Duke Energy Corp. v. S.C. Dep't of Revenue 410 S.C. 415, 417, 764 S.E.2d 712, 713 (Ct. App. 2014), reh'g denied (Nov. 21, 2014), cert. granted (Apr. 9, 2015) and further affirmed by the Supreme Court in Duke Energy Corp. v. S. C. Dep't of Revenue, 415 S.C. 351, 782 S.E. 2d 590 (2016).

(c) Kiawah Dev. Partners, II v. S.C. Dep't of Health and Envtl. Control, Docket No. 09-ALJ-07-0029-CC and S.C. Coastal Conservation League v. S.C. Dept. of Health and Envtl. Control, Docket No. 09-ALJ-07-0039-CC (February 26, 2010) (consolidated cases). Holding originally reversed by the Supreme Court, then affirmed and then reversed 3-2 in Kiawah Dev. Partners, II v. S.C. Dep't of Health & Envtl. Control, 411 S.C. 16, 766 S.E.2d 707 (2014).

(d) Amazon Servs., LLC v. S.C. Dep't of Revenue, Docket No. 17-ALJ-17-0238-CC (September 10, 2019) (Currently on appeal)

(e) Lexington Cty. Health Servs. Dist. Inc., d/b/a Lexington Med. Ctr. v. S.C. Dep't of Health and Envtl. Control and Prisma Health-Midlands, Providence Hosp., LLC d/b/a Providence Health, Providence Health Northeast, Providence Health Fairfield, and Kershaw Hosp., LLC d/b/a KershawHealth Med. Ctr., Docket No. 20-ALJ-07-0108-CC (December 7, 2020) (Originally appealed to the Court of Appeals, appeal later withdrawn by parties)

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

Judge Anderson further reported the following regarding unsuccessful candidacies:

(a) Administrative Law Judge, Seat 3 (February 23, 1994)

(b) Fifth Judicial Circuit Court, Seat 3 (May 24, 2000) - Found qualified and nominated but withdrew prior to election.

(c) Circuit Court, At-Large Seat 9 (January 16, 2003) - Found qualified but not nominated.

(d) Court of Appeals, Seat 9 (March 10, 2008) - Found qualified but not nominated.

(e) Supreme Court, Seat 2 (January 14, 2016) - Found qualified and nominated but withdrew prior to election.

(f) Supreme Court, Seat 5 - Found qualified and nominated on November 15, 2016) but later found qualified and not nominated on December 5, 2016.

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

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Judge Anderson to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, character,

professional and academic ability, experience, reputation, and judicial temperament. The Committee further noted: "Very sincere in his relationship with the law! Good work ethic that will get opinions out sooner!"

Judge Anderson is married to Linda Corley Anderson. He does not have any children.

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

(a) South Carolina Bar

(b) Administration and Regulatory Law Committee of the SC Bar

(c) South Carolina Administrative and Regulatory Law Association; President since 2009

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

(a) Shandon Baptist Church. I am a member of the church but have not held any office with the church.

(b) South Carolina Administrative and Regulatory Law Association (SCAARLA). I became a member and board member of SCAARLA following its formation in 2002. In 2009, I was elected President of SCAARLA and have been serving in that capacity since that date.

(11) Commission Members' Comments:

The Commission noted that Judge Anderson's intellect and organizational skills have made him a highly effective Administrative Law Judge and Chief Judge.

(12) Conclusion:

The Commission found Judge Anderson qualified, but did not nominate him for election to Supreme Court, Seat 4.

THURSDAY, JANUARY 12, 2023

The Honorable Jan B. Bromell Holmes
Court of Appeals, Seat 2

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

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

Judge Bromell Holmes was born in 1970. She is 52 years old and a resident of Georgetown, South Carolina. Judge Bromell Holmes provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1995.

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

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

Judge Bromell Holmes reported that she has not made any campaign expenditures.

Judge Bromell Holmes testified she has not:
(a) sought or received the pledge of any legislator prior to screening;
(b) sought or been offered a conditional pledge of support by a legislator;
(c) asked third persons to contact members of the General Assembly prior to screening.

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

(3) Professional and Academic Ability:

The Commission found Judge Bromell Holmes to be intelligent and knowledgeable.

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

(a) I have presented at New Judges School for Newly Elected Family Court Judges on the topic of Domestic Matters in 2021 and on the topics of Child Custody, Visitation and Contempt in 2022.

(b) I have presented in the 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2016, 2017, 2018, 2019, and 2021 Horry County Bar Family Court Seminar-Procedural for Family Court practitioners.

(c) I was a panelist at the Attorney General's Youth Summit on Human Trafficking on June 27, 2018.

(d) I have presented at the National Business Institute One Day Seminar entitled "What Family Court Judges Want You to Know" on October 28, 2011.

(e) I have presented at the Children's Law Center Volunteer Guardian ad Litem Conference entitled Permanency Planning for Children on October 7, 2011 to volunteer guardian ad litems.

(f) I have presented at the Children's Law Center "Training for Attorneys Appointed in Abuse and Neglect Cases in the 15th Judicial Circuit on November 13, 2009.

(g) I presented at the 2013 South Carolina Solicitor's Association Annual Conference on Juvenile Delinquency matter to Juvenile Solicitors on September 22, 2013

(h) I have presented at the SC Bar CLE entitled Fifteenth Circuit Tips from the Bench: What Your Judges Want You to Know on November 18, 2016.

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

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

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

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

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

Judge Bromell Holmes reported that she has not served in the military.

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

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

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

(8) Experience:
Judge Bromell Holmes was admitted to the South Carolina Bar in 1995.

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

(a) Since my graduation from law school on May 13, 1995, I worked for Morant and Morant Law Firm located at 1022 Prince Street in Georgetown, SC from September 1995 to July 1997. I performed title searches, closed real estate loans, handled social security disability cases, personal

injury cases, prepared wills, prepared deeds and handled family court cases.

(b) From July 1997 to June 2007, I ventured out and opened my own law firm, Jan B. Bromell, P.A. Seventy five (75%) of my practice consisted of domestic matters. I prosecuted and defended child support and child custody cases, divorce, alimony, separate maintenance and support, adoption and termination of parental rights, appointed and retained on juvenile cases, appointed and retained on abuse and neglect matters, name change, annulment, equitable distribution, and orders of protection. Twenty-four percent (24%) of my practice consists of civil matters. I handled real estate transactions, performed title searches, handle social security disability cases, personal injury cases, prepared power of attorney, contracts, wills and deeds. One percent (1%) of my practice consisted of criminal cases.

(c) Elected as Family Court Judge Seat 1, Fifteenth Judicial Circuit on February 7, 2007. Began work July 2, 2007 and working continuously since.

Judge Bromell Holmes reported the frequency of her court appearances prior to her service on the bench as follows:
(a) federal: Only once in 2006. Case scheduled for trial on 09/20/06, but settled.
(b) state: 5 to 10 times per month for domestic hearings/trials, roster meetings for civil matters, civil trials, roll call for criminal matters, criminal trials, probate court chemical dependency or estate hearings, master in equity hearings.

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

(a)	Civil:	24%
(b)	Criminal:	1%
(c)	Domestic:	75%
(d)	Other:	

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

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

Judge Bromell Holmes 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 Bromell Holmes's account of her five most significant litigated matters:

(a) Gallant-Taylor vs. Taylor, 2002 DR 22 156 was an annulment action based on non-consummation of marriage and fraud. The parties met in 1995 and never engaged in sexual intercourse while dating. Plaintiff Wife was a Christian and Defendant Husband was a Minister. The parties believed that sexual intercourse was an act reserved for married couples. Thus, the couple agreed not to engage in intercourse until married. The parties were married on December 29, 2001 in Georgetown County. Throughout the marriage, Defendant Husband offered excuses as to why he could not engage in sexual intercourse with Plaintiff Wife. Defendant Husband's continuous refusal to engage in sexual intercourse with Plaintiff Wife led to the parties' separation on May 3, 2002 in Columbia, SC. Plaintiff Wife filed an action for annulment. The court found based on the testimony of Plaintiff Wife that: (1) the parties agreed that intimacy was appropriate when two parties were married; (2) the Plaintiff Wife expected that the parties would consummate their relationship once they were married; (3) the Plaintiff Wife was reasonable in expecting that the parties would consummate their relationship once they were married; (4) the parties never engaged in sexual relations during marriage; (5) the Plaintiff is entitled to have her marriage annulled based on non-consummation of marriage and (6) the Plaintiff is entitled to have her marriage annulled based on fraud.

(b) Stephens, Respondent vs. Stephens, Appellant Unpublished Opinion No. 2002-UP 077 was significant because the Court of Appeals agreed with my position that the trial court erred in apportioning the marital debts of the parties. At the time

of the commencement of marital litigation, the total credit card debt of the parties was $24,927.30. Of this total debt, the trial court ordered Husband to pay $22,065.07 and ordered Wife to pay $2,862.23. The trial court, in its order, failed to address any of the factors as they relate to apportionment of marital debt. The Court found the Husband at fault in the break up of the marriage and Wife was granted a divorce on the grounds of physical cruelty. Although fault is one factor for the court to address in equitably dividing marital property, it does not justify a severe penalty. Morris vs. Morris 335 S.C. 525, 517 S.E.2d 720 (Ct. App. 1999). The Wife argued that because she was given the marital home by the Husband and there exists a mortgage of $13,000.00 on the home, the award is fair. However, the Wife received the marital home as part of the settlement agreement. There was no indication that the Court considered this debt in apportioning the debt. The Court of Appeals was unable to discern from the record the family court's basis for its apportionment of the credit card debt. The case was remanded for further consideration and discussion of the factors set forth in S.C. Code of Laws Ann. § 20-7-472 (Supp). The Court of Appeals further stated that the court may adjust the apportionment of the debt if it deems such an adjustment is appropriate.

(c) Moore vs. Moore 2002 DR 22 156 was a two day contested trial concerning custody of the parties' minor children, alimony and attorney fees. A guardian was appointed to represent the interests of the minor children. I represented the Defendant Father. The Court awarded custody of the parties two minor children to the Father. In determining custody, the Family Court considered the character, fitness, attitude and inclination on the part of each parent as they impact or relate to the child. Paparella v. Paparella 340 S.C. 186, 531 S.E.2d 297 (Ct. App. 2000). The Court found the Father to be more actively involved in the children's daily life. The Court also found the Father to be the primary caretaker of the minor children. The Court was guided in awarding custody to the primary caretaker by the cases of

Smith v. Smith 294 S.C. 194, 363 S.E.2d 404 (Ct. App. 1987) and Epperly v. Epperly 312 S.C. 411, 440 S.E.2d 884 (1994). Mother was denied alimony. The factors were not proven. Mother was also ordered to pay a portion of Father's attorneys fees based on the factors in Glasscock vs. Glasscock , 304 S.C. 158, 403 S.E. 2d 313 (1991) and clarified in EDM v. TAM 307S.C. 471, 415 S.E.2d 812 (1992): the difficulty of the matter, favorable results obtained, reasonableness of time and costs incurred, ability of the Mother to pay attorney fees and inability of the Father to pay attorney fees if no assistance is provided.

(d) Harrell vs. Gubicza 2004 DR 26 2251 was a two day contested trial concerning custody of the parties' minor child. A guardian was appointed to represent the interests of the minor child. I represented the Plaintiff Father. The Father brought this action to save his daughter from the immoral environment of the Defendant and Defendant's Mother home. The parties were never married and the child was born out of wedlock. The law states that custody of a child born out of wedlock is with the mother. However, an acknowledged father may petition the court for custody or visitation. At such proceeding, the best interest of the minor child is the determining factor S.C. Code of Laws Ann. § 20-7-953 (B) (1976). Absent an agreement or court order regarding child custody, both parties are equally entitled to the custody of the minor child. S.C. Code of Laws Ann. § 20-7-100 (Supp). In this case we had a child born out of wedlock to young parents who had not had the issue of custody decided between them. At the temporary hearing, custody of the minor child was awarded to the Plaintiff because of the affidavits submitted on his behalf as well as the fact that the Defendant did not appear. At the conclusion of the merits hearing, the Court undertook the awesome task of looking into the past of each party and predicting which of the two available environments would advance the best interest of the child and bring about the best adjusted mature individual. Cook v. Cobb 271 S.C. 136, 142, 245 S.E.2d

612, 615 (1978). The Court awarded custody of the minor child to the Father.

(e) Pushia vs. Pushia 2005 DR 22 470 was a divorce matter wherein the Plaintiff Wife sought alimony. The parties were married for twenty years. For most of the marriage, the Plaintiff Wife was a homemaker. The Defendant Husband's monthly income was $5869. The Plaintiff Wife's imputed monthly income was $893. The Defendant Husband was ordered to pay child support for the parties' two minor children in a semi-monthly amount of $392.50 plus the 5% court costs. The Court found that although the Plaintiff Wife was a homemaker, she had a high school education, nursing degree, was very computer literate, skilled in word processing and had the probability of good opportunity. The court considered the following in awarding rehabilitative alimony: (1) the duration of the marriage; (2) the age, health, and education of the supported spouse; (3) the parties' accustomed standard of living; (4) the ability of the supporting spouse to meet his needs while meeting the needs of the supported spouse; (5) the time necessary for the supported spouse to acquire job training or skills; (6) the likelihood that the supported spouse will successfully complete retraining; and (7) the supported spouse's likelihood of success in the job market. Plaintiff testified that she desired to go back to school to obtain a dual degree in Medical Office Clerical Assistant and Office Systems Technology at Horry Georgetown Technical College. While pursuing this career, Plaintiff Wife would need financial support to assist her with the college expenses and the household expenses. The Court further considered the additional schooling required by the Plaintiff Wife as well as the time necessary for the Plaintiff Wife to look for and obtain employment after school to sufficiently support herself. The Court awarded the sum of $1000 per month for 5 years, beginning June 15, 2006 and continuing the 15th of each month thereafter. The Court believed this amount to be sufficient rehabilitative alimony for the Defendant Husband to pay and for the Plaintiff Wife to receive. The amount

would allow the Plaintiff Wife to meet her expenses at approximately the same level during the marriage. The Defendant Husband was the principal wage earner and provided the family with a comfortable standard of living. Defendant Husband earned $60,000 per year most of which was earned at his principal employment with International Paper Company. The Court found that Defendant Husband would have no difficulty maintaining his standard of living by payment of $1000.00 to Plaintiff Wife on a monthly basis. The award was intended to encourage Plaintiff Wife to become self-supporting after the divorce from Defendant Husband. I believe this to be the trend of the court in these type cases.

The following is Judge Bromell Holmes's account of two civil appeals she has personally handled:

(a) Sheryl L. Stephens, Respondent v. Michael Anthony Stephens, Appellant. Appeal from Georgetown County Haskell T. Abbott, III, Family Court Judge. Unpublished Opinion No. 2002-UP-077. submitted November 14, 2001-Filed February 11, 2002. Affirmed in Part; Remanded in Part. In this case, I represented the Appellant.

(b) Ralph Hoffman, Appellant vs. Lola Watts, Respondent, Appeal from Georgetown County Master in Equity, Benjamin H. Culbertson. Affirmed. Unpublished Opinion. In this case, I represented the Respondent.

Judge Bromell Holmes reported that she has not personally handled any criminal appeals.

Judge Bromell Holmes reported that she has held the following judicial office(s):
Elected by SC General Assembly February 7, 2007 as Family Court Judge, Fifteenth Judicial Circuit, Seat 1. Re-elected February 2013 and February 2019 to same position.

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

(a) High v. High, S.C. Court of Appeals Published Opinion # 4717. Filed July 28, 2010

This was a divorce action with an agreement on equitable distribution of marital property and debt. The contested issues were child custody and attorney fees. The matter was appealed. The Father appealed my order granting Mother sole custody of the couple's two children, arguing the family court erred in: (1) refusing to qualify Teressa Harrington, LPC as an expert witness; (2) prohibiting the introduction of statements made by the couple's minor daughter to Harrington; (3) refusing to admit Harrington's records into evidence; (4) making certain findings of fact relevant to the issue of custody which were not supported by the record; (5) failing to consider important factors contained in the record in its award of primary custody to Mother; (6) awarding Mother sole custody based on the fact that Mother was historically the caregiver of the minor children; and (7) granting Mother custody based on the primary caretaker factor. The Mother cross-appealed arguing that the family court erred in (1) hearing Father's untimely motion to alter or amend, and (2) failing to award her attorney's fees and costs. The Court of Appeals affirmed my ruling.

(b) In the Interest of Spencer R., S.C. Court of Appeals, Published Opinion #4668. Filed April 25, 2010.

This was a juvenile delinquency matter in which Spencer R. was charged with pointing and presenting a firearm. This case was my first juvenile trial as a family court judge. What was difficult about this case is that the State charged the juvenile in one petition for pointing and presenting a firearm at three different people. I didn’t understand why the State didn’t file three petitions, one for each person. It was clear to me that the juvenile intended to point and present a firearm at one of the individuals, but not the other two. However, because of how the petition was filed, I thought that I had to find the juvenile delinquent on the petition. The juvenile appealed his conviction for presenting a firearm, alleging the family court erred in finding sufficient evidence to support his conviction. The Court of Appeals affirmed the conviction of one of the individuals and reversed the conviction of the other two individuals. I am particularly proud of this case because prior to my ruling, there was no case law in the State of South Carolina which defined presenting a firearm.

(c) Simmons vs. Simmons, Supreme Court Opinion #26970. Filed May 9, 2011.

This was a difficult case for me. The parties divorced in 1990 and entered into a family court-approved settlement agreement that was determined to be void in part. A central part of the parties' agreement required Husband to give Wife one-third of his Social Security benefits if he began receiving them at age 62 or one-half of those benefits if he began receiving them at age 65. The Social Security benefits were to "be construed only as a property settlement, and shall not in any way be considered or construed as alimony." Husband attained the age of 62 in 1994 and 65 in 1997, but he failed to pay Wife any portion of his Social Security benefits. In December of 2003, Wife filed a petition for a rule to show cause, seeking to compel compliance with the agreement. Husband responded by filing a Rule 60(b)(4), SCRCP,[2] motion, asserting that the family court lacked subject matter jurisdiction to order division of his Social Security benefits. The family court dismissed Husband's subject matter jurisdiction challenge, and Husband appealed. The court of appeals reversed. Simmons v. Simmons, 370 S.C. 109, 634 S.E.2d 1 (Ct. App. 2006). The court found that the Social Security Act, specifically 42 U.S.C. § 407(a) (2010), preempted and expressly precluded the parties' agreement to divide Husband's Social Security benefits. As a result, the court voided that portion the agreement. The appeal presented the question of whether the family court may revisit, in whole or in part, the now partially voided agreement. I ruled in 2008 that I lacked subject matter jurisdiction to reconsider the 1990 court-approved agreement. The Supreme Court reversed and remanded for reconsideration of the court-approved agreement.

(d) Scott Meyers v. SCDSS 2022–UP-141 filed March 17, 2022

Scott and Catherine Meyers appealed my order dismissing their petition to adopt their niece based on the fact that they did not satisfy the requirements of the ICPC. On appeal, they argued the family court erred in finding the Interstate Compact on the Placement of Children (ICPC) applied to the action because they are related to minor child. The Court of Appeals found that the ICPC applies and statutorily bars the Meyers from adopting the minor child. My ruling was affirmed.

(e) In the Interest of Justin B., a Juvenile Under the Age of Seventeen, Opinion No. 27306 (S.C. Sup. Ct. filed August 28, 2013)

This case was also significant to me in that it involved sexual abuse committed between siblings. On May 3, 2009, Justin B's adoptive mother witnessed him sexually molest his adoptive sister and notified police. In August 2009, he was indicted for CSC–First in violation of section 16-3-655(A)(1) of the South Carolina Code. S.C. Code Ann. § 16-3-655(A) (Supp. 2012). Pursuant to a negotiated plea deal in which the juvenile agreed to plead guilty if allowed to do so in family court, the juvenile was brought before me on a juvenile petition in November 2009. He admitted guilt and was subsequently adjudicated delinquent. I committed the juvenile for an indeterminate period to the Department of Juvenile Justice, not to exceed his twenty-first birthday, and required him to undergo counseling. He was also ordered to register as a sex offender as required by section 23-3-460 of the South Carolina Code, and to comply with section 23-3-540's electronic monitoring requirements. Id. §§ 23-3-460, -540. The Juvenile appealed challenging the active electronic monitoring requirements of section 23-3-540 of the South Carolina Code Section 23-3-540 that individuals convicted of certain sex-related offenses, including criminal sexual conduct with a minor in the first degree (CSC–First), submit to electronic monitoring for the duration of the time the individual is required to remain on the sex offender registry. S.C. Code Ann. § 23-3-540(A)–(H) (Supp.2012). An individual found guilty of CSC–First is required to register as a sex offender bi-annually for life. Id. §§ 23-3-430, -460 (Supp. 2012). Section 23-3-540 also provides that ten years from the date electronic monitoring begins, an individual may petition the chief administrative judge of the general sessions court for the county in which the offender resides for an order of release from the monitoring requirements. Id. § 23-3-540(H). However, those persons convicted of CSC–First may not petition for this review. Id. Thus, these sex offenders must submit to monitoring for the duration of their lives.

Justin B argued that, because he is a juvenile, this imposition constitutes cruel and unusual punishment in violation of the federal and state constitutions. The Supreme Court found that electronic monitoring is not a punishment, and rejected Justin B's claim. However, the Supreme Court allowed the juvenile to have periodic judicial review to determine

the necessity of continued electronic monitoring. My decision was affirmed as modified.

Judge Bromell Holmes reported no other employment while serving as a judge:

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

(10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualifications found Judge Bromell Holmes to be "Well Qualified" as to 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 had no related or summary comments.

Judge Bromell Holmes is married to Cleveland Bernard Holmes. She has two children.

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

(a) South Carolina Conference of Family Court Judges (Vice President, 2021 2022) and (Secretary/Treasurer, 2020-2021)

(b) Family Court Advisory Committee (2020-Present)

(c) South Carolina Bar Association (1997-Present)

(d) Georgetown County Bar Association (1997-Present)

(e) Coastal Women Lawyers

(f) South Carolina Bar Pro Bono Board (Past Member)

(g) Coastal Inn of Court

(h) South Carolina Family Court Inn of Court

(i) Family Court Bench/Bar (2009-2017)

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

(a) Alpha Kappa Alpha Sorority, Inc. (Parliamentarian 2016-2018) Member of the Year for 2009

(b) St. Paul AME Church, Steward (2005-Present), Finance Committee(2005-Present) Christian Education Department (2004-Present), Women's Missionary Society (1995-Present) Youth Choir Director (2016-Present)

Judge Bromell Holmes further reported:

I have come into contact with thousands of people over the past fifteen years as a Family Court Judge as well as the preceding twelve years prior to my judgeship as an attorney. Throughout my life, I have lived by the golden rule "do unto others as you would have them do unto you". I have treated all individuals with the utmost respect. These individuals came from many walks of life. I am naturally inclined to attentively and objectively listen to all parties in a dispute. I am inherently fair, courteous, diligent, patient, humble and compassionate. I possess the intellectual capacity to interpret legal principles, apply them to the facts of each case and clearly and logically communicate the reasoning leading to my conclusions. I have been patient, dignified, open-minded and diligent in disposing of my cases. I have handled the pressure of a rigorous schedule. I have maneuvered the uncertainties of returning to our new normal by being flexible in accommodating a different courtroom format such as continuing the use of virtual hearings when warranted. The totality of my life experiences has equipped me to become an outstanding Court of Appeals Judge. I'm looking forward to expanding my horizons.

(11) Commission Members' Comments:
Judge Bromell Holmes is well respected on the family court bench for her knowledge and dedication as well as her excellent judicial demeanor.

(12) Conclusion:
The Commission found Judge Bromell Holmes qualified, but did not nominate her for election to Court of Appeals, Seat 2.

Charles J. McCutchen
Circuit Court, At-Large, Seat 3

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

(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 45 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 not made any campaign expenditures.

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.

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, 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 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 prior to his service on the bench 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 prior to his service on the bench as follows:
(a) Civil: including pre-suit civil matters, 5%. 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 prior to his service on the bench as follows:
(a) Jury: 97%
(b) Non-jury: 3%

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

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

(a) Sandra Canty, indv. 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.

(d) Shayeata Taylor v. Wal-Mart Stores East, LP, etal.,; 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, etal.,; 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.

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

Mr. McCutchen further reported the following regarding unsuccessful candidacies:
In 2021, I was a candidate for the Circuit Court, First Judicial Circuit, Seat One position. I was found Qualified and Nominated by the Judicial Merit Selection Commission in the Media Release dated November 23, 2021. I ultimately withdrew my candidacy on January 20, 2022.

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

(10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Mr. McCutchen to be "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee commented: "Energetic, pragmatic, resourceful, good ideas, personable, smart, great qualities—all of the qualities of a good circuit judge."

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) South Carolina Bar Association

(b) Orangeburg County Bar Association, Treasurer 2008-Present

(c) First Judicial Circuit Fee Dispute Resolutions Board

(d) South Carolina 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 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 then 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 is a personable, well-respected attorney with years of experience.

(12) Conclusion:
The Commission found Mr. McCutchen qualified, but did not nominate him for election to Circuit Court, At-Large, Seat 3.

William K. Witherspoon
Circuit Court, At-Large, Seat 3

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

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

Mr. Witherspoon was born in 1959. He is 63 years old and a resident of Columbia, South Carolina. Mr. Witherspoon provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1991.

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

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

Mr. Witherspoon 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. Witherspoon 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. Witherspoon to be intelligent and knowledgeable.

Mr. Witherspoon reported that he has taught the following law-related courses:
(a) I have lectured at the SC Bar Program "Bridge the Gap" for new lawyers.
(b) I have made presentations on the topics of appellate advocacy and domestic relations to lawyers attending the Annual SC Bar Meeting
(c) I have taught an upper-level Business Law class at Benedict college.
(d) I have taught a Trial Advocacy class at the U.S.C. School of Law.
(e) I have lectured at the SC Bar CLE program "20/20: An Optimal View of Significant Developments".
(f) I have lectured at the Richland County Bar Association's annual ethics seminar.

(g) I have lectured to federal paralegals on "Pretrial Discovery" issues.
(h) I have lectured to federal paralegals on "Fifth Amendment" issues.
(i) I have lectured to federal paralegals on "Witness Immunity" issues.
(j) I have lectured to new federal employees on federal criminal procedure.
(k) I have lectured to law students on criminal conspiracy issues.
(l) I have lectured to several classes at USC on mental health issues in criminal matters.
(m) I have lectured at Narcotics Commanders School on "Preparing Search Warrants" to law enforcement officers attending the school.
(n) I have made presentations to students at the Charleston School of Law and UofSC School of Law.

Mr. Witherspoon reported that he has published the following:
(a) S.C. Appellate Practice Handbook (S.C. Bar CLE 1995), Contributing Author;
(b) Marital Litigation in S.C., Roy T. Stuckey and F. Glenn Smith (S.C. Bar CLE 1997), Editorial Board.

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

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

The Commission also noted that Mr. Witherspoon 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. Witherspoon reported that his rating by a legal rating organization, Martindale-Hubbell, is AV.

Mr. Witherspoon reported that he has held the following public office:

I was appointed a Municipal Court judge for the City of Columbia in August 1998. I served in this position until May 2000.

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

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

(8) Experience:
Mr. Witherspoon was admitted to the South Carolina Bar in 1991.

He gave the following account of his legal experience since graduation from law school:
(a) August 1991 – July 1992 Law clerk to the Honorable Randall T. Bell, S.C. Court of Appeals
(b) August 1992 – August 1993 Law clerk to the Honorable Matthew J. Perry, Jr., United States District Court for the District of South Carolina
(c) September 1993 – November 1995 Berry, Dunbar, Daniel, O'Connor, Jordan & Eslinger. My practice was a general civil plaintiff's-oriented practice. I was involved in contract matters, automobile accidents and other personal injury cases.
(d) November 1995 – August 1996 Law clerk to the Honorable Matthew J. Perry, Jr., United States District Court for the District of South Carolina
(e) September 1996 – July 1998 Berry, Adams, Quackenbush & Stuart. My practice was a general practice with both plaintiff's and defense cases. Cases included employment matters, contract matters, criminal defense, automobile accidents and other personal injury cases.
(f) July 1998 – May 2000 Associate General Counsel, South Carolina Budget & Control Board. As a member of the General Counsel's Office, I served as legal advisor, provided legal advice, and representation to different Board offices and staff. I reviewed contracts, proposed legislation, and represented the Board offices in legal disputes.
(g) May 2000 – present United States Attorney's Office. I am involved in the prosecution of federal narcotics and firearms crimes. I have held several positions in the US Attorney's Office including, Anti-

Terrorism Coordinator, interim Violent Crimes Section chief, First Assistant United States Attorney and currently serve as Senior Litigation Counsel.

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

Criminal Experience

Over the last five (5) years, my practice has been exclusively in criminal matters. I have handled cases involving violations of federal narcotics and firearms statutes, immigration laws, armed robbery matters and narcotics related murders. I was the leader prosecutor in a case involving the prosecution of a former federal agent. As part of my criminal practice, I have handled some appeals and responded to post-conviction matters which are civil in nature.

Civil Experience

Over the course of my career, I have represented both plaintiffs and defendants in civil matters. My civil practice included personal injury cases and other intentional torts. I have handled automobile accident cases, contract disputes and employment matters. In addition, I have continued to review reported civil cases from both the state and federal courts. I would continue to study the Rules of Civil Procedure and the reported civil cases to overcome any deficiency in my experience. I have viewed civil CLEs through online training courses and read South Carolina Advance Sheets in this area.

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

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

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

(a) Civil: 5%;
(b) Criminal: 95%;
(c) Domestic: 0%;
(d) Other: 0%.

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

(a) Jury: 30%;
(b) Non-jury: 70%.

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

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

(a) Tobias, et al. v. The Sports Club, et al., 332 S.C. 90, 504 S.E.2d 318 (1998). I served as co-counsel in this case. This was a first party cause of action against the defendants for serving alcohol to an intoxicated plaintiff under the theory of Christiansen v. Campbell, 328 S.E.2d 351 (Ct. App. 1985). After the jury returned a verdict for the defendants, my firm appealed on behalf of the plaintiffs. The jury verdict was upheld but the Supreme Court overruled Christiansen.

(b) United States of America v. Jorge Gonzalez-Vasquez, et al., 77 Fed. Appx. (4th Cir. (S.C.) October 20, 2003). I served as co-counsel in this case. This case was tried in federal court. This case arose from the discovery of an organized drug smuggling and sports betting ring in the federal prison in Edgefield, South Carolina. A total of 22 defendants, including inmates and their family members, were charged. Four of the defendants went to trial and were convicted. The remaining eighteen (18) defendants pled guilty to several different charges. Because several of the defendants did not speak English, this case involved the use of Spanish interpreters for the defendants, the use of translated recorded prison telephone calls and the use of historical evidence of drug smuggling from other federal prisons.

(c) United States v. David Michael Woodward, et al., 430 F.3d 681 (4th Cir. 2005). I served as co-counsel in this case. This case arose out of a pain management clinic in Myrtle Beach. The clinic was dispensing powerful narcotic pain medication to its patients. We alleged that the doctors were over prescribing and illegally prescribing these medications to patients who were not in need of the medication. In some cases, the doctors did not perform any physical examination of the patients or the patients were intoxicated when they came to the clinic. Patients, allegedly in severe pain, were traveling more than three (3) hours to visit the clinic. The doctors alleged that they were in a better position to diagnose and treat the patients. After a two (2) week trial, the doctors were convicted. This case was the first of its kind in South Carolina.

(d) United States v. Kenneth Reid, et al., 523 F.3d 310 (4th Cir 2008). I served as co-counsel in this case. This case arose out of an

undercover drug deal in Rock Hill, South Carolina. After Mr. Reid determined who the undercover informant was, he hired another drug dealer to kill the informant. They were successful in killing the informant. The local police sought federal help in investigating and prosecution of this case. After the shooter was located in Texas and brought back to South Carolina, he then faked being mentally ill which required a mental evaluation and hearing to determine his competency. Only Mr. Reid went to trial. At trial, we tried Mr. Reid on several different charges, including using a firearm during a violent crime. He was convicted of several charges and sentenced to life imprisonment. This case is significant based upon the request from the victim's family.

(e) United States v. Darryl Hemphill, et al. I served as lead counsel in this case. This case arose out of a drug organization located in the Rock Hill, South Carolina area. I indicted approximately 19 defendants as a result of a wiretap. The defendants were flying to California to meet with the source of supply for cocaine, methamphetamine, marijuana, heroin and fentanyl. Once they met with the source of supply, they would ship packages containing the illegal substances back to different locations in Charlotte, North Carolina. Eventually, the defendants began making counterfeit pain pills using fentanyl. This case is ongoing. This case is significant because after the arrest of the individuals the local law enforcement noticed a significant decrease in the number of counterfeit pills in the area.

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

(a) Walker v. South Carolina Department of Health and Environmental Control, 1998 WL 637298 (4th Cir. (S.C.) August 31, 1998).

(b) Heyward v. Monroe, 1998 WL 841494 (4th Cir. (S.C.) December 7, 1998).

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

(a) United States v. Anderson, 773 Fed. App'x. 127 (4th Cir. 2019).

(b) United States v. Cannon, 740 Fed. App'x. 785 (4th Cir. 2018).

(c) United States v. Cash, 2008 WL 4699771 (4th Cir. (S.C.) October 27, 2008).

(d) United States v. Hallman, 2007 WL 1423758 (4th Cir. (S.C.) May 10, 2007).

(e) United States v. Charley, 2006 WL 521735 (4th Cir. (S.C.) March 03, 2006).

Mr. Witherspoon further reported the following regarding unsuccessful candidacies:

I ran for the Circuit Court, At-Large, Seat No. 9 in September 2002. I was found qualified but not nominated by the Judicial Merit Screening Committee. I ran for the Circuit Court, At-Large, Seat No. 9 in May 2006. I was found qualified and nominated by the Judicial Merit Screening Committee. I was not elected. I ran for the Circuit Court, At-Large, Seat No. 8 in 2009. I was found qualified but not nominated. I was one of five (5) finalists for a Federal Magistrate Judge position in August 2008.

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

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Mr. Witherspoon 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. Additionally, the Committee noted: "Made a great impression on the committee, especially the attorneys."

Mr. Witherspoon is married to Maggie Sythiner Bracey. He has two children.

Mr. Witherspoon reported that he was a member of the following Bar and professional associations:
(a) President, S.C. Bar 2016-2017
(b) President-elect, S.C. Bar 2015-2016
(c) Treasurer, S.C. Bar 2014-2015
(d) Member, S.C. Bar Board of Governors 2010 – 2018
(e) Member, S.C. Bar House of Delegates 1998 – present
(f) Chair, S.C. Bar House of Delegates 2013-2014
(g) Past Chair, S.C. Bar Long Range Planning Committee
(h) Past Member, S.C. Bar Nominating Committee

(i) Past Member, S.C. Judicial Qualifications Committee
(j) Past Member, Supreme Court Board of Grievances and Discipline
(k) Past Member, S.C. Bar Continuing Legal Education Committee
(l) Past Member, S.C. Bar Publications Committee
(m) Past Member, S. C. Bar Diversity in Profession Committee
(n) Past Member, S.C. Bar Professionalism Committee
(o) Past Member, Richland County Bar Long Range Committee
(p) Past Member, Palmetto Legal Aide Board of Directors

Mr. Witherspoon provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
(a) Salvation Army Board of Directors
(b) Child Evangelism Board of Directors
(c) Omega Psi Phi Fraternity
Mr. Witherspoon further reported:

I believe that my diverse legal background would benefit me as a Circuit Court judge. I have worked as a law enforcement officer, in private practice, in public service and over my legal career gained valuable courtroom experience as a federal prosecutor. I believe these experiences would be an attribute to me if I am selected as a Circuit Court judge.

I have also tried to continue my involvement in civic and professional activities in addition to practicing law. I have served on several committees and boards in the South Carolina Bar including the Board of Grievances and Discipline, CLE, Diversity, Professional Responsibility, Long Range Planning and the Nominating Committee. As a result of my bar and community service, I was awarded the Compleat Lawyer Silver Medallion by USC School of Law. The Silver Medallion is awarded to lawyers practicing less than fourteen (14) years for service to the legal profession and the community at large. The recipients of the award are chosen by the Chief Justice of the Supreme Court, the Chief Judge of the Court of Appeals, the Dean of the Law School, the Executive Director of the SC Bar and the President of the Law School Alumni Board. I have also received the South Carolina Lawyers' Weekly Leadership in the Law award.

These activities are important and beneficial to me in that they have provided an opportunity to improve both the legal profession and the community at large. I believe that it is important that judges come from varied backgrounds and perspectives. Being involved in professional and

civic activities is a way of achieving that diversity of experience and allow me to gain valuable insight into other ideas and perspectives.

(11) Commission Members' Comments:
The Commission was impressed with Mr. Witherspoon's continued involvement with the South Carolina Bar and his commitment to improving the legal profession. The Commission noted Mr. Witherspoon has had impressive mentors throughout his legal career and is well regarded in the legal community.

(12) Conclusion:
The Commission found Mr. Witherspoon qualified, but did not nominate him for election to Circuit Court, At-Large, Seat 3.

CONCLUSION

The Judicial Merit Screening Commission found the following candidates QUALIFIED AND NOMINATED:

SUPREME COURT

SEAT 4	The Honorable David Garrison "Gary" Hill
	The Honorable Aphrodite Konduros
	The Honorable Stephanie Pendarvis McDonald

COURT OF APPEALS

SEAT 1	The Honorable Blake A. Hewitt
SEAT 2	Whitney B. Harrison
	The Honorable Grace Gilchrist Knie
	The Honorable Letitia H. Verdin

CIRCUIT COURT

FIFTEENTH JUDICIAL CIRCUIT, SEAT 1	Amanda A. Bailey
AT-LARGE, SEAT 3	B. Alex Hyman
	Patrick C. Fant III
	Doward Keith Karvel Harvin
	S. Boyd Young

FAMILY COURT

FIRST JUDICIAL CIRCUIT, SEAT 3	Mandy W. Kimmons
	Margie A. Pizarro
TWELFTH JUDICIAL CIRCUIT, SEAT 1	Philip B. Atkinson
	Alicia A. Richardson
AT-LARGE, SEAT 7	The Honorable Thomas T. Hodges
AT-LARGE, SEAT 8	The Honorable Rosalyn Frierson-Smith

ADMINISTRATIVE LAW COURT

SEAT 5	Stephanie N. Lawrence
	The Honorable Crystal Rookard

THURSDAY, JANUARY 12, 2023

Respectfully submitted,

Senator Luke A. Rankin

Rep. Micajah P. "Micah" Caskey, IV

Senator Ronnie A. Sabb

Rep. J. Todd Rutherford

Senator Scott Talley

Rep. Wallace H. "Jay" Jordan, Jr.

Ms. Hope Blackley

Mr. Andrew N. Safran

Mr. J.P. "Pete" Strom Jr.

Ms. Lucy Grey McIver

Report from the South Carolina Bar Judicial Qualifications Committee

The Honorable Ralph K. Anderson, III
Supreme Court of South Carolina, Seat 4

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Ralph K. Anderson, III's candidacy for The Supreme Court of South Carolina, 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 David Garrison "Gary" Hill
Supreme Court of South Carolina, Seat 4

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable David Garrison Hill's candidacy for The Supreme Court of South Carolina, 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 Aphrodite Konduros
Supreme Court of South Carolina, Seat 4

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Aphrodite Konduros' candidacy for The Supreme Court of South Carolina, 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 Stephanie Pendarvis McDonald
Supreme Court of South Carolina, Seat 4

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Stephanie Pendarvis McDonald's candidacy for The Supreme Court of South Carolina, 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 Blake A. Hewitt
Court of Appeals, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Blake A. Hewitt's candidacy for the Court of Appeals, Seat 1, is as follows:

Overall	**Well-Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

Whitney B. Harrison
Court of Appeals, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Whitney B. Harrison's candidacy for the Court of Appeals, 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 Jan B. Bromell Holmes
Court of Appeals, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Jan B. Bromell Holmes' candidacy for the Court of Appeals, 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	Qualified
Judicial Temperament	Well-Qualified

The Honorable Grace Gilchrist Knie
Court of Appeals, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Grace Gilchrist Knie's candidacy for the Court of Appeals, Seat 2, is as follows:

Overall	**Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified

Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

The Honorable Letitia H. Verdin
Court of Appeals, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Letitia H. Verdin's candidacy for the Court of Appeals, 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

Amanda A. Bailey
Circuit Court, 15th Judicial Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Amanda A. Bailey's candidacy for the Circuit Court, 15th Judicial Circuit, Seat 1, is as follows:

Overall	**Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified

Ethical Fitness	Well-Qualified
Character	Qualified
Professional and Academic Ability	Well-Qualified
Experience	Qualified
Reputation	Qualified
Judicial Temperament	Well-Qualified

B. Alex Hyman
Circuit Court, 15th Judicial Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding B. Alex Hyman's candidacy for the Circuit Court, 15th Judicial Circuit, Seat 1, is as follows:

Overall	**Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Experience	Well-Qualified
Reputation	Qualified
Judicial Temperament	Qualified

Patrick C. Fant, III
Circuit Court, At-Large, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Patrick C. Fant's candidacy for the Circuit Court, At-Large, Seat 3, is as follows:

Overall	**Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified

Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

Doward Keith Karvel Harvin
Circuit Court, At-Large, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Doward Keith Karvel Harvin's candidacy for the Circuit Court, At-Large, 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	Well-Qualified

Charles J. McCutchen
Circuit Court, At-Large, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Charles J. McCutchen's candidacy for the Circuit Court, At-Large, 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	Qualified
Reputation	Qualified
Judicial Temperament	Well-Qualified

William K. Witherspoon
Circuit Court, At-Large, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding William K. Witherspoon's candidacy for the Circuit Court, At-Large, Seat 3, 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	Well-Qualified
Reputation	Qualified
Judicial Temperament	Qualified

S. Boyd Young
Circuit Court, At-Large, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding S. Boyd Young's candidacy for the Circuit Court, At-Large, Seat 3, is as follows:

Overall	**Well-Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified

Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

Mandy W. Kimmons
Family Court, 1st Judicial Circuit, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mandy W. Kimmons' candidacy for the Family Court, 1st Judicial Circuit, Seat 3, is as follows:

Overall	**Well-Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

Margie A. Pizarro
Family Court, 1st Judicial Circuit, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Margie A. Pizarro's candidacy for the Family Court, 1st Judicial Circuit, Seat 3, 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

Philip B. Atkinson
Family Court, 12th Judicial Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Philip B. Atkinson's candidacy for the Family Court, 12th Judicial Circuit, Seat 1, is as follows:

Overall	**Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

**The Judicial Qualifications Committee has concerns about candidate's ability to perform judicial duties impartially and to act objectively and without bias.*

Alicia A. Richardson
Family Court, 12th Judicial Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Alicia A. Richardson's candidacy for the Family Court, 12th Judicial Circuit, Seat 1, is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

The Honorable Thomas T. Hodges
Family Court, At-Large, Seat 7

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Thomas T. Hodges' candidacy for the Family Court, At-Large, Seat 7, is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

The Honorable Rosalyn Frierson-Smith
Family Court, At-Large, Seat 8

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Rosalyn Frierson-Smith's candidacy for the Family Court, At-Large, Seat 8, 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	Well-Qualified
Judicial Temperament	Well-Qualified

Stephanie N. Lawrence
Administrative Law Court, Seat 5

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Stephanie N. Lawrence's candidacy for the Administrative Law Court, Seat 5, is as follows:

Overall	**Well-Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

The Honorable Crystal Rookard
Administrative Law Court, Seat 5

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Crystal Rookard's candidacy for the Administrative Law Court, Seat 5, is as follows:

Overall	**Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

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**The Judicial Merit Selection Commission Report of Candidate Qualifications for 2022 was inserted into the journal as received with the exception of formatting.*

MOTION ADOPTED

On motion of Senator MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Lewis Harrison of Roebuck, S.C. Lewis had an intense love for his family and the Lord. He was an active member of Mount Calvary Presbyterian Church. Lewis was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator KIMPSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of David Fletcher Aylor of Charleston, S.C. David was a graduate of the College of Charleston and the University of South Carolina School of Law. He began his legal career serving as an Assistant Solicitor in the Ninth Circuit Solicitor's Office for Charleston County and later founded his own law firm. David taught criminal justice at the College of Charleston and Trident Technical College and was acting prosecutor for the City of Hanahan. He enjoyed volunteering at Hanahan Elementary School, Going Places, Be a Mentor, Charleston Animal Society and Boy Scouts of America to mention a few. David was a loving son and devoted father and brother who will be dearly missed.

and

MOTION ADOPTED

On motion of Senators CROMER, GROOMS, HUTTO and MATTHEWS, with unanimous consent, the Senate stood adjourned out of respect to the memory of W. Gene Whetsell of Bowman, S.C. Gene was a land surveyor for 57 years. He served in the National Guard and was Colleton County's first tax assessor where he worked for 20 years. He was elected to Colleton County Council in 2002. He served on the Recreation Commission, Fire Commission and Planning Commission and represented the Lowcountry Council of Governments. Gene enjoyed sports, storytelling and spending time outdoors and with family. Gene was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 11:08 A.M., on motion of Senator HARPOOTLIAN, the Senate adjourned to meet tomorrow at 11:00 A.M., under the provisions of Rule 1B.

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